

Licensee also considered and appropriately accounted for the dose contribution from previous site releases. The calculation was submitted in a letter dated January 14, 2009. The staff finds there were no significant environmental impacts from the use of radioactive material at the Facility. 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 Facility. The site has been impacted by arsenic contamination. The Army intends to remediate the arsenic contamination following the NRC-approved release of the facility for unrestricted use. 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 the Facility for unrestricted use and the amendment of the NRC materials license is in compliance with 10 CFR 20.1402, including the impact of residual radioactivity at previously-released site locations of use. 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 Maryland Department of the Environment for review on June 12, 2009. On June 23, 2009, the Maryland Department of the Environment's Air and Radiation Management Administration and Hazardous Waste Administration responded by electronic 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. NUREG-1757, "Consolidated NMSS Decommissioning Guidance;"
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. Final Status Survey Report, Bush River Study Area, Radioactive Waste Management Facility dated September 18, 2008 (ML082700930);

6. Final Status Survey Plan, Bush River Study Area, Radioactive Waste Management Facility dated October 2007 (ML073090556);

7. Bush River Study Area, Removal Action report for Non-Time Critical Removal Action Radioactive Waste Management Facility, Final dated January 2007 (ML071520147);

8. Department of the Army letter dated November 6, 2007, Final Status Survey Plan Revision 1 (ML073130509);

9. Department of the Army letter dated January 14, 2009 (ML090280503) with report (ML090280516);

10. ORISE Analytical Results dated August 21, 2009 (ML092510292); and

11. ORISE Analytical Results dated June 11, 2008 (ML081840212).

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 Region I, 475 Allendale Road, King of Prussia this 20th day of October 2009.

For the Nuclear Regulatory Commission.

James P. Dwyer,

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

[FR Doc. E9-25780 Filed 10-26-09; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2009-0467]

Office of New Reactors; Interim Staff Guidance on Post-Combined License Commitments

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Solicitation of public comment.

SUMMARY: The NRC is soliciting public comment on its Proposed Interim Staff

Guidance (ISG) ESP/DC/COL-ISG-015 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091671355). The purpose of this ISG is to modify and provide early site permit (ESP), design certification (DC) and combined license (COL) applicants additional clarity and guidance for the application of Section C.III.4 of Regulatory Guide (RG) 1.206. In addition, the ISG provides additional clarity to the guidance in NUREG-0800, Standard Review Plan Chapter 1.0, for NRC review of DC and COL applications. While reviewing DC and COL applications, the NRC staff determined that the guidance in Section C.III.4 of RG 1.206 on COL information items that cannot be resolved before the issuance of a license needed some additional clarification and guidance. In addition, it was determined that referring to this category of COL information items as "COL Holder" items is inappropriate. Specific guidance for determining which of the commitment types (*i.e.*, inspection, test, analysis, and acceptance criteria, license condition, and final safety analysis report commitment) was the most appropriate for these COL information items was considered necessary, along with examples for clarification, for common understanding by applicants preparing their COL applications and NRC staff reviewing these COL applications. The NRC staff issues ISGs to facilitate timely implementation of current staff guidance and to facilitate activities associated with review of applications by the Office of New Reactors. The NRC staff also intends to incorporate the approved ESP/DC/COL-ISG-015 into the next revision of RG 1.206 and related guidance documents.

DATES: Comments must be filed no later than 30 days from the date of publication of this notice in the **Federal Register**. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments may be submitted to Mr. Michael T. Lesar, Chief, Rulemaking and Directives Branch, MS TWB-05-B01M, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Members of the public are invited and encouraged to submit comments electronically to <http://www.regulations.gov>. Search on Docket ID: NRC-2009-0467 and follow the instructions for submitting comments. The NRC ADAMS provides text and image files of NRC's public documents.

These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC Public Document Room reference staff at 1-800-397-4209, 301-415-4737, or by e-mail at PDR.Resource@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Mr. William F. Burton, Chief, Rulemaking and Guidance Development Branch, Division of New Reactor Licensing, Office of the New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; at telephone 301-415-6332 or e-mail at william.burton@nrc.gov.

SUPPLEMENTARY INFORMATION: The agency posts its issued staff guidance in the agency external Web page (<http://www.nrc.gov/reading-rm/doc-collections/isg/>).

The NRC staff is issuing this notice to solicit public comments on proposed ESP/DC/COL-ISG-015. After the NRC staff considers any public comments, it will make a determination regarding proposed ESP/DC/COL-ISG-015.

Dated at Rockville, Maryland, this 20th day of October 2009.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. E9-25784 Filed 10-26-09; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Sunshine Act; Meeting Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of October 26, November 2, 9, 16, 23, 30, 2009.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of October 26, 2009

There are no meetings scheduled for the week of October 26, 2009.

Week of November 2, 2009—Tentative

Tuesday, November 3, 2009

9:25 a.m. Affirmation Session (Public Meeting) (Tentative). Duke Energy Carolinas, LLC (William States Lee III Nuclear Station, Unit 1 and 2); Tennessee Valley Authority (Bellefonte Nuclear Plant, Units 3

and 4)—Referred Rulings on Contention Admissibility (Tentative).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.
9:30 a.m. Briefing on Fire Protection Lessons Learned from Shearon Harris (Public Meeting). (Contact: Alex Klein, 301-415-2822.)

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

Week of November 9, 2009—Tentative

Tuesday, November 10, 2009

9:30 a.m. Briefing on NRC International Activities (Public Meeting). (Contact: Karen Henderson, 301-415-0202.)

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

Week of November 16, 2009—Tentative

Tuesday, November 17, 2009

9:30 a.m. Briefing on Equal Employment Opportunity (EEO) and Small Business Programs (Public Meeting). (Contact: Elva Bowden Berry, 301-415-1536.)

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

Week of November 23, 2009—Tentative

There are no meetings scheduled for the week of November 23, 2009.

Week of November 30, 2009—Tentative

Tuesday, December 4, 2009

9:30 a.m. Meeting with the Advisory Committee on Reactor Safeguards (Public Meeting). (Contact: Antonio Dias, 301-415-6805.)

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415-1292. Contact person for more information: Rochelle Baval, (301) 415-1651.

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301-492-2279, TDD: 301-415-2100, or by e-mail at rohn.brown@nrc.gov. Determinations on