

**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50–247 and 50–286; License Nos. DPR–26 AND DPR–64]

**Entergy Nuclear Operations, Inc., Entergy Nuclear Indian Point 2, Llc, Entergy Nuclear Indian Point 3, Llc; Indian Point Nuclear Generating Unit Nos. 2 and 3; Receipt of Request for Action Under 10 CFR 2.206**

Notice is hereby given that by petition dated June 25, 2007, Friends United for Sustainable Energy (FUSE, the Petitioner) has requested that pursuant to 10 CFR 2.206, the NRC take action with regard to the Indian Point Nuclear Generating Unit Nos. 2 and 3 (Indian Point). The petition requested that the NRC issue orders, effective immediately, to suspend the Indian Point licenses until such time as the issues described in the petition can be remedied to a point of full compliance with all local, State, and Federal laws.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation (NRR). On September 4, 2007, the Petitioner was notified that its request for immediate action is denied. The Petitioner participated in a conference call with the NRR Petition Review Board (PRB) on December 21, 2007, to discuss the petition. The additional information provided by the Petitioner was considered by the PRB before making its final recommendation. By letter dated February 1, 2008, the Director accepted for review pursuant to 10 CFR 2.206 the Petitioner's concerns regarding the licensee's failure to implement the new emergency notification siren system in a timely manner and the underground leakage of contaminated water at the Indian Point facility. As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time.

A copy of the petition can be located at Agencywide Documents Access and Management Systems, Accession No. ML072140693, and is available for inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

Dated at Rockville, Maryland this 1st day of February 2008.

For the Nuclear Regulatory Commission.

**J. E. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E8–2776 Filed 2–13–08; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

[Docket No. 030–34325]

**Notice of Availability of Environmental Assessment and Finding of No Significant Impact for Amendment of a Materials Permit in Accordance With Byproduct Materials License No. 03–23853–01VA, for Unrestricted Release of a Department of Veterans Affairs' Facility in Seattle, WA**

**AGENCY:** Nuclear Regulatory Commission.

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

**FOR FURTHER INFORMATION CONTACT:**

William Snell, Senior Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois 60532; telephone: (630) 829–9871; fax number: (630) 515–1259; or by e-mail at [wgs@nrc.gov](mailto:wgs@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend a materials permit held under Byproduct Materials License No. 03–23853–01VA. The permit is held by the Department of Veterans Affairs (the Licensee), for its Puget Sound VA Health Care System facilities, located at 1660 South Columbian Way, Seattle, Washington (the Facility). Issuance of the amendment would authorize release of Waste Area 3 (described below) for unrestricted use. The Licensee requested this action in a letter dated July 5, 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 July 5, 2007, materials permit amendment request, resulting in release of Waste Area 3 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 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 use in portable gauges.

The Facility is situated on a 44 acre site comprised of 20 buildings and five parking areas, and is located in a metropolitan area of Seattle, Washington which is surrounded by residential neighborhoods and commercial enterprises. Within the Facility, Waste Area 3 was constructed in 1988 as a temporary storage site for decay-in-storage radioactive waste, and was a single floor, sheet-metal enclosed structure bolted onto an 8 × 14 × 8 foot chain-link fence. The floor consisted of ¾ inch thick asphalt. The structure had no electrical, ventilation, heating system, drainage system, water, sewer, or septic. The Licensee ceased using licensed materials in Waste Area 3 on November 15, 2006, and initiated surveys and decontamination of the building. Based on the Licensee's historical knowledge of the site and the conditions within Waste Area 3, 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 final status surveys of Waste Area 3 on November 17, 2006. Additional surveys were conducted on April 10, 2007, of the waste barrels that had been removed from Waste Storage Area 3 in November 2006. The results of these surveys along with other supporting information were provided to the NRC to demonstrate that the criteria in Subpart E of 10 CFR Part 20 for unrestricted release have been met.

**Need for the Proposed Action**

The Licensee has ceased conducting licensed activities in Waste Area 3, and seeks the unrestricted use of Waste Area 3.

**Environmental Impacts of the Proposed Action**

The historical review of licensed activities conducted in Waste Area 3 shows that such activities involved use

of the following radionuclides with half-lives greater than 120 days: hydrogen-3 (H-3) and carbon-14 (C-14). Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of Waste Area 3 affected by these radionuclides.

The Licensee completed final status surveys on Waste Area 3 on November 17, 2006. The surveys covered all areas of Waste Area 3. The final status survey report was attached to the Licensee's amendment request dated July 5, 2007. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 using release criteria for building surfaces based on NUREG-1556, Volume 7, "Program-Specific Guidance about Academic, Research and Development, and Other Licenses of Limited Scope Including Gas Chromatographs and X-Ray Fluorescence Analyzers—Final Report," Appendix Q, "Radiation Safety Survey Topics." These release criteria are the same as the radionuclide-specific dose-based release criteria, described in NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volume 2. These values provide acceptable levels of surface contamination to demonstrate compliance with the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results were below these values 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 in Waste Area 3. The NRC staff reviewed available docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding Waste Area 3. 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 Waste Area 3 for unrestricted use is in compliance with 10 CFR Part 20. Based on its review, the staff considered the impact of the residual radioactivity from Waste Area 3 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 Waste Area 3 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 Washington Department of Health, Office of Radiation Protection, for review on January 2, 2008. On January 8, 2008, the Office of Radiation Protection responded by e-mail. The State agreed with the conclusions of the EA.

