

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–247 and 50–286; License Nos. DPR–26 AND DPR–64]

Entergy Nuclear Operations, Inc., Entergy Nuclear Indian Point 2, Llc, Entergy Nuclear Indian Point 3, Llc; Indian Point Nuclear Generating Unit Nos. 2 and 3; Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by petition dated June 25, 2007, Friends United for Sustainable Energy (FUSE, the Petitioner) has requested that pursuant to 10 CFR 2.206, the NRC take action with regard to the Indian Point Nuclear Generating Unit Nos. 2 and 3 (Indian Point). The petition requested that the NRC issue orders, effective immediately, to suspend the Indian Point licenses until such time as the issues described in the petition can be remedied to a point of full compliance with all local, State, and Federal laws.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation (NRR). On September 4, 2007, the Petitioner was notified that its request for immediate action is denied. The Petitioner participated in a conference call with the NRR Petition Review Board (PRB) on December 21, 2007, to discuss the petition. The additional information provided by the Petitioner was considered by the PRB before making its final recommendation. By letter dated February 1, 2008, the Director accepted for review pursuant to 10 CFR 2.206 the Petitioner's concerns regarding the licensee's failure to implement the new emergency notification siren system in a timely manner and the underground leakage of contaminated water at the Indian Point facility. As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time.

A copy of the petition can be located at Agencywide Documents Access and Management Systems, Accession No. ML072140693, and is available for inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

Dated at Rockville, Maryland this 1st day of February 2008.

For the Nuclear Regulatory Commission.

J. E. Dyer,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. E8–2776 Filed 2–13–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–34325]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for Amendment of a Materials Permit in Accordance With Byproduct Materials License No. 03–23853–01VA, for Unrestricted Release of a Department of Veterans Affairs' Facility in Seattle, WA

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 a materials permit held under Byproduct Materials License No. 03–23853–01VA. The permit is held by the Department of Veterans Affairs (the Licensee), for its Puget Sound VA Health Care System facilities, located at 1660 South Columbian Way, Seattle, Washington (the Facility). Issuance of the amendment would authorize release of Waste Area 3 (described below) for unrestricted use. The Licensee requested this action in a letter dated July 5, 2007. 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 July 5, 2007, materials permit amendment request, resulting in release of Waste Area 3 for unrestricted use. License No. 03–23853–01VA was issued on March 17, 2003, pursuant to

10 CFR Parts 30 and 35, and has been amended periodically since that time. This license authorizes the Licensee to use byproduct materials at several Licensee facilities around the country, as authorized on a site-specific basis by permits issued by the Licensee's National Radiation Safety Committee. Under the license, the permits authorize the use of by-product materials for various medical and veterinary purposes, and for use in portable gauges.

The Facility is situated on a 44 acre site comprised of 20 buildings and five parking areas, and is located in a metropolitan area of Seattle, Washington which is surrounded by residential neighborhoods and commercial enterprises. Within the Facility, Waste Area 3 was constructed in 1988 as a temporary storage site for decay-in-storage radioactive waste, and was a single floor, sheet-metal enclosed structure bolted onto an 8 × 14 × 8 foot chain-link fence. The floor consisted of ¾ inch thick asphalt. The structure had no electrical, ventilation, heating system, drainage system, water, sewer, or septic. The Licensee ceased using licensed materials in Waste Area 3 on November 15, 2006, and initiated surveys and decontamination of the building. Based on the Licensee's historical knowledge of the site and the conditions within Waste Area 3, the Licensee determined that only routine decontamination activities, in accordance with their NRC-approved, operating radiation safety procedures, were 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 final status surveys of Waste Area 3 on November 17, 2006. Additional surveys were conducted on April 10, 2007, of the waste barrels that had been removed from Waste Storage Area 3 in November 2006. 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 in Waste Area 3, and seeks the unrestricted use of Waste Area 3.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted in Waste Area 3 shows that such activities involved use