

devices. Furthermore, NRC inspections have evaluated the Licensee's performance and determined that the Licensee has safely handled these unregistered sources for many years. Accordingly, the NRC staff has concluded that granting this exemption is authorized by law and will not endanger life or property or the common defense and security, and is in the public interest.

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

The proposed action is largely administrative in nature. The Licensee has handled sources and devices which have not been registered by the NRC under 10 CFR 32.210, or by an Agreement State, for many years. The Licensee is qualified by sufficient training and experience and has sufficient facilities and equipment to handle these sources and devices. Approving this exemption will have no environmental impact.

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

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Additionally, denying the exemption 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 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*

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 exemption 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. License renewal application dated June 29, 2005 [ML052130136]

2. Licensee letter dated October 31, 2005 [ML053130381]

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, O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Region I, 475 Allendale Road, King of Prussia, PA, this 11th day of September, 2008.

For the Nuclear Regulatory Commission.

**James P. Dwyer,**

*Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I.*

[FR Doc. E8-22689 Filed 9-25-08; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-11789]

### Notice of Environmental Assessment Related to the Issuance of a License Amendment to Byproduct Material License No. 24-00196-07, for Unrestricted Release of a Facility for Saint Louis University, St. Louis, MO

**AGENCY:** Nuclear Regulatory Commission.

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

### FOR FURTHER INFORMATION CONTACT:

George M. McCann, Senior Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenton Road, Lisle, Illinois 60532; telephone: (630) 829-9856; fax number: (630) 515-1259; or by e-mail at [Mike.McCann@nrc.gov](mailto:Mike.McCann@nrc.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of an amendment to terminate NRC Byproduct Materials License No. 24-00196-07, which is held by Saint Louis University (licensee). The issuance of the amendment would authorize the unrestricted release of the licensee's Institute for Molecular Virology (the facility), which consists of a 25,000 square foot building located on the licensee's campus at 3681 Park Avenue, St. Louis, Missouri.

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 request to release the facility for unrestricted use in accordance with 10 CFR Part 20, Subpart E. The Licensee requested this action in a letter dated July 9, 2008 (ADAMS Accession Number ML081930612). The license was issued on January 16, 1976, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorized the Licensee to use unsealed byproduct materials for conducting research and development activities involving medical research, diagnostic and therapy medical procedures, laboratory studies and educational programs in the areas of molecular virology, viral oncology, and cancer biology.

The licensee performed a Historical Site Assessment (HSA) in May and June of 2008. The purpose of the HSA was to determine the current status of the facility including potential, likely, or known sources of radioactive contamination by gathering data from

various sources. This data included physical characteristics and location of the site as well as information gathered from personnel interviews and inspection of site operating records, and from radiological surveys. Records reviewed included: radioactive materials licenses, license applications, amendment requests, meeting minutes, radiological surveys, radionuclide receipt and distribution records, incident reports, facility renovation records, blueprints, plans and design specifications. Personnel interviews included radiation safety, research, maintenance, operations, and facilities personnel. Current employees having knowledge of facility historical operations were interviewed.

The licensee did not dispose of radioactive waste via on-site burial. All waste containing long lived radioisotopes was shipped offsite to a licensed landfill, approved to receive and dispose of radioactive materials. No waste-related environmental concerns were identified during the record search or interviews of the radiation safety staff. There were no recorded spills or loss of control that required additional investigation.

Decontamination of the facility was completed on June 20, 2008. The licensee's "SLU IMV Final Status Report, Rev 4.pdf Institute for Molecular Virology Decommissioning Final Status Report," dated June 24, 2008 (ML081930612), was submitted to the NRC on July 9, 2008.

Based on the Licensee's survey results it was determined that only routine decontamination activities, in accordance with the licensee's 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 its facility and seeks the termination of its NRC license.

#### *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 radiation surveys and decontamination activities, as necessary, in the areas of the Facility affected by these radionuclides.

