

## NUCLEAR REGULATORY COMMISSION

[NRC–2009–0537; Docket Nos. 50–269, 50–270, and 50–287]

### Duke Energy Carolinas, LLC; Oconee Nuclear Station Units 1, 2, and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Facility Operating License Nos. DPR–38, DPR–47, and DPR–55, issued to Duke Energy Carolinas, LLC (the licensee), for operation of the Oconee Nuclear Station Units 1, 2, and 3, located in Oconee County, South Carolina, in accordance with Title 10 of the Code of Federal Regulations (10 CFR), Section 50.90. Therefore, as required by 10 CFR 51.21, the NRC performed an environmental assessment. Based on the results of the environmental assessment, the NRC is issuing a finding of no significant impact.

#### Environmental Assessment

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

The proposed action would approve changes to the Technical Specifications (TSs) and approve changes to the licensee's updated Final Safety Analysis Report (UFSAR) associated with the acceptance of the new reactor protective system and engineered safeguard protective system (RPS/ESPS) digital upgrade.

The proposed action is in accordance with the licensee's application dated January 31, 2008, as supplemented by letters dated, April 3, 2008, April 29, 2008, May 15, 2008, May 28, 2008, September 30, 2008, October 7, 2008, October 16, 2008, October 23, 2008, October 28, 2008, November 6, 2008, November 19, 2008, November 25, 2008, December 22, 2008, February 27, 2009, March 6, 2009, April 3, 2009 (2 separate letters), April 30, 2009, June 19, 2009, and August 10, 2009.

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

The proposed action is needed to allow the licensee to replace the existing RPS/ESPS with a new digital RPS/ESPS. The licensee is replacing the existing RPS/ESPS because acquiring replacement parts has become very difficult.

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

The NRC has completed its evaluation of the proposed action and concludes that the licensee may make changes to the TSs and update the UFSAR to allow

the removal to the existing RPS/ESPS and replace it with a new digital RPS/ESPS.

The details of the staff's safety evaluation will be provided in the license amendments that will be issued as part of the letter to the licensee approving the license amendments.

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 offsite. There is no significant increase in the amount of any effluent released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have any foreseeable impacts to land, air, or water resources, including impacts to biota. In addition, there are also no known socioeconomic, cultural, or environmental justice impacts associated with such proposed action. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

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

As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

##### *Alternative Use of Resources*

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for the Oconee Nuclear Station, Units 1, 2, and 3, and the Final Supplemental Environmental Impact Statement (NUREG–1437 Supplement 2) dated December 1999.

##### *Agencies and Persons Consulted*

In accordance with its stated policy, on November 6, 2009, the staff consulted with the South Carolina State official, Mr. Robert M. Gandy, of the South Carolina Department of Health and Environmental Control, regarding the environmental impact of the proposed action. The State official had no comments.

#### Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action 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 action.

For further details with respect to the proposed action, see the licensee's letter January 31, 2008, as supplemented by letters dated April 3, 2008, April 29, 2008, May 15, 2008, May 28, 2008, September 30, 2008, October 7, 2008, October 16, 2008, October 23, 2008, October 28, 2008, November 6, 2008, November 19, 2008, November 25, 2008, December 22, 2008, February 27, 2009, March 6, 2009, April 3, 2009 (2 separate letters), April 30, 2009, June 19, 2009, and August 10, 2009.

Documents 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 O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (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 1st day of December 2009.

For the Nuclear Regulatory Commission.

**V. Sreenivas,**

*Project Manager, Plant Licensing Branch II-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E9–29198 Filed 12–7–09; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

[NRC–2009–0539; Docket No. 040–00341]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Source Materials Release No. Stc-133, for Unrestricted Release of the Defense Logistics Agency, Defense National Stockpile Center, Hammond Depot Facility In Hammond, IN

AGENCY: Nuclear Regulatory Commission.

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

**FOR FURTHER INFORMATION CONTACT:**

Betsy Ullrich, Senior Health Physicist, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406; telephone (610) 337-5040; fax number (610) 337-5269; or by e-mail: [Elizabeth.Ullrich@nrc.gov](mailto:Elizabeth.Ullrich@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Source Materials License No. STC-133. This license is held by the Defense Logistics Agency, Defense National Stockpile Center (DLA/DNSC) (the Licensee), for its Hammond Depot (the Facility), located at 3200 Sheffield Avenue in Hammond, Indiana. Issuance of the amendment would authorize release of the Facility for unrestricted use. The Licensee requested this action in a letter dated February 3, 2006. 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 February 3, 2006, license amendment request, resulting in release of the Facility for unrestricted use. License No. STC-133 as issued on February 14, 1957, pursuant to 10 CFR Part 40, and has been amended periodically since that time. This license authorized the Licensee to use natural uranium and thorium in the form of ores, concentrations and solids for the purpose of storage, sampling, repackaging and transfer for the activities of the Defense National Stockpile.

