

spent nuclear fuel has been transferred to the 10 CFR Part 72 licensed ISFSI.

#### *Need for Proposed Action*

Sections 50.54(p) and Part 73 of Title 10 of the Code of Federal Regulations require that reactor licensees establish and maintain physical protection and security for activities involving nuclear fuel within the 10 CFR Part 50 licensed area of a facility. The proposed action is needed because there will no longer be any nuclear fuel in the 10 CFR Part 50 licensed facility to protect against radiological sabotage or diversion after the transfer of the spent nuclear fuel to the HBPP ISFSI. Subpart H of 10 CFR Part 72 establishes the physical protection requirements that will be applicable here, and relies on 10 CFR 73.51 to define the requirements for physical protection of spent nuclear fuel stored in an ISFSI under a specific license issued pursuant to 10 CFR Part 72. The HBPP ISFSI has a separate NRC approved security plan to protect the spent nuclear fuel stored there from radiological sabotage and diversion. The proposed action will allow the licensee to conserve resources for decommissioning activities.

### **III. Environmental Impacts of the Proposed Action**

#### *Radiological Impacts*

The NRC has completed its evaluation of the proposed action and concludes that exempting the facility from certain security requirements will not have any adverse environmental impacts. There will be minor savings of energy and vehicular use associated with the security force no longer performing patrols, checks, and normal security functions.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

#### *Non-Radiological Impacts*

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

#### *Cumulative Impacts*

The NRC has determined that there are no adverse cumulative impacts associated with this proposed action.

#### *Alternatives to the Proposed Action*

The alternative to considering the exemption request for approval is to deny the request, which is equivalent to the no-action alternative. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

#### *Agencies and Persons Consulted*

The NRC contacted the California Radiologic Health Branch in the State Department of Health Services concerning this request. There were no comments, concerns or objections from the state official.

NRC staff determined that the proposed action is not a major decommissioning activity and will not affect listed or proposed endangered species, nor critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. Likewise, NRC staff determined that the proposed action is not the type of activity that has the potential to cause previously unconsidered effects on historic properties, as consultation for licensing of the ISFSI has been conducted previously. There are no additional impacts to historic properties associated with the change in security requirements. Therefore, no consultation is required under Section 106 of the National Historic Preservation Act.

### **IV. Finding of No Significant Impact**

On the basis of this EA, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined that a finding of no significant impact is appropriate, and that preparation of an environmental impact statement is not warranted.

### **V. Further Information**

For further information with respect to the proposed action, see the licensee's letter, "License Amendment Request 07-03, Deletion of Paragraph 2.C.1 of Facility Operating License No. DPR-7, Exemption from 10 CFR 50.54(p) and 10 CFR Part 73, and Rescission of NRC Orders EA-02-077 and EA-03-099," November 5, 2007. (ML073120016).

The NRC Public Documents Room is located at NRC Headquarters in

Rockville, Maryland, and can be contacted at (800) 397-4209. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Library component on the NRC Web site, <http://www.nrc.gov> (the Public Electronic Reading Room).

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 at [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 25th day of April, 2008.

For the Nuclear Regulatory Commission.

**Keith I. McConnell,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

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BILLING CODE 7590-01-P

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 030-03297]

### **Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 45-00048-17, for the Unrestricted Release of the Virginia Commonwealth University's Incineration Facility in Ashland, VA**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

#### **FOR FURTHER INFORMATION CONTACT:**

Penny Lanzisera, Medical Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406; telephone (610) 337-5169; fax number (610) 337-5269; or by e-mail: [pan@nrc.gov](mailto:pan@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Materials License No. 45-

00048-17. This license is held by Virginia Commonwealth University (the Licensee), located at several campuses in Richmond and Ashland, Virginia. Issuance of the amendment would authorize release of the Consumat Incinerator and areas adjacent to the Incinerator (together identified herein as the Facility) at the Animal Resources Hanover Farm, 119-121 Cheroy Road, Ashland, Virginia, for unrestricted use. The Licensee requested this action in a letter dated June 13, 2007. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, Code of Federal Regulations (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued to the Licensee following the publication of this FONSI and EA in the **Federal Register**.

## II. Environmental Assessment

### *Identification of Proposed Action*

The proposed action would approve the Licensee's June 13, 2007, license amendment request, resulting in release of the Facility for unrestricted use. License No. 45-00048-17 was issued on March 20, 1962, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorizes the Licensee to use unsealed byproduct material for purposes of conducting research and development activities on laboratory bench tops and in hoods. The license includes a license condition allowing disposal of licensed material by incineration at the Facility.

The Facility is situated on the 88 acre Animal Resources Hanover Farm. Most of the site's acreage is used as a farm by the Licensee's Division of Animal Resources. The site on which the Facility is located is in a residential area. At the site, incineration of licensed materials was confined to the Consumat Incinerator.

In the mid-1980's, the Licensee ceased licensed activities and initiated a survey, and decontamination of the Facility. Based on the Licensee's historical knowledge of the site and the conditions of the Facility, the Licensee determined that only routine decontamination activities, in accordance with their NRC-approved, operating radiation safety procedures, were required. The Licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. The Licensee conducted

surveys of the Facility and provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release.

### *Need for the Proposed Action*

The Licensee has ceased conducting licensed activities at the Facility, and seeks the unrestricted use of its Facility.

