

such fiduciary directly or indirectly controls, is controlled by, or is under common control with Old GM, New GM, the UAW, the Committee or their affiliates, (2) such fiduciary directly or indirectly receives any compensation or other consideration from Old GM, New GM, the UAW or any Committee member in his or her individual capacity in connection with any transaction contemplated in this exemption (except that an independent fiduciary may receive compensation from the Committee or the New GM VEBA Plan for services provided to the New GM VEBA Plan in connection with the transactions discussed herein if the amount or payment of such compensation is not contingent upon or in any way affected by the independent fiduciary's ultimate decision), and (3) the annual gross revenue received by the fiduciary, in any fiscal year, from Old GM, New GM, the UAW or a member of the Committee in his or her individual capacity, exceeds 3% of the fiduciary's annual gross revenue from all sources (for federal income tax purposes) for its prior tax year.

(g) The term "Modified Settlement Agreement" means The UAW Retiree Settlement Agreement between New GM and the UAW dated July 10, 2009.

(h) The term "New GM" means the company that acquired certain assets and liabilities of Old GM pursuant to the Section 363 Sale.

(i) The term "Note" means the note issued by New GM with a principal amount of \$2.5 billion.

(j) The term "New GM Plan" means the retiree medical benefits plan maintained by New GM that provides benefits to most of the same individuals as are covered by the Old GM Plan, from the date of the Section 363 Sale until the Implementation Date of the New GM VEBA Plan.

(k) The term "Old GM" means the company that remains in bankruptcy protection after the Section 363 Sale.

(l) The term "Old GM Plan" means the retiree medical benefits plan maintained by Old GM that provided benefits to, among others, those who will be covered by the New GM VEBA Plan.

(m) The term "Preferred Stock" means shares of Series A Fixed Rate Cumulative Perpetual Preferred Stock, par value \$0.01 per share, issued by New GM.

(n) The term "Section 363 Sale" means a sale under section 363 of Title 11 of the U.S. Code, by which on July 10, 2009, New GM succeeded to certain assets and liabilities of Old GM.

(o) The term "Securities" means (i) the New GM Common Stock; (ii) the

Preferred Stock; (iii) the Note; (iv) the Warrants; and (v) additional shares of New GM Common Stock acquired pursuant to exercise of the Warrants.

(p) The term "UAW" means the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America.

(q) The term "Warrants" means warrants to acquire shares of New GM Common Stock, par value \$0.01 per share, issued by New GM.

(r) The term "Verification Time Period" means: (i) With respect to all Securities other than the Note, the period beginning on the date of publication of the final exemption in the **Federal Register** and ending 60 calendar days thereafter; (ii) with respect to each payment pursuant to the Note, the period beginning on the date of the payment and ending 90 calendar days thereafter; (iii) with respect to the UAW-Related Account of the Internal VEBA, the period beginning on the date of publication of the final exemption in the **Federal Register** (or, if later, the date of the transfer of the UAW-Related Account to the New GM VEBA Plan) and ending 180 calendar days thereafter; and (iv) with respect to the Mitigation VEBA, the period beginning on the date of publication of the final exemption in the **Federal Register** and ending 60 calendar days thereafter.

(s) The term "VEBA" means the UAW General Motors Company Retiree Medical Benefits Plan (the New GM VEBA Plan) and its associated UAW Retiree Medical Benefits Trust (the VEBA Trust).

(t) The term "Registration Rights Agreement" means the Equity Registration Rights Agreement by and among New GM, the U.S. Treasury, Canada, the VEBA Trust and Old GM, entered into on July 10, 2009.

Signed at Washington, DC, this 15th day of September 2009.

Ivan Strasfeld,

*Director of Exemption Determinations,
Employee Benefits Security Administration,
U.S. Department of Labor.*

[FR Doc. E9-22485 Filed 9-17-09; 8:45 am]

BILLING CODE 4510-29-P

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meetings; Notice

The National Science Board, pursuant to NSF regulations (45 CFR Part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n-5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings for

the transaction of National Science Board business and other matters specified, as follows:

AGENCY HOLDING MEETING: National Science Board.

DATE AND TIME: Thursday, September 24, 2009, at 8 a.m.

PLACE: Columbus, Ohio, The Ohio State University, Nationwide and Ohio Farm Bureau 4H Center, Bob Evans Auditorium.

STATUS: Some portions open, some portions closed.