The Licensee conducted a final status survey between June 17 and June 20, 2008, in the facility. The licensee's surveys included the liquid drain, ventilation exhaust and vacuum systems. No areas were considered to have a potential for delivering a dose to the public above the release criteria.

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. 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*

The NRC provided a draft of this Environmental Assessment to the Missouri Department of Health and Senior Services Waste, Division of Community and Public Health, Office of Emergency Coordination on September 3, 2008. On September 4, 2008, the State responded by telephone to the NRC indicating that the State did not have any comments or concerns regarding the release of the licensee's facility.

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. Mark Haenschen, M.S., J.D., letter to U.S. Nuclear Regulatory Commission, Region III, dated July 9, 2008 (ADAMS Accession No. ML081930612).

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

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

4. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities;" NUREG-1757, Consolidated Decommissioning Guidance.

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.resource@nrc.gov](mailto:pdr.resource@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 Lisle, Illinois, this 16th day of September 2008.

For the Nuclear Regulatory Commission.

**Christine A. Lipa,**

*Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region III.*

[FR Doc. E8-22687 Filed 9-25-08; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 52-016]

### **Calvert Cliffs 3 Nuclear Project, LLC, and Unistar Nuclear Operating Services, LLC Notice of Hearing and Opportunity To Petition for Leave To Intervene and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation on a Combined License for the Calvert Cliffs Nuclear Power Plant Unit 3**

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," and 10 CFR Part 52, Licenses, Certifications, and Approvals for Nuclear Power Plants," notice is hereby given that a hearing will be held, at a time and place to be set in the future by the U.S. Nuclear Regulatory Commission (NRC, the Commission) or designated by the Atomic Safety and Licensing Board (Board). The hearing will consider the application dated July 13, 2007, and March 14, 2008, filed by Constellation Generation Group, LLC, and UniStar Nuclear Operating Services, LLC (CGG and UniStar), pursuant to Subpart C of 10 CFR Part 52 for a combined license (COL). The application was supplemented by letters dated July 16, August 2, September 11, October 30, December 14, 2007, and January 14, March 3, March 14, May 15, May 30, June 20, July 31, August 18 and August 19, 2008. The application was revised by letter dated August 20, 2008, which among other things changed the applicants to Calvert Cliffs 3 Nuclear Project, LLC, and UniStar Nuclear Operating Services, LLC. The application requests approval of a COL for Calvert Cliffs Nuclear Power Plant Unit 3, to be located in Calvert County, Maryland. The two parts of the application were accepted for docketing on January 25, 2008 (73 FR 5877, January 31, 2008) and June 3, 2008 (73 FR 32606, June 9, 2008). The docket number established for this COL application is 52-016. The Calvert Cliffs

COL application incorporates by reference the application for a Standard Design Certification for the U.S. EPR, which was submitted to the NRC by AREVA NP on December 11, 2007, and supplemented by AREVA on February 7, 2008, and February 18, 2008. The Standard Design Certification for the U.S. EPR is the subject of an ongoing rulemaking under docket number 52-020. By letter to AREVA dated February 25, 2008, the staff has accepted the Standard Design Certification for the U.S. EPR for docketing.

The hearing on the COL application will be conducted by a Board that will be designated by the Chairman of the Atomic Safety and Licensing Board Panel or will be conducted by the Commission. Notice as to the membership of the Board will be published in the **Federal Register** at a later date. The NRC staff will complete a detailed technical review of the COL application and will document its findings in a safety evaluation report. The Commission will refer a copy of the COL application to the Advisory Committee on Reactor Safeguards (ACRS) in accordance with 10 CFR 52.87, "Referral to the ACRS," and the ACRS will report on those portions of the application that concern safety.

Any person whose interest may be affected by this proceeding and who desires to participate as a party to this proceeding must file a written petition for leave to intervene in accordance with 10 CFR 2.309. Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 28, 2007, (72 FR 49139). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the petitioner must contact the Office of the