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. E. Lynn McGuire, Department of Veterans Affairs, letter to Cassandra Frazier, U.S. Nuclear Regulatory Commission, Region III, dated July 5, 2007 (ADAMS Accession No. ML071900464);

2. Thomas Huston, Department of Veterans Affairs, e-mail to William Snell, U.S. Nuclear Regulatory Commission, Region III, dated December 12, 2007 (ADAMS Accession No. ML073610490); 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;"

5. NUREG-1757, "Consolidated NMSS Decommissioning Guidance,"

6. NUREG-1556, Volume 7, "Program-Specific Guidance About Academic, Research and Development, and Other Licenses of Limited Scope Including Gas Chromatographs and X-Ray Fluorescence Analyzers—Final Report," Appendix Q, "Radiation Safety Survey Topics."

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 Lisle, Illinois, this 4th day of February 2008.

For the Nuclear Regulatory Commission.

**Patrick L. Loudon,**

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

[FR Doc. E8-2774 Filed 2-13-08; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 52-016]

### Unistar Nuclear, LLC; Calvert Cliffs Partial Combined License Application; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process

Unistar Nuclear, LLC (Unistar), has submitted a partial application for a combined license (COL) for its Calvert Cliffs Nuclear Power Plant (CCNPP) site to build Unit 3, located on approximately 2,057 acres in Calvert County, Maryland, approximately 40 miles southeast of Washington, DC, and 7.5 miles north of Solomons, Maryland, along the western bank of the Chesapeake Bay. Part 1 of the application for the COL was submitted by letter dated July 13, 2007, pursuant to the requirements of Title 10, Part 52, and in accordance with 10 CFR 2.101(a)(5). Subsequent information was submitted on July 16, 2007, August 2, 2007, and October 30, 2007. In addition, the Unistar COL application references dose consequence information in Unistar's December 14, 2007, application for certification of the Evolutionary Power Reactor design. Accordingly, the NRC staff reviewed the design certification application and determined that it contains information sufficient to permit docketing of the environmental report (ER). A notice of receipt and availability of the partial application, which included the ER, was published in the **Federal Register** on August 15, 2007 (72 FR 45832). A notice of acceptance for docketing of the partial application for the COL was published in the **Federal Register** on

January 31, 2008 (73 FR 5877). The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement (EIS) in support of the review of the COL partial application and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29.

In addition, as outlined in 36 CFR 800.8(c), "Coordination with the National Environmental Policy Act (NEPA) of 1969, as amended," the NRC staff plans to coordinate compliance with Section 106 of the National Historic Preservation Act (NHPA) with steps taken to meet the requirements of NEPA. Pursuant to 36 CFR 800.8(c), the NRC staff intends to use the process and documentation for the preparation of the EIS on the proposed action to comply with section 106 of the NHPA in lieu of the procedures set forth in 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.45, 10 CFR 51.50, and 10 CFR 2.101(a)(5), Unistar submitted the ER along with portions of the Final Safety Analysis Report (FSAR) as part 1 of the partial application. The ER was prepared pursuant to 10 CFR Parts 51 and 52 and is available for public inspection at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or from the Publicly Available Records component of the NRC's Agency-wide Documents Access and Management System (ADAMS). ADAMS is accessible at <http://www.nrc.gov/reading-rm/adams.html>, which provides access through the NRC's Electronic Reading Room (ERR) link. The accession number in ADAMS for part 1 of the partial application received on July 13, 2007, is ML071980294. The accession numbers in ADAMS for the supplemental information submitted by letters dated July 16, 2007, August 2, 2007, October 30, 2007, and December 14, 2007, are ML072000363, ML072200533, ML072220589, ML073060128, ML073520192, ML073520211, and ML073520221. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR Reference staff at 1-800-397-4209 or 301-415-4737, or by sending an e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). The partial application may also be viewed on the Internet at <http://www.nrc.gov/reactors/new-licensing/col/calvert-cliffs.html>. In addition, the Calvert Library, Southern Branch located at 20 Appeal Lane, Lusby, Maryland, and Calvert Library, Prince Frederick located

at 850 Costley Way, Prince Frederick, Maryland, have agreed to make the ER available for public inspection.

The following key reference documents related to the COL partial application and the NRC staff's review process are available through the NRC's Web site at <http://www.nrc.gov>:

- a. 10 CFR Part 51, Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,
- b. 10 CFR Part 52, Licenses, Certifications, and Approvals for Nuclear Power Plants,
- c. 10 CFR Part 100, Reactor Site Criteria,
- d. NUREG-1555, Standard Review Plans for Environmental Reviews for Nuclear Power Plants,
- e. NUREG/BR-0298, Brochure on Nuclear Power Plant Licensing Process,
- f. Fact Sheet on Nuclear Power Plant Licensing Process,
- g. Regulatory Guide 4.2, Preparation of Environmental Reports for Nuclear Power Stations,
- h. Regulatory Guide 1.206, Combined License Applications for Nuclear Power Plants, and
- i. NRR Office Instruction LIC-203, Procedural Guidance for Preparing Environmental Assessments and Considering Environmental Issues.

The regulations, NUREG-series documents, regulatory guides, and fact sheet can be found under Document Collections in the Electronic Reading Room on the NRC Web page. Finally, Office Instruction LIC-203 can be found in ADAMS in two parts under accession numbers ML011710073 (main text) and ML011780314 (charts and figures).

This notice advises the public that the NRC intends to gather the information necessary to prepare an EIS in support of the review of the partial application for the COL at the CCNPP COL site. Possible alternatives to the proposed action (issuance of the COL at the CCNPP COL site) include no action and consideration of alternative sites. The NRC is required by 10 CFR 51.20(b)(2) to prepare an EIS in connection with the issuance of a COL. This notice is being published in accordance with NEPA and NRC regulations found in 10 CFR Part 51.

The NRC will first conduct a scoping process for the EIS and, as soon as practicable thereafter, will prepare a draft EIS for public comment. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the EIS will be used to accomplish the following: