

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.

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 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 Michigan Department of Environmental Quality for review on January 7, 2009. By response dated January 15, 2008, 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 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. Kimberly A. Kulpanowski, U.S. Department of Commerce, letter dated November 24, 2008 (ADAMS Accession No. ML083310295);

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;"

5. NUREG-1757, "Consolidated Decommissioning Guidance."

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 6th day of February 2009.

For the Nuclear Regulatory Commission.

Christine Lipa,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 70-27; NRC-2008-0428]

Notice Issuance of License Amendment To Transfer the Control of Special Nuclear Materials License No. SNM-42

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of license transfer and issuance of conforming amendment.

FOR FURTHER INFORMATION CONTACT:

Amy M. Snyder, Senior Project Manager, Fuel Manufacturing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop EBB2C40M, Washington, DC 20555-0001, Telephone: (301) 492-3225; fax number: (301) 492-5539; e-mail: amy.synder@nrc.gov.

Pursuant to Title 10 of the Code of Federal Regulations (10 CFR), Section 2.106, the U.S. Nuclear Regulatory Commission (NRC) is providing notice that Special Nuclear Materials (SNM) License No. SNM-42 has been transferred from BWX Technologies (BWXT) to Babcock & Wilcox Nuclear Operations Group (B&W NOG). The licensed activities will continue to be

performed at the B&W NOG facilities in Lynchburg, Virginia. The 2007 request for the then-proposed license transfer was previously noticed in the **Federal Register** on Friday, August 1, 2008; 73 FR 45089, with a notice of an opportunity to request a hearing. No hearing requests were submitted.

On November 12, 2008, the NRC issued an Order approving the proposed license transfer. This order was accompanied by a Safety Evaluation Report (SER) documenting the basis for

the license transfer approval, and a license amendment. This license amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and NRC's rules and regulations as set forth in 10 CFR Chapter 1. The license was transferred from BWXT to B&W NOG on January 11, 2009.

Further Information

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," details with

respect to this action, including the SER and accompanying documentation included in the license Amendment package, are available electronically, at NRC's Electronic Reading Room, at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for documents related to this action are:

Documents	ADAMS Accession No.
November 14, 2007: Initial Application	ML080920759
December 7, 2007: Request for Additional Information (RAI) Request I	ML073340643
December 10, 2007: RAI Response I	ML073460400
December 17, 2007: Meeting Minutes	ML080090688
January 7, 2008: Application Supplement	ML080160257
January 7, 2008: Application Supplement	ML080160149
January 11, 2008: Application Supplement	ML080230599
February 1, 2008: RAI Request II	ML080280551
February 1, 2008: Proprietary Determination I	ML080150394
February 15, 2008: RAI Response II	ML080920674
February 29, 2008: Response to Proprietary Determination	ML080640268
March 19, 2008: Application Acceptance	ML080710555
March 31, 2008: Proprietary Determination II	ML080790072
April 24, 2008: RAI Request III	ML081050308
June 27, 2008: Response to RAI Request III	ML082810598
October 29, 2008: SER	ML082600362
Application supplements via e-mails	ADAMS Accession No.
December 12, 2007	ML081190572
December 12, 2007	ML081190669
December 12, 2007	ML081190672
December 13, 2007	ML081190671
December 13, 2007	ML081190670
January 9, 2008	ML081190624
January 14, 2008	ML081190661
March 13, 2008	ML081190657
August 19, 2008; Response to NRC questions	ML082690414
August 26, 2008: NRC Additional Questions	ML082690283
September 5, 2008: Response to NRC Questions	ML082690224
Miscellaneous	ADAMS Accession No.
July 17, 2008: FEDERAL REGISTER notice	ML073511429
September 23, 2008: Environmental Assessment State Consultation	ML083010195
November 12, 2008: Order approving Transfer with SER	ML082910211
January 9, 2009: Extension of Order	ML083530787

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.

These documents may also be viewed electronically on the public computers located at 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 Rockville, Maryland, this 10th day of February, 2009.

For the U.S. Nuclear Regulatory Commission.

Peter Habighorst,

Branch Chief, Office of Nuclear Material Safety and Safeguards, Division of Fuel Cycle Safety and Safeguards.

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NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on March 5-7, 2009, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published