Open Sessions

September 24, 2009

8 a.m.–8:20 a.m.
8:20 a.m.–8:35 a.m.
8:35 a.m.–9:20 a.m.

Closed Sessions

September 24, 2009

9:35 a.m.–10:50 a.m.
10:50 a.m.–11:05 a.m.
11:05 a.m.–11:15 a.m.
11:15 a.m.–11:30 a.m.

AGENCY CONTACT: Dr. Robert E. Webber, rwebber@nsf.gov, (703) 292-7000, <http://www.nsf.gov/nsb/>.

Matters To Be Discussed

Thursday, September 24, 2009

Open Session: 8 a.m.–8:20 a.m., Bob Evans Auditorium

- National Science Board Chairman's Introduction
- The Ohio State University President's Welcome

Executive Committee

Open Session: 8:20 a.m.–8:35 a.m., Bob Evans Auditorium

- Executive Committee Chairman's Remarks
- Approval of Minutes for the May 2009 Meeting
- Discussion of Board Priorities for FY 2010
- Updates or New Business from Committee Members

Plenary Open

Open Session: 8:35 a.m.–9:20 a.m., Bob Evans Auditorium

- Approval of Plenary Open Minutes, August 2009
- Resolutions to Close Portions of December 2009 Meeting
- Chairman's Report
- Director's Report
- Open Committee Reports
- Board Member Proposal Review Process

Committee on Programs and Plans (CPP)

Closed Session: 9:35 a.m.–10:50 a.m., Bob Evans Auditorium

- Committee Chairman's Remarks
- Management and Operation of the National Astronomy and Ionosphere Center
- Design for the Deep Underground Science and Engineering Laboratory

Committee on Strategy and Budget (CSB)

- Closed Session: 10:50 a.m.–11:05 a.m., Bob Evans Auditorium
- Approval of CSB Minutes, August 9, 2009
 - Committee Chairman's Remarks
 - NSF Budget Update: FY 2011 Budget Request to OMB
 - Other Committee Business

Plenary Executive Closed

- Closed Session: 11:05 a.m.–11:15 a.m., Bob Evans Auditorium
- Approval of Plenary Executive Closed Minutes, August 2009
 - Board Member Proposal

Plenary Closed

- Closed Session: 11:15 a.m.–11:30 a.m., Bob Evans Auditorium
- Approval of Plenary Closed Minutes, August 2009
 - Awards and Agreements
 - Closed Committee Reports

Ann Ferrante,

Technical Writer/Editor.

[FR Doc. E9–22643 Filed 9–16–09; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0411; Docket No. 030–10814]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 29–02608–03 for the Unrestricted Release of the Johnson & Johnson Pharmaceutical Research and Development, LLC's Facility in Raritan, NJ

AGENCY: Nuclear Regulatory Commission.

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

FOR FURTHER INFORMATION CONTACT:

Dennis Lawyer, Health Physicist, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania; telephone 610–337–5366; fax number 610–337–5269 or by e-mail: dennis.lawyer@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. 29–02608–03. This license is held by Johnson & Johnson Pharmaceutical Research and Development, LLC (the Licensee), for its Ortho Clinical Diagnostics Facility (the Facility), located at 1001 U.S. Route #202 North in Raritan, New Jersey. Issuance of the amendment would authorize release of the Facility for unrestricted use. The Licensee requested this action in a letter dated March 27, 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 March 27, 2009, license amendment request, resulting in release of the Facility for unrestricted use. License No. 29–02608–03 was issued on April 8, 1975, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorized the Licensee to use unsealed byproduct material for purposes of conducting research and development activities on laboratory bench tops and in hoods.

The Facility is situated in a 572,000 square foot building on 66 acres of property and consists of office space, laboratories, manufacturing, and shipping areas. The Facility is located in a commercial area with some residential use nearby. Within the Facility, use of licensed materials by the licensee was confined to 1,528 square feet of laboratory space.

In February 2007, the Licensee ceased licensed activities and initiated a survey and decontamination 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 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 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.

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 the following radionuclides with half-lives greater than 120 days: Hydrogen-3 and carbon-14. 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 conducted a final status survey on May 14, 2009. This survey covered the 1,528 square feet of laboratory space. The final status survey report was attached to the Licensee's additional information letter dated May 29, 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 approach described in NUREG–1757, "Consolidated NMSS Decommissioning Guidance," Volume 2. The Licensee used the radionuclide-specific derived concentration guideline levels (DCGLs), developed there by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results were below these 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 at the Facility. The