

scheme of Surveillance Requirements (SRs) 3.3.2.6 and 3.3.2.7 for Technical Specification (TS) 3.3.2, "Engineered Safety Feature Actuation System (ESFAS) Instrumentation," to correct inconsistencies introduced in previous license amendments issued by the Nuclear Regulatory Commission staff. The amendments also supersede the 120-day period for implementation of the changes to SRs 3.3.2.6 and 3.3.2.7, approved in the previous license amendments.

*Date of issuance:* December 3, 2008.

*Effective date:* As of the date of issuance and shall be implemented within 30 days.

*Amendment Nos.:* Braidwood Unit 1—154; Braidwood Unit 2—154; Byron Unit No. 1—159; and Byron Unit No. 2—159.

*Facility Operating License Nos. NPF-72, NPF-77, NPF-37, and NPF-66:* The amendments revise the TSs and Licenses.

*Date of initial notice in Federal Register:* June 17, 2008 (73 FR 34341).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 3, 2008.

*No significant hazards consideration comments received:* No.

*FPL Energy Duane Arnold, LLC, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa*

*Date of application for amendment:* December 20, 2007.

*Brief description of amendment:* The amendment adds surveillance requirements to the Technical Specifications, Section 3.7.2, "River Water Supply (RWS) System and Ultimate Heat Sink (UHS)," to require surveillance of the Cedar River depth to assure UHS operability.

*Date of issuance:* December 3, 2008.

*Effective date:* As of the date of issuance and shall be implemented within 120 days of the date of issuance.

*Amendment No.:* 272.

*Facility Operating License No. DPR-49:* The amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* June 17, 2008 (73 FR 34342)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 3, 2008.

*No significant hazards consideration comments received:* No.

*PPL Susquehanna, LLC, Docket Nos. 50-387 and 50-388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania*

*Date of application for amendments:* March 28, 2008, as supplemented by a letter dated August 29, 2008.

*Brief description of amendments:* The amendments revised PPL Susquehanna, LLC, Units 1 and 2 (PPL) Technical Specifications (TSs) 3.8.4, "DC Sources—Operating," to establish two new Conditions, A and B, the associated Required Actions with their completion times, and also, make some editorial and administrative changes.

*Date of issuance:* December 11, 2008.

*Effective date:* December 11, 2008.

*Amendment Nos.:* 248 for Unit 1 and 227 for Unit 2.

*Facility Operating License Nos. NPF-14 and NPF-22:* The amendments revised the Facility Operating Licenses and Technical Specifications.

*Date of initial notice in Federal Register:* May 6, 2008 (73 FR 25044). The supplemental letter dated August 29, 2008, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 11, 2008.

*No significant hazards consideration comments received:* No.

*Virginia Electric and Power Company, et al., Docket Nos. 50-280 and 50-281, Surry Power Station, Units 1 and 2, Surry County, Virginia*

*Date of application for amendments:* April 2, 2008.

*Brief description of amendments:* The proposed change revised Technical Specification (TS) Section 5.0, "Design Features," to delete certain design details and descriptions included in TS 5.0 that are appropriately controlled by other applicable TSs, or does not meet the criteria of Title 10 of the Code of Federal Regulations, Section 50.36(c)(4) for inclusion in the TSs, and are already contained in the Updated Final Safety Analysis Report. The change also revised the format of, and incorporated design descriptions into, TS 5.0 consistent with the content and format of NUREG-1431, "Standard Technical Specifications Westinghouse Plants". A minor editorial change was made to address a previously deleted paragraph. Section 5.2, "Containment" was removed from the TSs in its entirety.

The change removed the statement regarding how draining of the spent fuel pool in prevented and included a statement in the TS that would limit draining the spent fuel pool below a specific elevation. A previously established spent fuel pool storage capacity was also incorporated into the TSs.

*Date of issuance:* December 10, 2008.

*Effective date:* As of the date of issuance and shall be implemented within 30 days.

*Amendment Nos.:* 262/262.

*Renewed Facility Operating License Nos. DPR-32 and DPR-37:* Amendments changed the licenses and the technical specifications.

*Date of initial notice in Federal Register:* May 20, 2008 (73 FR 29165).

The proposed amendment was re-noticed on November 4, 2008 (73 FR 65699). The Commission's final no significant hazards consideration determination and related evaluation of the amendments is contained in a Safety Evaluation dated December 10, 2008.

*No significant hazards consideration comments received:* No.

Dated at Rockville, Maryland, this 18th day of December 2008.