The Hammond Depot was originally sited on approximately 130 acres. During the 1970's, a large portion of the site was sold, including Warehouse 2 in which thorium nitrate had been stored. Warehouse 2 was remediated and released for unrestricted use prior to

that sale. Because Warehouse 2 is separated from the current facilities, and because it was released for unrestricted use in the 1970's, Warehouse 2 is not part of this assessment. The current Facility is situated on 67 acres located in an industrial/commercial area, and consists of warehouse and outdoor storage areas. Within the Facility, use of licensed materials was confined to Buildings 100W, 100E, and 200E. These warehouse buildings each contain approximately 4,640 square meters (m<sup>2</sup>) of storage space, although licensed materials were stored only in portions of each warehouse. Some soil contamination was identified in the former Burn Cage area (1,050 m<sup>2</sup>) and Ferrochrome Pile #6 (2,800 m<sup>2</sup>), as well as five smaller areas elsewhere on the site (10 m<sup>2</sup>, 250 m<sup>2</sup>, 10 m<sup>2</sup>, 2 m<sup>2</sup> and 2 m<sup>2</sup>), which may have resulted from transfer activities or from radioactive materials that were not required to be licensed by the Commission.

In 2005, the Licensee ceased licensed activities and initiated a survey and decontamination of the Facility. 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 its unrestricted use.

*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: natural uranium and/or thorium in the forms of monazite sand, thorium nitrate, sodium sulfate, tantalum pentoxide, and columbium tantalum minerals, contained in fiber or steel drums. 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 during 2006 and 2007. This survey covered the three warehouses (Buildings 100W, 100E, and 200E) where licensed materials were stored as well as 7 outdoor areas (the Burn Cage area, the Ferrochrome Pile #6 area, and five additional small areas) where contaminated soil was identified. The final status survey report was attached to the Licensee's letter dated April 21, 2008. The Licensee elected to demonstrate compliance with the

radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by developing derived concentration guideline levels (DCGLs) for its Facility.

The Licensee conducted site-specific dose modeling using input parameters specific to the Facility that adequately bounded the potential dose. This included dose modeling for two scenarios: Building surfaces and soil. The building surfaces dose model was based on the warehouse worker scenario. The soil dose model was based on a resident farmer scenario. The Licensee thus determined the maximum amount of residual radioactivity on building surfaces, equipment, materials and soils that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The NRC previously reviewed the Licensee's methodology and proposed DCGLs, and concluded that the proposed DCGLs are acceptable for use as release criteria at the Facility. The NRC's approval of the Licensee's proposed DCGLs was published in the **Federal Register** on November 30, 2007 (72 FR 67761). The Licensee's final status survey results are below these DCGLs, and are thus acceptable.

The NRC staff conducted a confirmatory survey during 2007. None of the confirmatory sample results exceeded the DCGLs established for the Facility. 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 the docket file records and the final status survey report 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 the proposed release of the Facility for unrestricted use is in compliance with 10 CFR 20.1402. 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.

#### *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 the requirement in 10 CFR 40.42(d), that decommissioning of source 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 Facility 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 EA to the Indiana State Department of Health, Indoor Air & Radiological Health Division for review on October 21, 2009. On November 2, 2009, the Indiana State Department of Health, Indoor Air & Radiological Health Division responded by electronic 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 Documents 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, where available.

1. Letter dated February 3, 2006 (ML060580094) with attachments "Historical Site Assessment \* \* \*," August 2005 (ML060580605); "Radiological Scoping Survey \* \* \*," December 2005 (ML060580608); "Preliminary Site-Specific Derived Concentration Guideline Levels \* \* \*," January 2006 (ML060580629); and "Environmental Assessment, Disposition of Thorium Nitrate" October 2003 (ML060580592);
2. Letters dated July 5, 2006 (ML061870578), July 19, 2006 (ML062070231), September 19, 2006 (ML062710160) and September 29, 2006 (ML062760618);
3. Letter dated September 29, 2006, with the Decommissioning Plan dated September 2006 (ML062710179);
4. Letter dated January 12, 2007 (ML070160372);
5. Letter dated July 19, 2007 with the Final Status Survey Plan dated July 2007 (ML072010230);
6. Test America Lab Sample Survey Results received January 24, 2008 (ML080240408);
7. Letter dated April 21, 2008 [ML081200814] with the Final Status Survey Report dated April 2008 (ML081210688);
8. NUREG-1757, "Consolidated NMSS Decommissioning Guidance";
9. Title 10, Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination";
10. Title 10, Code of Federal Regulations, Part 51, "Environmental

Protection Regulations for Domestic Licensing and Related Regulatory Functions"; and

11. 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 [pdr.resource@nrc.gov](mailto:pdr.resource@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 Region I, 475 Allendale Road, King of Prussia, this 30th day of November 2009.

For the Nuclear Regulatory Commission.

**James Dwyer,**

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

[FR Doc. E9-29197 Filed 12-7-09; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Sunshine Act; Meeting Notice**

**AGENCY HOLDING THE MEETINGS:** Nuclear Regulatory Commission.

**DATES:** Weeks of December 7, 14, 21, 28, 2009, January 4, 11, 2010.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and closed.

#### **Week of December 7, 2009**

*Tuesday, December 8, 2009*

9:30 a.m. Briefing on the Proposed Rule: Enhancements to Emergency Preparedness Regulations (Public Meeting) (Contact: Lauren Quiñones, 301-415-2007)

This meeting will be webcast live at the Web address—<http://www.nrc.gov>

#### **Week of December 14, 2009—Tentative**

There are no meetings scheduled for the week of December 14, 2009.

#### **Week of December 21, 2009—Tentative**

There are no meetings scheduled for the week of December 21, 2009.

#### **Week of December 28, 2009—Tentative**

There are no meetings scheduled for the week of December 28, 2009.