

4. *How Often the Collection is Required:* Required reports are collected and evaluated on a continuing basis as events occur. There is a one-time submittal of information to receive a license. Renewal applications are submitted every 10 years. Information submitted in previous applications may be referenced without being resubmitted. In addition, recordkeeping must be performed on an on-going basis.

5. *Who Will be Required or Asked to Report:* All persons applying for or holding a license to manufacture, produce, transfer, receive, acquire, own, possess, or use radioactive byproduct material.

6. *An Estimate of the Number of Annual Responses:* 38,407 (6,623 NRC Licensee responses (2,754 Responses + 3,869 Recordkeepers) and 31,784 Agreement State Licensee responses (13,213 Responses + 18,571 Recordkeepers)).

7. *The Estimated Number of Annual Respondents:* 22,440 (3,869 NRC licensees and 18,571 Agreement State licensees).

8. *An Estimate of the Total Number of Hours Needed Annually to Complete the Requirement or Request:* 314,844 (NRC licensees 54,250 hours (24,633 reporting + 29,617 recordkeeping) and Agreement State licensees 260,594 hours (118,597 reporting + 141,997 recordkeeping)).

9. *Abstract:* 10 CFR Part 30 establishes requirements that are applicable to all persons in the United States governing domestic licensing of radioactive byproduct material. The application, reporting and recordkeeping requirements are necessary to permit the NRC to make a determination whether the possession, use, and transfer of byproduct material is in conformance with the Commission's regulations for protection of the public health and safety.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by April 13, 2009. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Christine Kyme, Office of Information and Regulatory Affairs (3150-0017), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to ckymn@omb.eop.gov or submitted by telephone at (202) 395-4638.

The NRC Clearance Officer is Gregory Trussell, (301) 415-6445.

Dated at Rockville, Maryland, this 4th day of March 2009.

For the Nuclear Regulatory Commission.

Gregory Trussell,

NRC Clearance Officer, Office of Information Service.

[FR Doc. E9-5359 Filed 3-11-09; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC-2009-0107]

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance and availability of Draft Regulatory Guide, DG-1204.

FOR FURTHER INFORMATION CONTACT:

James Gaslevic, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 415-2776 or e-mail to James.Gaslevic@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide (DG), entitled, "Guidance for ITAAC Closure under 10 CFR Part 52," is temporarily identified by its task number, DG-1204, which should be mentioned in all related correspondence. DG-1204 describes a method that the staff of the NRC considers acceptable for use in satisfying the requirements for documenting the completion of inspections, tests, analyses, and acceptance criteria (ITAAC). In particular, DG-1204 endorses the provisions in the industry guidance

document Nuclear Energy Institute (NEI) 08-01, "Industry Guideline for the ITAAC Closure Process Under 10 CFR Part 52," Revision 3, issued December 2008, for the implementation of Title 10, § 52.99, "Inspection during construction," of the *Code of Federal Regulations* (10 CFR 52.99). In 10 CFR 52.99, the NRC included requirements for the process of documenting and reporting satisfaction of the acceptance criteria for each ITAAC listed in the combined license (COL) and accompanying design certification.

The objectives of DG-1204 are to provide guidance to help licensees make notifications to the NRC for completed and uncompleted ITAAC. The NRC uses these notifications for inspection planning and public hearing purposes. DG-1204 describes methods that the NRC staff considers acceptable for licensees to use for documenting and reporting the satisfactory completion of the acceptance criteria for each ITAAC listed in the COL and accompanying design certification. DG-1204, through its endorsement of an industry guidance document for licensees, provides guidance on complying with the requirements of 10 CFR 52.99.

II. Further Information

The NRC staff is soliciting comments on DG-1204. Comments may be accompanied by relevant information or supporting data and should mention DG-1204 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS).

Personal information will not be removed from your comments. You may submit comments by any of the following methods:

1. Mail comments to: Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

2. E-mail comments to: nrcprep.resource@nrc.gov

3. Fax comments to: Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 492-3446.

Requests for technical information about DG-1204 may be directed to the NRC contact, James Gaslevic at (301) 415-2776 or e-mail to James.Gaslevic@nrc.gov.

Comments would be most helpful if received by May 13, 2009. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before

this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG-1204 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML082960039.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached by telephone at (301) 415-4737 or (800) 397-4205, by fax at (301) 415-3548, and by e-mail to pdr.resource@nrc.gov.

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Dated at Rockville, Maryland, this 5th day of March, 2009.

For the Nuclear Regulatory Commission.

Andrea D. Valentini,

Chief, Regulatory Guide Development Branch,
Division of Engineering, Office of Nuclear
Regulatory Research.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 030-36482; NRC-2009-0108]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for Amendment of Byproduct Materials License No. 24- 32439-01, for Unrestricted Release of a Facility in Creve Coeur, MO

AGENCY: Nuclear Regulatory
Commission.

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

FOR FURTHER INFORMATION CONTACT:

Peter J. Lee, Ph.D., CHP, Health
Physicist, Materials Control, ISFSI, and
Decommissioning Branch, Division of
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number: (630) 515-1259; or by e-mail at
Peter.Lee@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend Byproduct Materials License No. 24-32439-01. This license is held by the Pharmacia Corporation (the Licensee) for its facilities located at 800 North Lindbergh Boulevard, Creve Coeur, Missouri, 700 Chesterfield, St. Louis, Missouri, and 645 South Newstead Avenue, St. Louis, Missouri. Issuance of the amendment would authorize release of the Creve Coeur facility (the Facility) for unrestricted use. The Licensee requested this action in a letter dated January 15, 2009. 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 January 15, 2009, license amendment request, resulting in release of the Facility for unrestricted use. License No. 24-32439-01 was issued on April 8, 2004, pursuant to 10 CFR part 30, and has been amended periodically since that time. The license authorizes the use of by-product materials for laboratory research and development including animal studies. The licensee ceased using licensed materials in the Facility in 2008. The Licensee has conducted final status surveys of the Facility. 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 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 hydrogen-3, carbon-14, phosphorus-32, phosphorus-33, sulfur-35, calcium-45, chromium-51, and iodine-125. 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 completed final status surveys on the Facility on January 5, 2009. The surveys covered all areas of the Facility. The final status survey report was attached to the Licensee's amendment request dated January 15, 2009. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening values described in NUREG-1757, "Consolidated Decommissioning Guidance," Volume 2 as the radionuclide-specific derived concentration guideline levels (DCGLs). 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 at the Facility. The NRC staff reviewed available docket file records and the survey results 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 issuance of the proposed amendment authorizing release of the Facility for unrestricted use is in compliance with 10 CFR part 20. 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.