

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 State of Connecticut Department of Environmental Protection's Division of Radiation for review on September 16, 2008. On October 7, 2008, the State of Connecticut Department of Environmental Protection's Division of Radiation responded by e-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 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]. Licensee's letter dated April 16, 2008 (ML081150270);

[2]. Licensee's letter dated May 15, 2008 (ML081480490);

[3]. NUREG-1757, "Consolidated NMSS Decommissioning Guidance;"

[4]. Title 10 Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination;"

[5]. Title 10, Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;" and

[6]. 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 pdrc@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 NRC Region I at 475 Allendale Road, King of Prussia, PA this 18th day of December.

For the Nuclear Regulatory Commission.

James P. Dwyer,

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

[FR Doc. E8-30944 Filed 12-29-08; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-362]

Southern California Edison Company; San Onofre Nuclear Generating Station, Unit 3, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the *Code of Federal Regulations* (10 CFR) Part 74, Section 74.19(c), for Facility Operating License No. NPF-15, issued to Southern California Edison Company (SCE, the licensee), for operation of the San Onofre Nuclear Generating Station (SONGS), Unit 3, located in San Diego County, California. Therefore, as required by 10 CFR 51.21,

the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action:

The regulation 10 CFR 74.19(c) states, "Other than licensees subject to Sections 74.31, 74.33, 74.41, or 74.51, each licensee who is authorized to possess special nuclear material, at any one time and site location, in a quantity greater than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, shall conduct a physical inventory of all special nuclear material in its possession under license at intervals not to exceed 12 months."

By application dated January 14, 2008, the licensee requested an exemption from certain recordkeeping requirements in Section 74.19(c) for SONGS Unit 3. The exemption would allow SCE to deviate from the physical inventory requirements for 12 irradiated fission chambers removed from SONGS 3 in 1995 and in storage at the plant.

The Need for the Proposed Action:

The proposed action would allow the licensee to not have to perform physical inventory of the 12 irradiated fission chambers that are stored in the plant.

The licensee pointed out that the as low as is reasonably achievable (ALARA) requirement in 10 CFR Part 20, "Standards for protection against radiation," requires " * * * making every reasonable effort to maintain exposures to radiation as far below the dose limits in this part as is practical consistent with the purpose for which the licensed activity is undertaken, * * * " This request for an exemption from the physical inventory requirements of 10 CFR 74.19(c) would relieve SCE of significant and unnecessary personnel exposures with no decrease in quality and safety.

Environmental Impacts of the Proposed Action:

NRC completed its safety evaluation of the proposed action and concludes that the exempting the licensee from performing a physical inventory of the 12 irradiated fission chambers in the plant is acceptable.

The details of the 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.

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 off site. There is no significant increase in the amount of any effluent released off site. 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 a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. 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 (*i.e.*, the “no-action” alternative). 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 SONGS Units 2 and 3 dated May 12, 1981.

Agencies and Persons Consulted:

In accordance with its stated policy, on October 22, 2008, the staff consulted with the California State official, Roger Lupo of the Radiologic Health Branch of the California Department of Public Health, 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.

The licensee requested that the application be withheld from public disclosure, in accordance with 10 CFR 2.390, because it contained sensitive security-related information. The NRC staff agrees that the licensee’s application dated January 14, 2008, contains security-related information and should be withheld in its entirety. Therefore, no further details with respect to the proposed action are publicly available.

Dated at Rockville, Maryland, this 18th day of December 2008.

For the Nuclear Regulatory Commission.

Nageswaran Kalyanam,

*Project Manager, Plant Licensing Branch IV,
Division of Operating Reactor Licensing,
Office of Nuclear Reactor Regulation.*

[FR Doc. E8–30948 Filed 12–29–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–34493]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Nuclear Materials License No. 45–25402–01, for Termination of the License and Unrestricted Release of the Upstate Group, Inc., Facility in Charlottesville, VA

AGENCY: Nuclear Regulatory Commission.

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

FOR FURTHER INFORMATION CONTACT:

Thomas K. Thompson, Sr. Health Physicist, Commercial and Research & Development Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406; telephone (610) 337–5303; fax number (610) 337–5269; or by e-mail: thomas.thompson@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to byproduct materials License No. 45–25402–01. This license is held by Upstate Group, Inc. (the Licensee), for its facility located at 706 Forrest Street, Charlottesville, Virginia (the Facility). Issuance of the amendment would authorize release of the Facility for unrestricted use and termination of the NRC license. The Licensee requested this action in a letter dated January 3, 2008. 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 3, 2008, license amendment request, resulting in release of the Facility for unrestricted use and the termination of its NRC materials license. License No. 45–25402–01 was issued on October 31, 1997, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorized the Licensee to use unsealed byproduct materials for the purposes of conducting research and development activities on laboratory bench tops and in hoods.

The Facility is a two story building located in a mixed residential/commercial area. The licensee occupied approximately 12,000 square feet of space on the second floor of the building, consisting of office space and laboratories. Within the Facility, use of licensed materials was confined to Laboratories 115 and 110A.

Routine licensed activities ceased in 2002 and the licensee initiated a survey of the Facility. Based on the Licensee’s historical knowledge of the site and the conditions of the Facility, the Licensee determined that only routine decontamination activities, in accordance with the NRC-approved operating radiation safety procedures, would be required. The Licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. 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 and for license termination.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities at the Facility, and seeks the unrestricted use of its Facility and the termination of its NRC materials license. Termination of its license would end the Licensee’s obligation to pay annual license fees to the NRC.

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 in unsealed form: Hydrogen-3 and carbon-14. The Licensee conducted a final status survey in December 2006. This survey covered the areas of use at the Facility. The final status survey report was attached to the