

28, 2010. The outage has been extended due need to perform modifications to several control rod drive mechanism nozzles prior to restart. Due to the extension of the outage, plant personal performing duties defined by 10 CFR 26.4(a)(1) through (a)(5), including the fire brigade, will have been working hours in accordance with the requirements of 10 CFR 26.205(d)(3) prior to the application of the less restrictive working hour limitations of 10 CFR 26.205(d)(4) and (d)(5) that would be authorized by this exemption. This provides assurance that covered workers are not already fatigued from working an outage schedule. Granting this exemption would allow the licensee to implement the less restrictive work hour requirements of 10 CFR 26.205(d)(4) and (d)(5) to allow flexibility in scheduling required days off while accommodating the more intensive work schedules that accompany completion of a unit outage.

Notwithstanding the exemption for this specific requirement, the licensee will continue to be in compliance with all other requirements as described in 10 CFR 26.

#### 4.0 Environmental Consideration

The exemption authorizes a one-time exemption from the requirements of 10 CFR 26.205(d)(3) to allow the use of the less restrictive hour limitations described in 10 CFR 26.205(d)(4) and (d)(5). The NRC has determined that this exemption involves no significant hazards considerations:

(1) The proposed exemption is administrative in nature and is limited to changing the timeframe when less restrictive hours can be worked. The proposed exemption does not make any changes to the facility or operating procedures and does not alter the design, function or operation of any plant equipment. Therefore, issuance of this exemption does not increase the probability or consequences of an accident previously evaluated.

(2) The proposed exemption is administrative in nature and is limited to changing the timeframe when less restrictive hours can be worked. The proposed exemption does not make any changes to the facility or operating procedures and would not create any new accident initiators. The proposed exemption does not alter the design, function or operation of any plant equipment. Therefore, this exemption does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed exemption is administrative in nature and is limited to changing the timeframe when less

restrictive hours can be worked. The proposed exemption does not alter the design, function or operation of any plant equipment. Therefore, this exemption does not involve a significant reduction in a margin of safety.

Based on the above, the NRC concludes that the proposed exemption does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of "no significant hazards consideration" is justified.

The NRC staff has also determined that the exemption involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite; that there is no significant increase in individual or cumulative occupational radiation exposure; that there is no significant construction impact; and there is no significant increase in the potential for or consequences from a radiological accident. Furthermore, the requirement from which the licensee will be exempted involves scheduling requirements. Accordingly, the exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

#### 5.0 Conclusion

The staff has reviewed the licensee's submittals and concludes that the licensee has provided adequate justification for its request for a one-time 21-day exemption from 10 CFR 26.205(d)(3) to allow the use of the less restrictive hour limitations described in 10 CFR 26.205(d)(4) and (d)(5). The NRC has determined that the need to ensure adequate numbers of qualified workers to complete unit outage activities, given that workers will have been working hours in accordance with the requirements of 10 CFR 26.205(d)(3) prior to application of this exemption, justifies granting this exemption.

Accordingly, the Commission has determined that pursuant to 10 CFR 26.9, "Specific exemptions," an exemption from 10 CFR 26.205(d)(3) is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest.

Therefore the Commission hereby grants the licensee's request for a one-time, twenty-one day exemption from 10 CFR 26.205(d)(3) to allow the use of the work hour limitations described in 10 CFR 26.205(d)(4) and (d)(5).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 24th day of June 2010.

For the Nuclear Regulatory Commission.

**Joseph G. Giitter,**

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

[FR Doc. 2010-16083 Filed 6-30-10; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[License No. STB-401, Docket No. 40-6563; NRC-201-0241]

### Finding of No Significant Impact Related to Approval of the Mallinckrodt C-T Phase 2 Decommissioning Plan; Mallinckrodt, Inc.; St. Louis, MO

The U.S. Nuclear Regulatory Commission (NRC) is considering approval of the Mallinckrodt Inc. (Mallinckrodt or the licensee) columbium-tantalum (C-T) Phase 2 Decommissioning Plan (DP), Revision 2, originally submitted to NRC in May 2003, and resubmitted on October 14, 2008 (ML083150652) with revisions on June 3, 2010 (ML101620140). In the DP, Mallinckrodt is proposing to decommission grade-level and below-grade building slabs, paved surfaces, and subsurface materials affected by former C-T operations, at its St. Louis site. If properly implemented, the DP will lead to the successful remediation of the C-T areas, their release for unrestricted use, and the termination of License STB-401.

