

from the environment or non-radiological effluents to the environment. Therefore, no changes or different types of non-radiological environmental impacts are expected as a result of the exemption.

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

For more detailed information regarding the environmental impacts of extended fuel burnup, please refer to NUREG/CR-6703.

The details of the NRC 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.

Environmental Impacts of the Alternatives to the Proposed Action:

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the exemption request would result in no change in current environmental impacts. The environmental impacts of the proposed exemption and this alternative 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 Related to the Operation of Byron Station, Units 1 and 2," NUREG-0848, dated April 1982.

Agencies and Persons Consulted:

In accordance with its stated policy, on February 27, 2009, the NRC staff consulted with the Illinois State official, Mr. Frank Niziolek of the Illinois Emergency Management Agency, 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 staff concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC staff 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 dated March 24, 2008 (ADAMS Accession No. ML080850235). Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 1555 Rockville Pike, Rockville, Maryland 20852. Publicly available records will be accessible electronically from the 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@nrc.gov.

Dated at Rockville, Maryland, this 23rd day of April 2009.

For The Nuclear Regulatory Commission
Christopher Gratton,
*Senior Project Manager, Plant Licensing
Branch III-2, Division of Operating Reactor
Licensing, Office of Nuclear Reactor
Regulation.*

[FR Doc. E9-9950 Filed 4-29-09; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030-32694; NRC-2009-0183]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for Amendment of Byproduct Materials License No. 24-00513-38, for Unrestricted Release of Facilities at University of Missouri in St. Louis, MO

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of environmental assessment and finding of no significant impact for license amendment.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend Byproduct Materials License No. 24-00513-38. This license is held by the Curators of the University of Missouri (the Licensee) for its facilities located at 8001 Natural Bridge Road, St. Louis, Missouri. Issuance of the amendment would authorize release of certain laboratories, designated by the licensee as R-109, R-201, R-411, R-412, R-417, R-433, R-435, R-439, and S-466 (collectively, the "Facility"), for unrestricted use. The Facility is located at the above address. The Licensee requested this action in letter dated February 10, 2009 (ADAMS Accession

No. ML090480210). 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 10, 2009, license amendment request, resulting in the release of the Facility for unrestricted use (the criteria for unrestricted use is set forth in 10 CFR 20.1402). The applicable NRC decommissioning regulation, under which this proposed action would be carried out, is 10 CFR 30.36. License No. 24-00513-38 was issued on August 21, 1992, 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 metabolic labeling and in-vitro experiments. The licensee ceased using licensed materials in the Facility in 2008. The Licensee has conducted radiological surveys of the Facility (the licensee conducted surveys for laboratories R-109 and R-201 in 2007, and conducted surveys for the remainder of the laboratories in 2008). The results of these surveys were provided to the NRC to demonstrate that the criteria in 10 FR 20.1402 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, molybdenum-99, iodine-125, and cesium-137. Prior to performing the radiological surveys, the Licensee conducted decontamination activities, as necessary, in the areas of the Facility affected by these radionuclides.

Three radiological survey reports, together covering all areas of the facility, were attached to the licensee's amendment request dated February 10,

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 1 (ML020380209) as the radionuclide-specific derived concentration guideline levels (DCGLs) ¹. These values provide acceptable levels of surface contamination to demonstrate compliance with the NRC requirements in 10 CFR 20.1402 for unrestricted release. The Licensee's 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 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 applicable NRC regulations. 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.

¹ The survey for laboratories R-109 and R-201 relied upon the screening values set forth in NRC Regulatory Guide (RG) 1.86, "Termination of Operating Licenses for Nuclear Reactor," (June 1974). The RG 1.86 screening values are more conservative than, and as such are bound by, the screening values in NUREG-1757.

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 deny 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 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 Environmental Assessment to the Missouri Department of Health and Senior Services for review on March 31, 2009. By response dated April 1, 2009, the State agreed with the conclusions of the EA, and otherwise provided no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect any listed species or critical habitat. Therefore, no 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 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. Steven D. Struck, Curators of the University of Missouri, letter dated February 10, 2009 (ADAMS Accession No. ML091120616);

2. 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" (ML042310492, ML042320379, and ML042330385);

5. NUREG-1757, A Consolidated Decommissioning Guidance@ (ML020380209).

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. 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 23rd day of April 2009.

For the Nuclear Regulatory Commission.

William G. Snell,

Acting Branch Chief, Materials Control, ISFSI, and Decommissioning Branch, Division of Nuclear Materials Safety, Region III.

[FR Doc. E9-9946 Filed 4-29-09; 8:45 am]

BILLING CODE 7590-01-P