

From: Jack Whitten
To: dhenkin@earthjustice.org
Date: Wednesday, September 28, 2005 8:54:29 AM
Subject: RES: Categorical Exclusion

Mr. Henkin//

In your contact with the NRC, you request that we address why the applicant (Pa'ina Hawaii, LLC) is not required to develop an environmental impact statement for its proposed irradiator facility. The NRC has provided by regulation that certain licensing and regulatory actions are categorically excluded from an environmental review based on a determination that the proposed action would not individually or cumulatively have a significant effect on the human environment. The NRC's Statements of Consideration (49 FR 9352, March 12, 1984) for the rule which granted the categorical exclusion explains that personnel exposures during the use of irradiators are less than 5% of the limits described in 10 CFR Part 20, Standards for Protection Against Radiation. In addition, there are no effluent releases resulting from the operation of irradiators. Therefore, 10 CFR 51.22(c)(14)(vii), specifically excludes irradiator applicants from the need to develop an environmental assessment or environmental impact statement.

I hope this information is sufficient to answer your question.

Thx//

Jack E. Whitten, Chief
Nuclear Materials Licensing Branch
U.S.N.R.C. Region IV
Division of Nuclear Materials Safety
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011

(817) 860-8197 - Telephone
JEW1@NRC.gov
(817) 860-8263 - Facsimile

Jack E. Whitten, Chief
Nuclear Materials Licensing Branch
U.S.N.R.C. Region IV
Division of Nuclear Materials Safety
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011

(817) 860-8197 - Telephone
JEW1@NRC.gov
(817) 860-8263 - Facsimile

CC: Chuck Cain; Karla Fuller; Leonard Wert