

NUREG-1773, "Environmental Impact Statement for the Proposed Idaho Spent Fuel Facility at the Idaho National Engineering and Environmental Laboratory in Butte County, Idaho" (January 2004), considered the potential environmental impacts of licensing (including construction, operation, and decommissioning) this facility. The proposed exemption, substituting the DOELAP accreditation process for the NVLAP accreditation process, would not change the potential environmental effects assessed in the Final Environmental Impact Statement (FEIS) described in NUREG-1773. Use of the DOELAP accreditation process by DOE at the ISF facility is an action that is administrative and procedural in nature. The NRC concludes that there are no environmental impacts associated with the approval of the proposed action. Furthermore, in accordance with 10 CFR 20.2301, the NRC staff concludes that the use of the DOELAP accreditation process at the ISF facility would not result in any undue hazard to life or property.

*Alternative to the Proposed Action:* Since there are no significant environmental impacts associated with the proposed action, any alternatives with equal or greater environmental impacts are not evaluated. The alternative to the proposed action would be to deny approval of the 10 CFR 20.1501(c) exemption and, therefore, not allow use of the DOELAP. This alternative would have no significant environmental impact as well.

*Agencies and Persons Consulted:* The staff discussed this exemption request with Ms. Susan Burke, Idaho National Laboratory (INL) Coordinator for the State of Idaho, INL Oversight Program, on May 19, 2009. The State official had no comments regarding the environmental impact of the proposed action. NRC staff has determined that the proposed action will not affect listed species or critical habitat. Therefore, no consultation is required under Section 7 of the Endangered Species Act. Likewise, NRC staff has determined that the proposed action is not the type of activity that has potential to cause effects on historic properties. Therefore, no consultation is required under Section 106 of the National Historic Preservation Act.

*Conclusion:* The staff has reviewed the exemption request submitted by DOE. Allowing the use of DOELAP as an alternative to NVLAP would have no significant impact on the environment.

### Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR Part 51. Based upon the foregoing EA, the NRC finds that the proposed action of granting an exemption from 10 CFR 20.1501(c) so that DOE may use the DOELAP, rather than the NVLAP, as required by existing regulations, will not significantly impact the quality of the human environment. The NRC has determined not to prepare an environmental impact statement for the proposed exemption. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

For further details with respect to the application, see the application dated May 30, 2008, and the request for the exemption dated June 9, 2008, available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records are accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS Accession numbers for the application and exemption request are ML081630246 and ML081750395, respectively. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737 or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, Maryland this 2nd day of June 2009.

For the Nuclear Regulatory Commission,  
**Shana Helton**,  
*Senior Project Manager, Licensing Branch,  
Division of Spent Fuel Storage and Transport,  
Office of Nuclear Material Safety and  
Safeguards.*

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### NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-012-COL and 52-013-COL; ASLBP No. 09-885-08-COL-BD01]

#### Atomic Safety and Licensing Board Panel; In the Matter of South Texas Project Nuclear Operating Company (South Texas Project Units 3 and 4); Notice and Order (Regarding Oral Argument)

June 04, 2009.

*Before the Licensing Board:* Michael M. Gibson, Chairman; Gary S. Arnold; Randall J. Charbeneau.

Oral argument will be heard on standing and contention admissibility issues presented with regard to a hearing request received in this proceeding, which involves the application of South Texas Project Nuclear Operating Company for a combined operating license of its planned construction and operation of two Advanced Boiling Water Reactors it has designated as Units 3 and 4.

The participants are advised of the following information regarding the schedule for the initial prehearing conference in this proceeding:

*Date:* Tuesday, June 23—Wednesday, June 24, 2009.

*Starting Time:* 9 a.m. Central Time (CT).

*Location:* Bay City Civic Center, Main Hall Room 100, 201 7th St., Bay City, TX 77414.

Currently, the Board anticipates that this conference should last no more than two days. The Board will issue a separate order in the near future providing more information on issues it wishes the participants to address during the conference as well as details on a site visit.

*It is so ordered.*

Rockville, Maryland. June 04, 2009.

For the Atomic Safety and Licensing Board.

**Michael M. Gibson**,  
*Chairman.*

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### NUCLEAR REGULATORY COMMISSION

[NRC-2009-0142]

#### State of New Jersey: NRC Staff Assessment of a Proposed Agreement Between the Nuclear Regulatory Commission and the State of New Jersey

**AGENCY:** Nuclear Regulatory Commission.