

and because it is important to keep values of objects, methods of transportation and security measures confidential, pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated July 19, 1993, I have determined that the meeting would fall within exemption (4) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of views and to avoid interference with the operations of the Committee.

It is suggested that those desiring more specific information contact Advisory Committee Management Officer, Michael P. McDonald, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, or call 202/606-8322.

**Michael P. McDonald,**

*Advisory Committee Management Officer.*

[FR Doc. E9-26097 Filed 10-28-09; 8:45 am]

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## THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Meeting of National Council on the Humanities

**AGENCY:** The National Endowment for the Humanities.

**ACTION:** Notice of meeting.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that the National Council on the Humanities will meet in Washington, DC on November 12-13, 2009.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support from and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, DC. A portion of the morning and afternoon sessions on November 12-13, 2009, will not be open to the public pursuant to subsections (c)(4), (c)(6) and (c)(9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal

privacy; and information the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated July 19, 1993.

*The agenda for the sessions on November 12, 2009 will be as follows:*

#### Committee Meetings

(Open to the Public)

#### Policy Discussion

9-10:30 a.m.

Challenge Grants and Federal/State

Partnership—Room 510A

Digital Humanities and Public

Programs—Room 421

Preservation and Access—Room 415

Research Programs—Room 315

(Closed to the Public)

#### Discussion of Specific Grant

*Applications and Programs Before the Council*

10:30 a.m. until Adjourned

Challenge Grants and Federal/State

Partnership—Room 510A

Digital Humanities and Public

Programs—Room 421

Preservation and Access—Room 415

Research Programs—Room 315

The morning session of the meeting on November 13, 2009 will convene at 9 a.m., in the first floor Council Room M-09, and will be open to the public, as set out below. The agenda for the morning session will be as follows:

A. Minutes of the Previous Meeting

B. Reports

1. Introductory Remarks

2. Staff Report

3. Congressional Report

4. Budget Report

5. Reports on Policy and General Matters

a. Challenge Grants

b. Federal/State Partnership

c. Digital Humanities

d. Public Programs

e. Preservation and Access

f. Research Programs

The remainder of the proposed meeting will be given to the consideration of specific applications and will be closed to the public for the reasons stated above.

Further information about this meeting can be obtained from Michael McDonald, Advisory Committee Management Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, or by calling (202) 606-8322, TDD (202) 606-8282.

Advance notice of any special needs or accommodations is appreciated.

**Michael P. McDonald,**

*Advisory Committee Management Officer.*

[FR Doc. E9-26108 Filed 10-28-09; 8:45 am]

BILLING CODE 7536-01-P

## NUCLEAR REGULATORY COMMISSION

[NRC-2009-0475; Docket No. 030-31714]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 19-09760-02, for Termination of the License and Unrestricted Release of the Department of Health & Human Service's Facility Located in Baltimore, MD

**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](mailto: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. 19-09760-02. This license is held by the Department of Health & Human Services, National Institute on Drug Abuse (the Licensee) for its facilities located at 5500 and 5510 Nathan Shock Drive in Baltimore, Maryland (the Facility). Issuance of the amendment would authorize release of the Facility for unrestricted use and termination of the NRC license. The Licensee requested this action in a letter dated January 22, 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. 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 22, 2009, license amendment request, resulting in release of the Facility for unrestricted use and the termination of its NRC materials license. License No. 19-09760-02 was issued on July 13, 1990, 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 and animal research.

The Facility is comprised of a 110,000 square foot building and an 11,520 square foot building consisting of office space and laboratories. The Facility is located within a university campus and is surrounded by a mixed residential/commercial area. Within the Facility, use of licensed materials was confined to an area of 23,637 square feet.

On May 1, 2008, 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 and for license termination.

### *Need for the Proposed Action*

The Licensee has ceased conducting licensed activities at the Facility, and seeks the unrestricted use of its Facility and the termination of its NRC materials license. Termination of its license would end the Licensee's obligation to pay annual license fees to the NRC.

### *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, carbon-14, chlorine-36, cobalt-60,

germanium-68/gallium-68, and cadmium-109. The cobalt-60 resulted from the operation of the Facility's particle accelerator. 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 during the months of June through November 2008. This survey covered all areas affected by material usage. The final status survey report was attached to the Licensee's amendment request dated January 22, 2009. For hydrogen-3, carbon-14, chlorine-36, and cadmium-109, 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 criteria in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials, and in soils, that will satisfy the NRC requirements in subpart E of 10 CFR part 20 for unrestricted release. However, because the NRC does not have a published DCGL for germanium-68 or gallium-68, the licensee used surface DCGLs of 5000 disintegrations per minute per 100 square centimeters. This value is two or more orders of magnitude lower than the NRC's DCGLs for similar beta/gamma emitting radionuclides. The Licensee thus determined 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. However, in the case of cobalt-60, the contamination resulted from activation of structures from the operation of the Facility's particle accelerator. The Licensee developed a DCGL for volumetric contamination with cobalt-60 by conducting site-specific dose modeling using input parameters specific to the Facility. The NRC reviewed the Licensee's methodology and proposed DCGLs and concluded that the proposed DCGLs for germanium-68/gallium-68 and cobalt-60 are acceptable for use as release criteria at the Facility. 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 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 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. 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 the Facility for unrestricted use and the termination of the NRC materials license is in compliance with 10 CFR 20.1402. 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 and for license termination. 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 August 7, 2009. On September 28, 2009, the Maryland Department of the Environment 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 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. 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;" and

5. Department of Health & Human Services Termination Request dated January 22, 2009 (ML090410267).

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). 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, PA this 22nd 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. E9-26069 Filed 10-28-09; 8:45 am]

**BILLING CODE 7590-01-P**

### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289; NRC-2008-0150]

#### Exelon Generation Company, LLC, Three Mile Island Nuclear Station, Unit 1; Notice of Issuance of Renewed Facility Operating License No. DPR-50 for an Additional 20-Year Period

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued Renewed Facility Operating License No. DPR-50 to Exelon Generation Company, LLC, (licensee), the operator of the Three Mile Island Nuclear Station, Unit 1, (TMI-1). Renewed Facility Operating License No. DPR-50 authorizes operation of TMI-1 by the licensee at reactor core power levels not in excess of 2568 megawatts thermal (852 megawatts electric), in accordance with the provisions of the TMI-1 renewed license and its technical specifications. The notice also serves as the record of decision for the renewal of Facility Operating License No. DPR-50, consistent with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 51.103, "Record of Decision—General." As discussed in the final Supplemental

Environmental Impact Statement for TMI-1 (NUREG-1437, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 37, Regarding Three Mile Island Nuclear Station, Unit 1," issued June 2009), the Commission has considered a range of reasonable alternatives that included fossil fuel generation, renewable energy sources, and demand-side measures such as energy conservation. The factors considered in the record of decision appear in Supplement 37.

TMI-1 is a pressurized water reactor located 10 miles southeast of Harrisburg, Pennsylvania. The application for the renewed license complied with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. As required by the Act and the Commission's regulations in 10 CFR Chapter 1, the Commission has made appropriate findings, which are set forth in the license.

Prior public notice of the action involving the proposed issuance of the renewed license and of an opportunity for a hearing regarding the proposed issuance of the renewed license was published in the **Federal Register** on March 14, 2008 (73 FR 13923). For further details with respect to this action, see: (1) Exelon Generation Company, LLC, license renewal application for TMI-1 dated January 8, 2008, as supplemented by letters through May 31, 2009; (2) the Commission's safety evaluation report (SER) (NUREG-1928), published in October, 2009; (3) the licensee's updated safety analysis report; and (4) the Commission's final environmental impact statement (FEIS) (NUREG-1437, Supplement 37), for TMI-1 published in June 2009. These documents are available at the NRC's Public Document Room, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, and can be viewed from the NRC Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>.

Copies of Renewed Facility Operating License No. DPR-50, may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Director, Division of License Renewal. Copies of the TMI-1 SER (NUREG-1928) and the Final Environmental Impact Statement (NUREG-1437, Supplement 37) may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161 (<http://www.ntis.gov>), 703-605-6000, or Attention: Superintendent of