Below is a summary of the Environmental Assessment (EA) prepared by the staff to support approval of Mallinckrodt's Phase 2 DP. The complete EA is available through NRC's Agencywide Documents Access and Management System (ADAMS), Accession No. ML091960322.

#### Environmental Assessment

##### Introduction

Mallinckrodt has been operating at the St. Louis Plant since 1867 producing various products including metallic oxides and salts, ammonia, and organic chemicals. From 1942 to 1957, Mallinckrodt was under contract with the Manhattan Engineering District and the Atomic Energy Commission (MED-AEC) to process uranium ore to produce uranium for development of atomic weapons. In 1961, pursuant to 10 CFR part 40, Mallinckrodt was issued a source material license (License No. STB-401) authorizing the possession

and use of materials containing uranium and thorium isotopes. Under this license, from 1961 to 1987, Mallinckrodt extracted C-T from natural uranium ores and tin slags, and purchased and processed materials for C-T production.

Radiological contamination at the site resulted from MED-AEC and C-T processing activities. MED-AEC contamination is being remediated by the U.S. Army Corps of Engineers (USACE) under the Formerly Utilized Sites Remedial Action Program (FUSRAP). USACE developed a preferred cleanup approach for the MED-AEC contamination, based on the data and findings presented in four documents: (1) Remedial Investigation Report; (2) Baseline Risk Assessment; (3) Initial Screening of Alternatives, and (4) Feasibility Study.

#### *Purpose and Need for the Proposed Action*

Mallinckrodt has requested that NRC approve the Phase 2 DP, to support the eventual termination of License No. STB-401. Before the license can be terminated, NRC must be assured that the areas of the Mallinckrodt facility associated with the C-T project meet NRC's release criteria stated in 10 CFR 20.1402.

Mallinckrodt elected to decommission the C-T project areas of the site in two phases. In Phase 1, Mallinckrodt decommissioned the buildings and equipment to the extent necessary, to meet NRC's criteria for unrestricted release. Phase 1 of the decommissioning project was completed in February 2007. Phase 2 will include the remediation of the building slabs and foundations, paved surfaces, and all subsurface materials to the extent necessary, to meet NRC's unrestricted release criteria.

#### *Proposed Action*

The ultimate goal of the C-T project decommissioning is to remediate those areas of the site associated with C-T production, to the extent necessary, to terminate License STB-401. Phase 2 decommissioning activities will include the remediation of the building slabs and foundations, paved surfaces, and all subsurface materials. Most of the decommissioning activities will take place in Plant 5. However, the wastewater neutralization basins in Plant 7W will also be decommissioned.

Mallinckrodt will conduct its non-NRC licensed activities while decontamination and remediation are performed. Mallinckrodt selected the following decommissioning strategy: (1) Remediate remaining floor slabs and subsurface soils and systems by

decontamination or excavation and disposal followed by a final status survey (FSS); (2) remediate former wastewater neutralization basins by decontamination or demolition and disposal followed by FSS where appropriate; and (3) remediate sewer systems affected by the C-T operations. Mallinckrodt has committed to conducting a FSS consistent with the approach presented in the Multi-Agency Radiation Survey and Site Investigation Manual, to the extent possible.

Mallinckrodt will determine whether decontamination and FSS of individual materials in place is preferred over excavation and offsite disposal. The Phase 2 DP is based on the following preferences: (1) Excavation or demolition and disposal when it is cost-effective; (2) decontamination when it is judged to be cost-effective compared to disposal; and (3) decontamination or removal of selected contaminated areas of pavement and subsurface material to site specific derived concentration guideline levels (DCGLs), to reduce the volume of waste and therefore minimize the cost of disposal.

#### *Alternatives to the Proposed Action*

The remediation approach proposed by Mallinckrodt provides for the systematic remediation of the C-T process areas at the Mallinckrodt site. This approach provides Mallinckrodt the opportunity to remove contaminated subsurface C-T process material from the site, and release C-T process areas for unrestricted use. The "no action" alternative is the only alternative to the proposed action. The "no action" alternative is not acceptable because the C-T process areas contain residual contamination that presently exceeds NRC's criteria for unrestricted release and these areas must be remediated to protect public health and safety upon ceasing operations under 10 CFR part 40 requirements.

#### *Affected Environment*

As stated in the Introduction, MED-AEC contamination at Mallinckrodt facility is being removed by USACE under FUSRAP. USACE developed a preferred cleanup approach for the MED-AEC contamination, based on the data and findings presented in four documents: (1) Remedial Investigation Report; (2) Baseline Risk Assessment; (3) Initial Screening of Alternatives, and (4) Feasibility Study.

