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Dated at Rockville, Maryland, this 5th day of March, 2009.

For the Nuclear Regulatory Commission.

Andrea D. Valentin,

*Chief, Regulatory Guide Development Branch,
Division of Engineering, Office of Nuclear
Regulatory Research.*

[FR Doc. E9-5358 Filed 3-11-09; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 030-36482; NRC-2009-0108]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for Amendment of Byproduct Materials License No. 24-32439-01, for Unrestricted Release of a Facility in Creve Coeur, MO

AGENCY: Nuclear Regulatory Commission.

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

FOR FURTHER INFORMATION CONTACT:

Peter J. Lee, Ph.D., CHP, Health Physicist, Materials Control, ISFSI, and Decommissioning Branch, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois 60532; telephone: (630) 829-9870; fax number: (630) 515-1259; or by e-mail at Peter.Lee@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend Byproduct Materials License No. 24-32439-01. This license is held by the Pharmacia Corporation (the Licensee) for its facilities located at 800 North Lindbergh Boulevard, Creve Coeur, Missouri, 700 Chesterfield, St. Louis, Missouri, and 645 South Newstead Avenue, St. Louis, Missouri. Issuance of the amendment would authorize release of the Creve Coeur facility (the Facility) for unrestricted use. The Licensee requested this action in a letter dated January 15, 2009. 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 15, 2009, license amendment request, resulting in release of the Facility for unrestricted use. License No. 24-32439-01 was issued on April 8, 2004, 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 animal studies. The licensee ceased using licensed materials in the Facility in 2008. The Licensee has conducted final status surveys of the Facility. The results of these surveys along with other supporting information were provided to the NRC to demonstrate that the criteria in subpart E of 10 CFR part 20 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, calcium-45, chromium-51, and iodine-125. 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 completed final status surveys on the Facility on January 5, 2009. The surveys covered all areas of the Facility. The final status survey report was attached to the Licensee's amendment request dated January 15, 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 2 as the radionuclide-specific derived concentration guideline levels (DCGLs). These values provide acceptable levels of surface contamination to demonstrate compliance with the NRC requirements in subpart E of 10 CFR part 20 for unrestricted release. The Licensee's final status 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 final status 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 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 Missouri Department of Health and Senior Services for review on February 18, 2009. By response dated February 20, 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 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.

1. Kevin J. Sharkey, Pharmacia Corporation, letter dated January 15, 2009, (ADAMS Accession No. ML090200063);
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 2nd day of March, 2009.

For the Nuclear Regulatory Commission.

Christine Lipa,

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

[FR Doc. E9-5356 Filed 3-11-09; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC-2009-0106]

Proposed Generic Communications; Protection of Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to issue a regulatory issue summary (RIS) to remind all stakeholders of the significant changes to Title 10 of the Code of Federal Regulations 10 CFR 73.21, 73.22 and 73.23. Previously, many licensees, applicants, certificate holders, or other persons were issued Orders in the aftermath of the terrorist attacks of September 11, 2001, that required them to protect certain detailed information designated as SGI or SGI-M. Further Orders were issued by the NRC after the enactment of the Energy Policy Act of 2005 (EPA), which expanded the NRC's fingerprinting authority with respect to access to SGI. This RIS provides clarifying information of the impact of the new rule (effective date February 23, 2009).

This Federal Register notice is available through the NRC's Agencywide Documents Access and Management System (ADAMS) under accession number ML090630662.

DATES: Comment period expires April 13, 2009. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Submit written comments to the Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Mail Stop TWB 5B01M, Washington, DC 20555-0001, and cite the publication date and page number of this **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT: Robert Norman, at 301-415-2278 or by e-mail at robert.norman@nrc.gov.

SUPPLEMENTARY INFORMATION:

NRC Regulatory Issue Summary 2009-XX

Implementation of New Final Rule, Protection of Safeguards Information

Addressees

Each NRC licensee, certificate holder, applicant, or other person who produces, receives, or acquires Safeguards Information.