

There are no impacts to the air or ambient air quality. There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemptions.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed actions. In addition, in promulgating its revisions to 10 CFR part 73, the Commission prepared an environmental assessment and published a finding of no significant impact (Part 73, Power Reactor Security Requirements, 74 FR 13926, 13967 (March 27, 2009)).

The licensee currently maintains a security system acceptable to the NRC and will continue to provide acceptable physical protection of BSEP. Therefore, the extension of the implementation date for certain new requirements of 10 CFR part 73 to December 20, 2010, would not have any significant environmental impacts.

The NRC staff's safety evaluation will be provided in the exemptions that will be issued as part of the letter to the licensee approving the exemptions to the regulation, if granted.

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

As an alternative to the proposed actions, the NRC staff considered denial of the proposed actions (i.e., the "no action" alternative). Denial of the exemption requests would result in no change in current environmental impacts. If the proposed actions were denied, the licensee would have to comply with the March 31, 2010, implementation deadline. The environmental impacts of the proposed exemptions and the "no action" alternative are similar.

#### *Alternative Use of Resources*

The actions do not involve the use of any different resources than those considered in the Final Environmental Statement for the BSEP dated January 1976, and the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, NUREG-1437, Supplement 25, dated March 2006 (ADAMS Accession No. ML060900480).

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on January 19, 2010, the NRC staff consulted with the North Carolina State official, Mr. Dale Dusenbury of the North Carolina Department of Environment and Natural Resources regarding the environmental impact of

the proposed actions. The State official had no comments.

#### **Finding of No Significant Impact**

On the basis of the environmental assessment, the NRC concludes that the proposed actions will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed actions.

For further details with respect to the proposed actions, see the licensee's letter dated November 30, 2009. Attachment 1 of the November 30, 2009, submittal contains security-related information and, accordingly, is not available to the public. Other parts of this document may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O-1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site: <http://www.nrc.gov/reading-rm/adams.html>.

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 send an e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, Maryland, this 18th day of February 2010.

For the Nuclear Regulatory Commission.

**Farideh E. Saba,**

*Senior Project Manager, Plant Licensing Branch II-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2010-3849 Filed 2-24-10; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 030-34325; NRC-2010-0068]**

### **Notice of Environmental Assessment Related to the Issuance of a License Amendment to Masters Materials License 03-23853-01VA, for Unrestricted Release of a Department of Veterans Affairs Facility in Gainesville, FL**

**AGENCY:** Nuclear Regulatory Commission.

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

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

Katie Streit, Health Physicist, Materials Control, ISFSI, and Decommissioning Branch, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois 60532; Telephone: (630) 829-9621; fax number: (630) 515-1259; or by e-mail at [Katherine.Streit@nrc.gov](mailto:Katherine.Streit@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend a materials permit held under Master Byproduct Materials License No. 03-23853-01VA. The permit is held by the Department of Veterans Affairs (the Licensee), for its Veteran Affairs (VA) North Florida/South Georgia Veterans Health System located in Gainesville, Florida. Issuance of the amendment would authorize release of Building 26 (the Facility) for unrestricted use. The Licensee will continue its operation of other facilities under this permit and its master materials license. The Licensee requested this action in a letter dated October 29, 2009 (ML093060270). 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 October 29, 2009, materials permit amendment request, resulting in release of the Facility for unrestricted use. License No. 03-23853-01VA was issued on March 17, 2003, pursuant to 10 CFR Parts 30 and 35, and has been amended periodically since that time. This master license authorizes the Licensee to use byproduct materials at several Licensee facilities around the country, as authorized on a site-specific basis by permits issued by the Licensee's National Radiation Safety Committee. Under the license, the permits authorize the use of by-product materials for various medical and veterinary purposes, and for portable gauges.

Under the master material license permit, building 26 was used as a radioactive waste storage facility located

at the VA North Florida/South Georgia Veterans Health System in Gainesville, Florida. The Facility is a storage shed of approximately 20x10x8 feet of space. Radioactive materials with long lived half-lives of greater than 120 days stored in the Facility were H-3, C-14, Na-22, Cl-36, and Ca-45. The licensee removed all licensed material from the Facility and completed final status surveys and decontamination of the Facility in October 2009.

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 Building 26 meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted use.

#### *Need for the Proposed Action*

The licensee has ceased conducting license activities at the Facility, and seeks the unrestricted use of Building 26.

#### *Environmental Impacts of the Proposed Actions*

The historical review showed that the following radioactive materials with half-lives greater than 120 days were used: Hydrogen-3, Carbon-14, Sodium-22, Chlorine-36, and Calcium-45. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of Building 26 affected by these radionuclides.

