

to release the facility for unrestricted use and to terminate the license. On September 4, 2008, Unitech Services Group requested that NRC approve the proposed amendment. The staff has prepared this EA in support of the proposed license amendment.

Docket file records indicate that the licensee conducted nuclear laundry operations at the Ualena Street location from 1974–2007. In a letter to the NRC dated August 16, 2007, the licensee stated that it had permanently ceased operations at this site. The primary radionuclide of concern was cobalt-60. Other radionuclides of concern included nickel-63, manganese-54, cobalt-58, iron-55, and zinc-65. The NRC staff determined that a decommissioning plan was not required because decommissioning instructions were provided in the license application. The licensee commenced with decommissioning during October 2007 and completed decommissioning during September 2008. The NRC conducted two inspections during the decommissioning process. During the inspections, the NRC staff observed that the licensee was conducting decommissioning in accordance with license requirements. The licensee submitted a final status survey report to the NRC by letter dated September 4, 2008. The licensee's final status survey results, in conjunction with the NRC's confirmatory survey results, demonstrated that the licensee had effectively remediated the site in accordance with regulatory guidance documents. Because the site had been effectively remediated in accordance with NRC guidance and license requirements, the NRC staff has concluded that the facility meets the criteria of 10 CFR Part 20, Subpart E, for unrestricted release and for termination of the license.

The Hawaii State Department of Health was consulted about this EA, and the State had no comments on the EA or the proposed action.

III. Finding of No Significant Impact

On the basis of the EA, NRC has concluded that there are no significant environmental impacts from the proposed amendment and has determined not to prepare an environmental impact statement.

IV. Further Information

Documents related to this action, including the application for 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 ADAMS accession numbers for the documents related to this notice are:

1. NRC, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities," NUREG-1496, July 1997 (ML042310492, ML042320379, and ML042330385);
2. NRC, "Consolidated NMSS Decommissioning Guidance," NUREG-1757, Volume 1, Revision 2, September 2006 (ML063000243);
3. NRC, "Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM)," NUREG-1575, Revision 1, August 2000 (ML003761445, ML003761454);
4. Title 10 Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination;"
5. Title 10, Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;"
6. Unitech Services Group, "Notice of Decommissioning Activities Pursuant to Title 10 Code of Federal Regulations (CFR) 30.36(d) and License Amendment Request," August 16, 2007 (ML072400267);
7. Unitech Services Group, "Reply to NRC Letter Dated August 30, 2007," October 2, 2007 (ML072841267);
8. Unitech Services Group, "Certificate of Disposition of Materials," August 5, 2008, (ML082310743);
9. Unitech Services Group, "Final Status Survey Report," September 4, 2008 (ML082600080); and
10. State of Hawaii Response, January 20, 2009 (ML090220588).

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.

These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (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 Arlington, Texas this 11th day of February 2009.

For the Nuclear Regulatory Commission.

Jack E. Whitten,

*Chief, Nuclear Materials Safety Branch B
Division of Nuclear Materials Safety Region IV.*

[FR Doc. E9-3768 Filed 2-20-09; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-143; NRC-2008-0525]

Notice of the Nuclear Regulatory Commission Consent to Indirect Transfer of Control and Issuance of License Amendment to Effectuate Such Transfer for Nuclear Fuel Services, Inc., Erwin, TN

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of approval of indirect transfer of control and issuance of License Amendment to effectuate such transfer.

FOR FURTHER INFORMATION CONTACT:

Kevin Ramsey, Project Manager, Fuel Manufacturing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301-492-3123; fax number: 301-492-3363; e-mail: Kevin.Ramsey@nrc.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 10 CFR 2.106, the U.S. Nuclear Regulatory Commission (NRC) is providing notice of NRC consent to the indirect transfer of control and issuance of License Amendment 85 to Material License No. SNM-124. This action authorized the indirect transfer of control over licensed activities from NFS Services, LLC, to NOG-Erwin Holdings, Inc. NRC's receipt of the request to take this licensing action was previously noticed in the **Federal Register** on September 19, 2008 (73 FR 54437-54439), with a notice of an opportunity to request a hearing. No requests for a hearing were received.

By Order dated December 23, 2008, NRC approved the proposed indirect transfer. The order was accompanied by a Safety Evaluation Report (SER) documenting the basis for the NRC staff's approval. The transfer took place on December 31, 2008, on which date License Amendment 85 was issued. These actions comply with the standards and requirements of the Atomic Energy Act of 1954, as amended, and NRC's rules and regulations as set forth in 10 CFR Chapter 1.

Further Information

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," the details with respect to this action, including the SER and accompanying documentation, and license amendment request, 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 ADAMS accession numbers for the documents related to this notice are:

1. NRC Order dated December 23, 2008—ML083500508.
2. Amendment 85 to SNM-124: dated December 31, 2008—ML083530117.

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 via e-mail to 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 Rockville, Maryland, this 9th day of February, 2009.

For the Nuclear Regulatory Commission.

Kevin M. Ramsey,

Project Manager, Fuel Manufacturing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. E9-3752 Filed 2-20-09; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[DOCKET NO. 030-32959; NRC-2009-0059]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact For License Amendment to Byproduct Materials License No. 09-10672-03 for Unrestricted Release of the Environmental Protection Agency's Facility in Key Largo, FL

AGENCY: Nuclear Regulatory Commission.

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

FOR FURTHER INFORMATION CONTACT: Dennis Lawyer, Health Physicist,

Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania; telephone 610-337-5366; fax number 610-337-5269 or by e-mail: dennis.lawyer@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. 09-10672-03. This license is held by Environmental Protection Agency, Gulf Ecology Division (the Licensee), for its Key Largo Laboratory NOAA Facility located at 512 Caribbean Avenue in Key Largo, Florida (the Facility). Issuance of the amendment would authorize release of the Facility for unrestricted use. The Licensee requested this action in a letter dated September 3, 2008. 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 September 3, 2008, license amendment request, resulting in release of the Facility for unrestricted use. License No. 09-10672-03 was issued on November 2, 1992, 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. The proposed action pertains only to the cessation of licensed activities at the Facility. The license authorizes use of licensed material at other locations that will not be affected by this action, and the license will thus not be terminated if the proposed action is approved.

The Facility is situated within a 2000 square foot building on 0.53 acres and consists of general office, residential, laboratory, and storage space. Within the Facility, use of licensed materials was confined to 120 square feet laboratory. The Facility is located in a mixed residential and commercial area. Within the Facility, the radionuclide of concern was Hydrogen-3 and carbon-14

because their half-lives being greater than 120 days.

In December 1996, the Licensee ceased licensed activities at the Facility and initiated survey and decontamination actions there. 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 on January 8 and 9, 2008. The final status survey report was attached to the Licensee's amendment request dated September 3, 2008. 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 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.