Section 2.2 of the Feasibility Study provides an evaluation of the affected environment surrounding the Mallinckrodt facility. The findings in Section 2.2 of the Feasibility Study also apply to remediation of the C-T process

areas and the Feasibility Study is incorporated by reference. The following issues are addressed in the Feasibility Study: (1) Land use and recreational and aesthetic resources; (2) climatology, meteorology, and air quality; (3) geology and soils; (4) water resources; (5) biological resources; (6) threatened and endangered species; (7) wetlands and flood plains; (8) population and socioeconomics, and (9) historical, archeological, and cultural resources.

#### *Environmental Impacts*

Remediation of the C-T process area subsurface material creates a potential for radiological environmental impacts. Radiological environmental impacts that could result from remediation activities include exposure, inhalation, and ingestion hazard to workers and the public. These hazards could occur during the excavation of floor slabs and foundations, soil, and sewerage.

Mallinckrodt has committed to perform work activities in accordance with a Health and Safety Program as described in Section 3 of the DP. The Health and Safety Program will consist of: (1) An Industrial Safety Program; (2) a Radiation Protection Program, and (3) an Environmental Safety Program. The Radiation Protection Program will contain controls to monitor exposures to workers. Action levels have been established based on 10 CFR part 20, Appendix B. If action levels are exceeded, Mallinckrodt will take corrective action, as necessary. The Radiation Protection Program will keep exposures due to ingestion and inhalation as low as is reasonably achievable (ALARA) by controlling and monitoring airborne releases in work areas, and by utilizing respiratory protection, as necessary.

Mallinckrodt will implement an Environmental Safety Program to monitor air and water effluents discharged during decommissioning. Mallinckrodt will routinely collect samples or take measurements at locations on-site, site boundaries, and off-site, to determine the extent of environmental discharges during remediation. Environmental sampling stations will collect continuous samples during demolition and decontamination activities to verify that there are no significant adverse impacts to workers or the public. NRC staff will evaluate implementation of the Environmental Safety Program during routine inspections to ensure that Mallinckrodt is adequately monitoring effluent releases.

Mallinckrodt has committed to minimize the production of

contaminated liquids. Phase 2 decommissioning activities will not involve the use of significant chemicals requiring treatment and disposal. Mallinckrodt expects minimal use of water for dust control during soil remediation and demolition of paved surfaces. Mallinckrodt will not generate free water during dust control. The most likely source of potentially contaminated liquids is stormwater from active remediation areas. Stormwater may contain contaminated soil particles. Soil management activities will minimize the exposure of contaminated soils to stormwater. Stormwater in active remediation areas will be collected and stored in temporary, above ground tanks. Collected water will be sampled and filtered, as necessary, to remove the solids, and analyzed to estimate the concentration in the water. The concentration will be compared with 10 CFR part 20, concentration limits, and the total inventory discharged will be calculated. All contaminated liquids will be disposed to the Metropolitan St. Louis Sewer District (MSD) following confirmation that MSD specifications for sampling, analysis, and pre-treatment have been met.

Mallinckrodt has also committed to monitor direct radiation using thermoluminescent dosimeters (TLDs). TLDs will be placed at various locations around the perimeter of the restricted area to ensure that direct radiation in unrestricted areas does not exceed the limits specified in 10 CFR 20.1301.

Mallinckrodt has established action levels for air and water effluents based on the levels provided in 10 CFR part 20, appendix B, Tables 2 and 3. The action levels for environmental air, effluent water, and sewage are 0.75, 0.6, and 0.6, of the limits, respectively. If action levels are exceeded, Mallinckrodt will take corrective actions.

The Mallinckrodt site is located in an area, which is completely developed with no pre-settlement vegetation existing. Land use within a one-mile radius from the site is a mixture of commercial, industrial, and residential. Commercial or industrial properties in the area include McKinley Iron Company, Thomas and Proetz Lumber Company, and several railroad properties. The USACE Feasibility Study states that there is no sign of federal or state designated endangered or threatened species present at the Mallinckrodt facility. The Feasibility Study also states that the Mallinckrodt facility does not contain any historic buildings. Further, available data indicate that there are no archeological sites in the area.

NRC staff previously performed an environmental justice review of the Mallinckrodt site for Phase 1 decommissioning activities. That review concluded that Phase 1 decommissioning activities would result in an insignificant risk to the public health and safety, and the human environment (see ML021230256). Because the scope of Phase 2 decommissioning activities is similar to the Phase 1 activities, no environmental justice impacts are expected from the proposed action.