The licensee conducted final status surveys in August 2009 and October 2009 (ADAMS Accession No. ML093060270). The final status survey report was attached to the Licensee's amendment request dated October 29, 2009. The licensee elected to demonstrate compliance with the radiological criteria for unrestricted use as specified in 10 CFR 20.1402 by using the screening approach described in NUREG-1757, "Consolidated Decommissioning Guidance, Decommissioning Process for Material Licensees" Volume 1 (ML063000243). The licensee used the radionuclide-specific derived concentration guideline levels (DCGLs) developed by the NRC, which conservatively 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 requirement in Subpart E of 10 CFR Part 20 for unrestricted use. 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 within Building 26. 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 buildings. 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 Building 26 for unrestricted use is in compliance with 10 CFR 20.1402. Based on its review, the staff considered the impact of the residual radioactivity from Building 26 and concluded that the proposed action will not have a significant effect on the quality of the 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 Building 26 meet the requirements of 10 CFR 20.1402 for unrestricted use. 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 use 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*

On January 11, 2010 the NRC provided a draft of this EA to the State of Florida, Department of Health, Bureau of Radiation Control. The State provided no comments or questions.

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 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 image files of NRC's public documents. 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). The documents related to

this action are listed below, along with their ADAMS accession numbers.

1. National Health Physics Program Request for Decommissioning for Unrestricted Release of Building 26 at the VA North Florida/South Georgia Veterans Health System, Gainesville, Florida, dated October 29, 2009 (ADAMS Accession No. ML093060270).

2. Additional Information for Closeout of Building 26 North Florida/South Georgia Veterans Health System, Gainesville, Florida (ADAMS Accession No. ML100110095).

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 Function."

5. NUREG-1556, Consolidated Guidance about Material Licenses, Volume 9.

6. NUREG-1757, Consolidated Decommissioning Guidance.

7. These documents may also be viewed electronically on the public computers located at the NRC's PDR, O1F21, 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 17th day of February 2010.

For the Nuclear Regulatory Commission.

**Christine A. Lipa,**

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

[FR Doc. 2010-3862 Filed 2-24-10; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-395; NRC-2010-0067]

### **South Carolina Electric and Gas Company, Virgil C. Summer Nuclear Station, Unit 1; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an Exemption, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) section 73.5, "Specific exemptions," from the implementation date for certain new requirements of 10 CFR part 73, "Physical protection of plants and materials," for Renewed Facility Operating License No. NPF-12, issued to South Carolina Electric & Gas

Company (SCE&G, the licensee), for operation of the Virgil C. Summer Nuclear Station, Unit 1 (VCSNS), located in Fairfield County, South Carolina. In accordance with 10 CFR 51.21, the NRC prepared an environmental assessment documenting its finding. The NRC concluded that the proposed action will have no significant environmental impact.

#### **Environmental Assessment**

##### *Identification of the Proposed Action*

The proposed action would exempt VCSNS from the required implementation date of March 31, 2010, for two new requirements of 10 CFR part 73. Specifically, VCSNS would be granted an exemption from being in full compliance with two new requirements contained in 10 CFR 73.55 by the March 31, 2010, deadline. SCE&G has proposed an alternate full compliance implementation date of September 30, 2010, approximately 6 months beyond the date required by 10 CFR part 73. The proposed action, an extension of the schedule for completion of certain actions required by the revised 10 CFR part 73, does not involve any physical changes to the reactor, fuel, plant structures, support structures, water, or land at the VCSNS, Unit 1 site.

The proposed action is in accordance with the licensee's application contained in two letters dated December 11, 2009, SCE&G designation RC-09-0154 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML093490316) and RC-09-0148 (NRC ADAMS ML093480496 and ML093480497). SCE&G's letter RC-09-0148 contains security-related information and, accordingly, is not available to the public. SCE&G's letter RC-09-0154 is a redacted version of RC-09-0148 that does not contain security related information.

##### *The Need for the Proposed Action*

The proposed action is needed to provide the licensee with additional time to complete the design, planning, procurement, construction, testing and project closeout activities for the required upgrades to the SCE&G security system, while simultaneously maintaining the current security defensive strategy.

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

The NRC has completed its environmental assessment of the proposed exemption. The staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant

safety and would not have a significant adverse effect on the probability of an accident occurring.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environmental assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR part 73, as discussed in a **Federal Register** notice dated March 27, 2009 (74 FR 13967). There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Steven's Act are expected. There are no impacts to the air or ambient air quality.

There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action. In addition, in promulgating its revisions to 10 CFR part 73, the Commission prepared an environmental assessment and published a finding of no significant impact [Part 73, Power Reactor Security Requirements, 74 FR 13926, 13967 (March 27, 2009)].

The licensee currently maintains a security system acceptable to the NRC and will continue to provide acceptable physical protection of the VCSNS. Therefore, the extension of the implementation date for certain new requirement of 10 CFR part 73 to September 30, 2010, would not have any significant environmental impacts.

The NRC staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation, if granted.

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

As an alternative to the proposed action, the NRC staff considered denial