

Conservation Act of 1978, Public Law 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 13, 2009. This application may be inspected by interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

**FOR FURTHER INFORMATION CONTACT:** Nadene G. Kennedy at the above address or (703) 292-7405.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

The applications received are as follows:

1. *Applicant*, Permit Application No. 2010-010, Christopher A. Linder, 6548 31st Ave., NE., Seattle, WA 98115.

#### *Activity for Which Permit Is Requested*

Enter Antarctic Specially Protected Areas. The applicant plans to enter Cape Crozier (ASPA 124) and New College Valley, Caughley Beach, Cape Bird (ASPA 116) to take still photographs, video and audio recordings to document the natural history of the South Polar Skuas nesting in these two locations near penguin rookeries.

#### *Location*

Cape Crozier (ASPA 124) and New College Valley, Caughley Beach, Cape Bird (ASPA 116).

#### *Dates*

December 1, 2009 to January 31, 2010.

**Nadene G. Kennedy,**

*Permit Officer, Office of Polar Programs.*

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**BILLING CODE 7555-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 030-34325; NRC-2009-0392]**

### **Notice of Environmental Assessment Related to the Issuance of a License Amendment to Master Materials License 03-23853-01va, for Unrestricted Release of Two Buildings at Veterans Affairs Facility in Iowa City, IA**

**AGENCY:** Nuclear Regulatory Commission.

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

#### **FOR FURTHER INFORMATION CONTACT:**

Katie Streit, 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) 829-9621; fax number: (630) 515-1259; or by e-mail at *Katherine.Streit@nrc.gov*.

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend a materials permit held under Master Byproduct Materials License No. 03-23853-01VA. The permit is held by the Department of Veterans Affairs (the Licensee), for its Veteran Affairs (VA) Medical Center located in Iowa City, Iowa. Issuance of the amendment would authorize release of Buildings 3 and 28 (the Facilities) for unrestricted use. The Licensee will continue its operation of other facilities under this permit and its master materials license. The Licensee requested this action in a letter dated March 19, 2009 (ML090910183). 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 March 19, 2009, materials permit amendment request, resulting in release of the Facilities 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 master 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 portable gauges.

Under the master materials license permit, buildings 3 and 28 were used as two research labs located at the VA Medical Center in Iowa City, IA. Building 3 is a two-story building containing 28301 gross square feet of space. Building 28 is a one-story building containing 6099 gross square feet of space. Radioactive materials were used for non-medical research starting in 1980 for Building 3 and in 1987 for Building 28. Both buildings contained research laboratories, office space, and other mechanical support areas. Building 3 additionally contained laboratory ventilation exhaust fans, chemical diffusers, and storage space. The licensee ceased licensed activities at the Facilities in the spring of 2007 and conducted a final status survey and decontamination of the facilities in August 2007.

Based on the licensee's historical knowledge of the site and the conditions of Buildings 3 and 28, 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 the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. The licensee conducted surveys of Buildings 3 and 28 and provided information to the NRC to demonstrate that Buildings 3 and 28 meet the criteria in Subpart E of 10 CFR Part 20 for unrestricted release.

### *Need for the Proposed Action*

The licensee has ceased conducting licensed activities at the facilities, and

seeks the unrestricted use of Buildings 3 and 28.

#### *Environmental Impacts of the Proposed Actions*

The historical review of the licensed research activities conducted in Buildings 3 and 28 shows that the following radionuclides with half-lives greater than 120 days were used: Hydrogen-3, Carbon-14, Sodium-22, Calcium-45, Cobalt-57, Cadmium-109, Gadolinium-151 and Gadolinium-153. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of Buildings 3 and 28 affected by these radionuclides.

The licensee conducted a final status survey during August 2007 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML090910316, ML090910669, ML090910721, ML090910727). The final status survey report was attached to the Licensee's amendment request dated March 19, 2009. The licensee elected to demonstrate compliance with the radiological criteria for unrestricted use as specified in 10 CFR 20.1402 by setting the Derived Concentration Guideline Limits (DCGLs) to the surface contamination levels in unrestricted areas as described in NUREG-1556, "Consolidated Guidance About Material Licenses" Volume 9, Appendix R, Table R.3. The licensee used the surface contamination levels in unrestricted areas to satisfy the NRC requirement in Subpart E of 10 CFR Part 20 for unrestricted use. The licensee's final status survey results were below the DCGLs 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 within Buildings 3 and 28. The NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding

the buildings. 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 the proposed release of Buildings 3 and 28 for unrestricted use is in compliance with 10 CFR 20.1402. Based on its review, the staff considered the impact of the residual radioactivity from Buildings 3 and 28 and concluded that the proposed action will not have a significant effect on the quality of the 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 Buildings 3 and 28 meet the requirements of 10 CFR 20.1402 for unrestricted use. 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 use 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*

On July 27, 2009, the NRC provided a draft of this EA to the State of Iowa, Iowa Department of Public Health, Bureau of Radiological Health. The State responded during phone conversation on August 10, 2009, and had no comment or questions regarding the EA.