Air quality and noise impacts will result from excavation and transport of waste. Mallinckrodt will use appropriate dust control measures during excavation. These activities will be sporadic in nature and short in duration, and therefore, will have minimal impact on the surrounding community and environment.

The Mallinckrodt site can be serviced by road, rail, and river barge. Interstate 70 (east and west) can be accessed within one mile from the site. Rail lines from the Chicago, Burlington and Quincy Railroad, the Norfolk and Western Railroad, and the St. Louis Terminal Railroad Association, transect the Mallinckrodt site from north to south. Any waste to be disposed of offsite will be transported from the site by rail. Mallinckrodt estimates that the volume of waste to be transported will be approximately 59,100 ft<sup>3</sup>. This volume of waste will require less than 50 rail cars over an 18-month time period. Therefore, the impact of transporting waste from the site will be insignificant.

#### *Agencies and Persons Consulted and Sources Used*

Much of the information contained in the EA was taken directly from the Mallinckrodt DP and the USACE Feasibility Study. In preparation of the Feasibility Study, USACE consulted with the U.S. Fish and Wildlife Service and the State Historic Preservation Office. Since Phase 1 decommissioning activities will be occurring at the same site where similar USACE actions are also occurring, but with a much more limited scope, NRC has utilized the input of the U.S. Fish and Wildlife Service and the State Historic Preservation Office by reference to the Feasibility Study. NRC staff provided a draft of the EA to the State of Missouri for review.

#### *Conclusion*

Radiological exposures to workers and the public will be in accordance with 10 CFR part 20 limits and will be ALARA. NRC finds that the DP contains

sufficient controls to keep potential doses to workers and the public from direct exposure, airborne material, and released effluents, below the 10 CFR part 20 dose limits. The staff also finds that the remediation alternative proposed by Mallinckrodt minimizes the potential dose to workers and members of the public, and other environmental impacts.

#### *List of References*

1. Mallinckrodt Chemical, Inc., Mallinckrodt C-T Decommissioning Project, C-T Phase II Decommissioning Plan, Revision 2, October 14, 2008, (ADAMS No. ML083150652).
2. U.S. Army Corps of Engineers, Proposed Plan for the St. Louis Downtown Site, April 1998.
3. U.S. Army Corps of Engineers, Feasibility Study for the St. Louis Downtown Site, April 1998.
4. NRC, Policy and Guidance Directive FC 83-23, "Termination of Byproduct, Source, and Special Nuclear Material Licenses," November 1983.
5. NRC, 10 CFR part 20, "Radiological Criteria for License Termination: Final Rule," July 1997.
6. NRC, Environmental Assessment Related to the Approval of the Mallinckrodt C-T Phase 2 Decommissioning Plan, for Mallinckrodt Inc., St. Louis, Missouri, June 2009, (ADAMS No. ML091960322).

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

Pursuant to 10 CFR part 51, NRC has prepared an EA related to the approval of Mallinckrodt's DP. On the basis of that EA, NRC has concluded that the proposed NRC action would not have any significant affect on the quality of the human environment and does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

Since the EA finds that the remediation of the C-T project areas of Mallinckrodt's site represents no significant risk to the public health and safety, and the human environment, NRC concludes that there are no environmental justice issues associated with the proposed remediation activities.

The aforementioned documents related to this proposed action are available for public inspection and copying at NRC's Public Document Room at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738.

**FOR FURTHER INFORMATION CONTACT:** John T. Buckley, Senior Project Manager, Reactor Decommissioning Branch, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and

Environmental Management Programs. Telephone: (301) 415-6607, e-mail: [john.buckley@nrc.gov](mailto:john.buckley@nrc.gov).

Dated at Rockville, Maryland, this 24th day of June 2010.

For the Nuclear Regulatory Commission.

**Lydia W. Chang,**

*Acting Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. 2010-16086 Filed 6-30-10; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Governors' Designees Receiving Advance Notification of Transportation of Nuclear Waste

On January 6, 1982 (47 FR 596 and 47 FR 600), the U.S. Nuclear Regulatory

Commission (NRC) published in the **Federal Register** final amendments to Title 10 of the Code of Federal Regulations (CFR) Parts 71 and 73 (effective July 6, 1982), that require advance notification to Governors or their designees by NRC licensees prior to transportation of certain shipments of nuclear waste and spent fuel. The advance notification covered in Part 73 is for spent nuclear reactor fuel shipments and the notification for Part 71 is for large quantity shipments of radioactive waste (and of spent nuclear reactor fuel not covered under the final amendment to 10 CFR Part 73).

The following list updates the names, addresses, and telephone numbers of those individuals in each State who are responsible for receiving information on nuclear waste shipments. The list will be published annually in the **Federal Register** on or about June 30, 2010, to reflect any changes in information. Current State contact information can

also be accessed throughout the year at <http://nrc-stp.ornl.gov/special/designee.pdf>.

Questions regarding this matter should be directed to Dr. Stephen N. Salomon, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, by e-mail at [Stephen.Salomon@nrc.gov](mailto:Stephen.Salomon@nrc.gov) or by telephone at 301-415-2368.

Dated at Rockville, Maryland, this 25th day of June 2010.

For the U.S. Nuclear Regulatory Commission.

**Mark Thaggard,**

*Deputy Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs.*

### INDIVIDUALS RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS

State	Part 71	Part 73
Alabama .....	Colonel J. Christopher Murphy, Director, Alabama Department of Public Safety, P.O. Box 1511, Montgomery, AL 36102-1511, (334) 242-4394, 24 hours: (334) 242-4128, Fax: (334) 242-0512.	Same.
Alaska .....	Douglas H. Dasher, PE, Alaska Monitoring and Assessment Section Manager, 610 University Avenue, Fairbanks, AK 99709, (907) 451-2172, 24 hours: (907) 457-1421, Cell: (907) 347-7779, Fax: (907) 451-5146.	Same.
Arizona .....	Aubrey V. Godwin, Director, Arizona Radiation Regulatory Agency, 4814 South 40th Street, Phoenix, AZ 85040, (602) 255-4845, ext. 222, 24 hours: (602) 223-2212, Fax: (602) 437-0705.	Same.
Arkansas .....	Bernard Beville, Radiation Control Section, Arkansas Department of Health, 4815 West Markham Street, Mail Slot #30, Little Rock, AR 72205-3867, (501) 661-2301, 24 hours: (501) 661-2136, Fax: (501) 661-2236.	Same.
California .....	Captain Steve Dowling, California Highway Patrol, Commercial Vehicle Section, 601 North 7th Street, Sacramento, CA 95811, (916) 843-3400, 24 hours: (916) 843-4199, Fax: (916) 332-3154.	Same.
Colorado .....	Captain Ron Prater, Troop 8-C, Hazardous Materials Unit, Colorado State Patrol, 15065 South Golden Road, Denver, CO 80401, (303) 273-1910, 24 hours: (303) 329-4501, Fax: (303) 273-1911.	Same.
Connecticut .....	Edward L. Wilds, Jr., PhD, Director, Radiation Division, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, (860) 424-3029, Cell: (860) 490-3211, 24 hours: (860) 424-3333, Fax: (860) 424-4065.	Same.
Delaware .....	Lewis D. Schiliro, Secretary, Department of Safety & Homeland Security, P.O. Box 818, Dover, DE 19903-0818, (302) 744-2665, 24 hours: Cell: (302) 242-9318, Fax: (302) 739-4874.	Same.
Florida .....	John A. Williamson, Environmental Administrator, Bureau of Radiation Control, Environmental Radiation Program, Department of Health, P.O. Box 680069, Orlando, FL 32868-0069, (407) 297-2096, Cell: (850) 528-4151, 24 hours: (407) 297-2095, Fax: (407) 297-2085.	Same.
Georgia .....	Captain Bruce Bugg, Region 4 Commander, Georgia Department of Public Safety, Motor Carrier Compliance Division, 317 Highway 11 SW., Monroe, GA 30655, (770) 464-1797, 24 hours: (404) 635-7200, Fax: (770) 359-5853.	Same.
Hawaii .....	Laurence K. Lau, Deputy Director for Environmental Health, Hawaii State Department of Health, P.O. Box 3378, Honolulu, HI 96813, (808) 586-4424, 24 hours: (808) 368-6004, Fax: (808) 586-4368.	Same.
	Chiyome L. Fukino, M.D., Director of Health, Hawaii State Department of Health, Same address as above, (808) 586-4410, 24 hours: (808) 368-6002, Fax: (808) 586-4368.	Same.
Idaho .....	Lieutenant William L. Reese, Deputy Commander, Idaho State Police, Commercial Vehicle Safety, Hazardous Materials, Meridian, ID 83680-0700, (208) 884-7222, 24 hours: (208) 846-7500, Fax: (208) 884-7192.	Same.