### **Environmental Impacts of the Proposed Action**

The historical review of licensed activities conducted at the Facility shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: hydrogen-3 and carbon-14. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of the Facility affected by these radionuclides.

The Licensee conducted a final status survey of the Facility on July 23, 2007. This survey covered the Consumat Incinerator and adjacent surface soil. The final status survey report was attached to the Licensee's letter dated August 9, 2007. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening approach described in NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volume 2. The Licensee used the radionuclide-specific derived concentration guideline levels (DCGLs), developed there by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials, and in soils, that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results were below these DCGLs and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. The NRC thus finds that the Licensee's final status survey results are acceptable.

Based on its review, the staff has determined that the affected environment and any environmental impacts associated with the proposed action are bounded by the impacts evaluated by the "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities" (NUREG-1496) Volumes 1-3 (ML042310492, ML042320379, and ML042330385). The staff finds there were no significant environmental impacts from the use of radioactive material at the Facility. The

NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding the Facility. No such hazards or impacts to the environment were identified. The NRC has identified no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that the proposed release of the Facility for unrestricted use is in compliance with 10 CFR 20.1402. Although the Licensee will continue to perform licensed activities at other areas of the Ashland site, the Licensee must ensure that this decommissioned area does not become recontaminated. Before the license can be terminated, the Licensee will be required to show that the entire Ashland site, including previously-released areas, complies with the radiological criteria in 10 CFR 20.1402. Based on its review, the staff considered the impact of the residual radioactivity at the Facility and concluded that the proposed action will not have a significant effect on the quality of the human environment.

### *Environmental Impacts of the Alternatives to the Proposed Action*

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. This no-action alternative is not feasible because it conflicts with 10 CFR 30.36(d), requiring that decommissioning of byproduct material facilities be completed and approved by the NRC after licensed activities cease. The NRC's analysis of the Licensee's final status survey data confirmed that the Facility meets the requirements of 10 CFR 20.1402 for unrestricted release. Additionally, denying the amendment request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are therefore similar, and the no-action alternative is accordingly not further considered.

### *Conclusion*

The NRC staff has concluded that the proposed action is consistent with the NRC's unrestricted release criteria specified in 10 CFR 20.1402. Because the proposed action will not significantly impact the quality of the human environment, the NRC staff

concludes that the proposed action is the preferred alternative.

#### *Agencies and Persons Consulted*

NRC provided a draft of this Environmental Assessment to the State of Virginia for review on February 29, 2008. On March 11, 2008, the State of Virginia responded by email. The State agreed with the conclusions of the EA, and otherwise had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

#### **III. Finding of No Significant Impact**

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

#### **IV. Further Information**

Documents related to this action, including the application for license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The documents related to this action are listed below, along with their ADAMS accession numbers.

[1]. Letters dated June 13, 2007 [ML071730550], August 9, 2007 [ML072270622], and September 11, 2007 [ML072600094];

[2]. NUREG-1757, "Consolidated NMSS Decommissioning Guidance;"

[3]. Title 10, Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination;"

[4]. Title 10, Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;" and

[5]. NUREG-1496, "Generic Environmental Impact Statement in

Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities."

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at 475 Allendale Road, King of Prussia, Pennsylvania this 28th day of April 2008.

For the Nuclear Regulatory Commission,  
**Pamela J. Henderson,**  
*Chief, Medical Branch, Division of Nuclear Materials Safety, Region I.*  
[FR Doc. E8-9916 Filed 5-5-08; 8:45 am]  
BILLING CODE 7590-01-P

#### **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-206]

#### **Southern California Edison; Notice of Consideration of Issuance of Amendment to San Onofre Nuclear Generation Station Unit 1 Facility Operating License and Opportunity for a Hearing**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of license amendment, and opportunity to request a hearing.

#### **FOR FURTHER INFORMATION CONTACT:**

James C. Shepherd, Project Manager, Reactor Decommissioning Branch, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Rockville, MD 20852. Telephone: (301) 415-6712; fax number: (301) 415-6712; e-mail: [James.Shepherd@nrc.gov](mailto:James.Shepherd@nrc.gov).

The Nuclear Regulatory Commission (NRC) has received, by letter dated December 19, 2007 (ML080580468), a license amendment application from Southern California Edison (the Licensee), regarding its San Onofre Nuclear Generating Station (SONGS) Unit 1 site located in San Onofre, California. License No. DPR-13 authorizes the licensee to decommission Unit 1 to the unrestricted use criteria of 10 CFR 20.1402. In accordance with provisions of 10 CFR 50.83 (Release of Part of a Power Reactor Facility or Site

for Unrestricted Use), the Licensee requests release from the NRC license, for unrestricted use, a parcel of the ocean bottom leased from the California State Lands Commission, as well as the offshore portion of the Circulating Water System beneath that parcel of seabed floor. The structures comprising this portion of the system have been isolated from the plant. Following approval of this amendment, the Licensee will abandon these structures in place.

An NRC administrative review, documented in a letter to Southern California Edison dated January 18, 2008 (ML080170571), found the application acceptable to begin a technical review. If the NRC approves the amendment, the approval will be documented in an amendment to NRC License No. DPR-13. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment.

Within 60 days of the date this notice is published in the **Federal Register**, any person(s) whose interest may be affected may file a request for hearing/petition to intervene. As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner/requestor in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the