**Joseph G. Giitter,**

*Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E8-30779 Filed 12-29-08; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 03036785]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 29-30984-01, for Unrestricted Release of the Conopco, Incorporated's Waste Storage Facility in Trumbull, CT

**AGENCY:** Nuclear Regulatory Commission.

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

#### FOR FURTHER INFORMATION CONTACT:

Steven R. Courtemanche, Health Physicist, Commercial and Research and Development Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania; telephone (610) 337-5075; fax number (610) 337-5269; or by e-mail: [src@nrc.gov](mailto:src@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. 29-30984-01. This license is held by Conopco, Incorporated (the Licensee), for its facility located at 40 Merritt Boulevard in Trumbull, Connecticut (the Facility). Issuance of the amendment would authorize release of the Facility's radioactive waste storage trailer for unrestricted use. The Licensee requested this action in a letter dated April 16, 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 April 16, 2008, license amendment request, resulting in release of the Facility's radioactive waste storage trailer for unrestricted use. License No. 29-30984-01 was issued on March 21, 2005, pursuant to 10 CFR Part 30. This license authorized the Licensee to use unsealed byproduct material for use of conducting research and development activities on laboratory bench tops and in hoods and sealed sources for the purpose of sample analysis in compatible gas chromatography devices.

The Facility is situated on approximately 4.4 acres of land and consists of office space, laboratories, warehouse areas, and a manufacturing area. The Facility is located in a commercial area. Within the Facility, the area that the licensee is requesting to be released for unrestricted use is a waste storage trailer of approximately 225 square feet, one-third of which was used for the storage of waste radioactive material.

On March 28, 2008, the Licensee ceased licensed activities in the radioactive waste storage trailer and initiated a survey and decontamination of the trailer. Based on the Licensee's historical knowledge of the site and the conditions of the trailer, 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 radioactive waste storage trailer 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 in the radioactive waste storage trailer and seeks the unrestricted use of this area.

*Environmental Impacts of the Proposed Action*

The historical review of licensed activities conducted at the radioactive waste storage trailer 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 radioactive waste storage trailer affected by these radionuclides.

The Licensee conducted a final status survey of the radioactive waste storage trailer on April 1, 2008. The final status survey report was attached to the Licensee's amendment request dated April 16, 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, 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 waste storage trailer. 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 radioactive waste storage trailer. 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 radioactive waste storage trailer described above for unrestricted use is in compliance with 10 CFR 20.1402. Although the Licensee will continue to perform licensed activities at other parts of the Facility, 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 Facility, 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 radioactive waste storage trailer 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 radioactive waste storage trailer 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 Connecticut Department of Environmental Protection's Division of Radiation for review on September 16, 2008. On October 7, 2008, the State of Connecticut Department of Environmental Protection's Division of Radiation responded by e-mail. 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]. Licensee's letter dated April 16, 2008 (ML081150270);

[2]. Licensee's letter dated May 15, 2008 (ML081480490);

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

[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;" and

[6]. 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 [pdrc@nrc.gov](mailto:pdrc@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 NRC Region I at 475 Allendale Road, King of Prussia, PA this 18th day of December.

For the Nuclear Regulatory Commission.

**James P. Dwyer,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-362]

### Southern California Edison Company; San Onofre Nuclear Generating Station, Unit 3, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the *Code of Federal Regulations* (10 CFR) Part 74, Section 74.19(c), for Facility Operating License No. NPF-15, issued to Southern California Edison Company (SCE, the licensee), for operation of the San Onofre Nuclear Generating Station (SONGS), Unit 3, located in San Diego County, California. Therefore, as required by 10 CFR 51.21,

the NRC is issuing this environmental assessment and finding of no significant impact.

#### Environmental Assessment

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

The regulation 10 CFR 74.19(c) states, "Other than licensees subject to Sections 74.31, 74.33, 74.41, or 74.51, each licensee who is authorized to possess special nuclear material, at any one time and site location, in a quantity greater than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, shall conduct a physical inventory of all special nuclear material in its possession under license at intervals not to exceed 12 months."

By application dated January 14, 2008, the licensee requested an exemption from certain recordkeeping requirements in Section 74.19(c) for SONGS Unit 3. The exemption would allow SCE to deviate from the physical inventory requirements for 12 irradiated fission chambers removed from SONGS 3 in 1995 and in storage at the plant.

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

The proposed action would allow the licensee to not have to perform physical inventory of the 12 irradiated fission chambers that are stored in the plant.

The licensee pointed out that the as low as is reasonably achievable (ALARA) requirement in 10 CFR Part 20, "Standards for protection against radiation," requires "\* \* \* making every reasonable effort to maintain exposures to radiation as far below the dose limits in this part as is practical consistent with the purpose for which the licensed activity is undertaken, \* \* \*". This request for an exemption from the physical inventory requirements of 10 CFR 74.19(c) would relieve SCE of significant and unnecessary personnel exposures with no decrease in quality and safety.

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

NRC completed its safety evaluation of the proposed action and concludes that the exempting the licensee from performing a physical inventory of the 12 irradiated fission chambers in the plant is acceptable.

The details of the 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.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site. There is no significant increase in the amount of any effluent released off site. There is no