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 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 image files of NRC's public documents. 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](mailto:pdr@nrc.gov). The documents related to this action are listed below, along with their ADAMS accession numbers.

1. National Health Physics Program Request for Decommissioning for Unrestricted Release of Buildings 3 & 28 for Demolition, dated March 19, 2009 (ADAMS Accession No. ML090910183).

2. Radiological Assessment of the Department of Veterans Affairs Medical Center Deconstruct Buildings 3 and 28, Iowa City, IA, Volume 1, dated August 26, 2008 (ADAMS Accession No. ML090910316).

3. Radiological Assessment of the Department of Veterans Affairs Medical Center Deconstruct Buildings 3 and 28, Iowa City, IA, Volume 2, dated August 26, 2008 (ADAMS Accession No. ML090910669).

4. Radiological Assessment of the Department of Veterans Affairs Medical Center Deconstruct Buildings 3 and 28, Iowa City, IA, Volume 3, dated August 26, 2008 (ADAMS Accession No. ML090910721).

5. Radiological Assessment of the Department of Veterans Affairs Medical Center Deconstruct Buildings 3 and 28, Iowa City, IA, Volume 4, dated August 26, 2008 (ADAMS Accession No. ML090910727).

6. Title 10 Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination."

7. Title 10 Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Function."

8. NUREG-1556, "Consolidated Guidance about Material Licenses," Volume 9.

9. 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.resource@nrc.gov](mailto:pdr.resource@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 24th day of August 2009.

For the Nuclear Regulatory Commission.

**Christine A. Lipa,**

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

[FR Doc. E9-21854 Filed 9-9-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 70-157; NRC-2009-0382]

### Notice of Opportunity To Request a Hearing for License Renewal Application From the University of Texas at Austin and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information (SUNSI) and Safeguards Information (SGI) for Contention Preparation

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of license renewal application and opportunity to request a hearing.

**DATES:** A request for a hearing must be filed by November 9, 2009.

**FOR FURTHER INFORMATION CONTACT:** Rafael L. Rodriguez, 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 EBB-2-C40M,

Washington, DC 20555-0001, Telephone: (301) 492-3111; Fax number: (301) 492-3363; e-mail: [Rafael.Rodriguez@nrc.gov](mailto:Rafael.Rodriguez@nrc.gov).

## SUPPLEMENTARY INFORMATION:

### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated December 13, 2007, an application from the University of Texas at Austin (UT or licensee) requesting renewal of its Special Nuclear Materials License No. SNM-180. License No. SNM-180 authorizes the licensee to receive title to, own, acquire, receive, possess, use, and transfer plutonium and uranium enriched up to 20% wt. The licensee will use the licensed material to supplement its training and instruction programs in the field of nuclear engineering. The licensed material will be used in the UT Nuclear Engineering Teaching Laboratory located at the University's J.J. Pickle Research Campus (formerly known as the Balcones Research Center).

An administrative review, documented in a letter to UT dated February 26, 2008, found the application acceptable to begin a formal technical review. If the NRC approves the application, SNM-180 will be renewed for a period of 10 years. However, before approving the proposed renewal, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment or Environmental Impact Statement.

### II. Opportunity To Request a Hearing

The NRC hereby provides notice that this is a proceeding on an application to renew License No. SNM-180 for the University of Texas at Austin. Any person whose interest may be affected by this proceeding and who desires to participate as a party, must file a request for a hearing and a specification of the contentions which the person seeks to have litigated in the hearing, in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). All documents filed in NRC adjudicatory proceedings, including documents filed by interested governmental entities participating under 10 CFR 2.315(c) and any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, must be filed in accordance with the E-Filing rule. The E-Filing rule requires participants to submit and

serve documents over the Internet or, in some cases, to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at [Hearing.Docket@nrc.gov](mailto:Hearing.Docket@nrc.gov), or by calling (301) 415-1677, to request: (1) A digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a digital ID certificate is available on NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m., Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID