

The following persons have been selected to serve on the Performance Review Board of the National Endowment for the Arts:

Eileen B. Mason, Senior Deputy
Chairman

Laurence M. Baden, Deputy Chairman
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Ann Guthrie Hingston, Director of the
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Michael R. Burke, Chief Information
Officer

Sunil Iyengar, Deputy Chairman for
Research and Analysis

Murray R. Welsh,

*Director of Administrative Services, National
Endowment for the Arts.*

[FR Doc. E7-18768 Filed 9-24-07; 8:45 am]

BILLING CODE 7536-01-P

**NATIONAL TRANSPORTATION
SAFETY BOARD**

Sunshine Act Meeting

Agenda

TIME AND DATE: 9:30 a.m., Tuesday,
October 2, 2007.

PLACE: NTSB Conference Center, 429
L'Enfant Plaza, SW., Washington, DC
20594.

STATUS: The one item is open to the
public.

MATTER TO BE CONSIDERED:

775E: Aircraft Accident Report—
Runway Overrun and Collision,
Southwest Airlines (SWA) flight 1248,
Boeing 737-74H, N471WN, Chicago
Midway International Airport (MDW),
Chicago, Illinois, December 8, 2005.

NEWS MEDIA CONTACT: Telephone: (202)
314-6100.

Individuals requesting specific
accommodations should contact Chris
Bisett at (202) 314-6305 by Friday,
September 28, 2007.

The public may view the meeting via
a live or archived webcast by accessing
a link under "News & Events" on the
NTSB home page <http://www.nts.gov>.

FOR FURTHER INFORMATION CONTACT:

Vicky D'Onofrio, (202) 314-6410.

Dated: September 21, 2007.

Vicky D'Onofrio,

Federal Register Liaison Officer.

[FR Doc. 07-4733 Filed 9-21-07; 1:11 pm]

BILLING CODE 7533-01-M

**NUCLEAR REGULATORY
COMMISSION**

[Docket No. 04000341]

**Notice of Availability of Environmental
Assessment and Finding of No
Significant Impact for License
Amendment to Source Materials
License No. STC-133, for Unrestricted
Release of the Defense Logistics
Agency's Facility in Hillsborough, 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 610-337-5393; or by e-mail:
drl1@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory
Commission (NRC) is considering the
issuance of a license amendment to
Source Materials License No. STC-133.
This license is held by Defense Logistics
Agency (the Licensee). The license
authorizes the Licensee to use licensed
material at multiple sites in different
States. At issue here is the Licensee's
Defense National Stockpile Center
Somerville Depot, located at 152 U.S.
Highway Route, Hillsborough, New
Jersey (the Facility). Issuance of the
amendment would authorize release of
the Facility for unrestricted use, but
would not involve termination of the
license. The Licensee requested this
action in a letter dated January 3, 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 January 3, 2007, license
amendment request, resulting in release
of the Facility for unrestricted use in

accordance with 10 CFR 20.1402.
License No. STC-133 was issued on July
27, 1983, pursuant to 10 CFR Part 40,
and has been amended periodically
since that time. With respect to the
Facility, the license authorized the
Licensee to use unsealed source
material for purposes of storage,
sampling, repackaging, and transferring
materials.

The Facility is situated on 77 acres of
land and consists of warehouses and
office space. The Facility is located in
a mixed industrial area. Within the
Facility, use of licensed materials was
confined to a decontamination trailer
and warehouses 1, 3, and 4. The area of
use totaled approximately 50,000 square
feet.

On September 16, 2004, the Licensee
ceased licensed activities at the Facility,
and initiated a survey and
decontamination actions there. 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: natural
uranium and thorium. 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 elected to demonstrate
compliance with the radiological
criteria for unrestricted release as
specified in 10 CFR 20.1402 by
developing derived concentration
guideline levels (DCGLs) for its Facility.
The Licensee conducted site-specific
dose modeling using input parameters
specific to the Facility and a
conservative assumption that all
residual radioactivity is in equilibrium.

Federal Guidance Report Number 13 was used to modify the dose conversion factors because it is based on an improved, more realistic dosimetry model. The licensee selected adults as the critical age group as the expected future use of this facility will be industrial. Based on the type of building, railroad distribution, and truck access, there is no compelling evidence to indicate that the building will be used for anything other than industrial activities. The residual radioactivity is confined to the structures of the Facility. Since there is no land or water residual radioactivity, the building occupancy scenario may appropriately be applied to the Facility. The Facility is located in an area zoned as Economic Development which includes a variety of uses. Buildings previously sold in the area have been converted to light industrial uses. The buildings would need substantial modification to convert to residential housing. 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. The NRC reviewed the Licensee's methodology and proposed DCGLs, and concluded that the proposed DCGLs are acceptable for use as release criteria at the Facility (this approval was published October 16, 2006 in the **Federal Register** at pages 60770 through 60772).

The NRC staff conducted a survey at the Facility on July 13, 2006, and none of the staff's results exceeded the DCGLs that were later approved for use at the Facility.

The Licensee conducted a final status survey on July 11–13 and 25–27, 2006, August 2, 2006, and November 14–16, 2006 covering the areas of use as stated in the Final Status Survey Plan, dated February 2006. The final status survey results were enclosed with the Licensee's amendment request dated January 3, 2007, and an additional information letter dated February 6, 2007. The Licensee's final status survey results were below the approved DCGLs, and are thus acceptable. The static surveys showed that the average readings in all the survey units are less than the minimum detectable activity for the instrumentation used. Based on the minimum detectable activity for static measurements, the site residual activity will result in less than 5 millirem per year dose.

Based on its own survey results, and its review of the Licensee's final survey report, 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 results 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, and 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 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 40.42(d), requiring that decommissioning of source 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 State of New Jersey's Department of Environmental Protection (NJDEP) for review on February 20, 2007. By letter dated March 22, 2007, the NJDEP submitted two comments on the proposed release of the Facility for unrestricted use:

(1) The NJDEP's regulations at N.J.A.C. 7:28–12 considers unrestricted use as any use that does not require the continued use of engineering or institutional controls in order to meet established standards. The NJDEP wants the Licensee to have a deed restriction placed on the Facility property limiting future use of the site to industrial or commercial purposes.

(2) The NJDEP also wants the licensee to demonstrate that the final status survey results will meet the New Jersey release criterion of 15 millirem per year.

The NRC staff finds that the proposed action can go forward notwithstanding the NJDEP comments. Regarding the first comment, this release is unrestricted as specified in 10 CFR 20.1402 in that there are no engineering or institutional controls required in order to meet established standards. The licensee's use of the DandD computer code default values, updated with the Federal Guidance Report 13 values for dose conversion factors, required them to consider age groups other than adults. As reflected above in the impacts assessment, the NRC staff finds that, the critical group here is adult light industrial workers, because the warehouse buildings would need substantial modification to convert them to residential housing. Since the conditions at the site meet the site specific DCGL for the critical group, an unrestricted release is approved. In addition, putting the requested deed restriction into place now would not make 10 CFR 20.1403, "Criteria for license termination under restricted conditions," applicable here. While an earlier Licensee submittal (dated April 26, 2006, [ML061220479]) contained an April 17, 2006 memorandum from the headquarters of the Defense Logistics Agency indicated that the Licensee would be willing to put the requested deed restriction into place, the NRC staff finds that no deed restriction will be necessary as a prerequisite to taking the proposed action. Placing such a restriction on the property would not be consistent with unrestricted use under 10 CFR 20.1402.

Regarding the NJDEP's second comment above, the NRC staff recognizes that the State of New Jersey has established a 15 millirem per year standard (under NJDEP's regulations at N.J.A.C. 7:28-12). The NRC has previously advised the NJDEP that these regulations raise preemption concerns [ML003763858]. States are preempted from regulating NRC-licensed materials for the purposes of radiation protection unless they enter into a formal agreement with the NRC. To date, New Jersey has not done so. Moreover, as indicated above, the Licensee has developed DCGLs acceptable to the NRC which support the 25 millirem per year standard set forth in 10 CFR 20.1402, and the staff must implement these DCGLs for the purpose of evaluating the proposed action.

The NRC staff has further 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. Defense Logistics Agency, "Radiological Historical Site Assessment Report, Defense National Stockpile Center, Somerville Depot, Hillsborough, NJ" dated January 2006 [ML060730422];

6. "Final Status Survey Plan, DNSC, Somerville Depot, Hillsborough, NJ" dated February 2006 [ML060730417].

7. Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Source Materials License No. STC-133 Authorizing the Use of Site-Specific Derived Concentration Guideline Levels When Determining if Unrestricted Release Criteria Has Been Met for the Defense Logistics Agency, Defense Nuclear Supply Center Depot in Somerville, NJ" published in the **Federal Register** Volume 71, Number 199 on October 16, 2006, pages 60770 and 60772;

8. Defense Logistics Agency, Amendment Request letter dated January 3, 2007 containing the "Final Status Survey Report, DNSC, Somerville Depot, Hillsborough, NJ" dated December 2006 [ML070050120];

9. Defense Logistics Agency, Deficiency Response Letter dated February 6, 2007 [ML070380535];

10. State of New Jersey, Department of Environmental Protection Letter dated March 22, 2007 [ML070950546];

11. Defense Logistics Agency, Deficiency Response Letter dated April 26, 2006 [ML061220479];

12. Letter to the State of New Jersey Regarding Proposed Rule, Soil Remediation Standards for Radioactive Materials [ML003763858]; and

13. State of New Jersey, Department of Environmental Protection Letter dated July 20, 2006 [ML062070300].

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 18th day of September 2007.

For the Nuclear Regulatory Commission.

James P. Dwyer,

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

[FR Doc. E7-18872 Filed 9-24-07; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-482]

Wolf Creek Nuclear Operating Corporation; Wolf Creek Generating Station, Unit 1; Notice of Availability of the Draft Supplement 32 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, and Public Meeting for the License Renewal of Wolf Creek Generating Station, Unit 1

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has published a draft plant-specific supplement to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants (GEIS), NUREG-1437, regarding the renewal of operating license NPF-42 for an additional 20 years of operation for the Wolf Creek Generating Station (WCGS), Unit 1. WCGS is located in Coffey County, Kansas, approximately 75 miles southwest of Kansas City. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources.

The draft Supplement 32 to the GEIS is publicly available at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at <http://adamswebsearch.nrc.gov/dologin.htm>. The Accession Number for the draft Supplement 32 to the GEIS is ML072540026. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR reference staff by telephone at 1-800-397-4209, or 301-415-4737, or via e-mail at pdr@nrc.gov. In addition, the Coffey County Library, Burlington Branch, located at 410 Juniatta Street, Burlington, KS 66839, has agreed to make the draft supplement to the GEIS available for public inspection.

Any interested party may submit comments on the draft supplement to the GEIS for consideration by the NRC