

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 Facilities meet 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 New Jersey Bureau of Environmental Radiation for review on July 13, 2006. On July 20, 2006, New Jersey Bureau of Environmental Radiation responded by letter. 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. Amendment request dated December 5, 2005 (ML053500284);
  2. Request for Additional Information dated January 5, 2006 (ML060090118);
  3. Response dated January 25, 2006 (ML060340478);
  4. Final Status Survey Report dated March 9, 2006 (ML060800678);
  5. Request For Additional Information dated April 12, 2006 (ML061070606);
  6. Final Status Survey Report dated June 15, 2006 (ML061740168);
  7. NUREG-1757, "Consolidated NMSS Decommissioning Guidance";
  8. Title 10 Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination";
  9. Title 10, Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions";
  10. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities".
- 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 475 Allendale Road, King of Prussia, Pennsylvania this 15th day of August 2006.

For the Nuclear Regulatory Commission.

**James P. Dwyer,**

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

[FR Doc. E6-13837 Filed 8-21-06; 8:45 am]

**BILLING CODE 7590-01-P**

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 030-01183]

#### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 52-01986-04, for the Unrestricted Release of a Tree at the University of Puerto Rico's El Verde Research Station, Puerto Rico

**AGENCY:** Nuclear Regulatory Commission.

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

#### FOR FURTHER INFORMATION CONTACT:

Betsy Ullrich, Senior Health Physicist, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region 1, 475 Allendale Road, King of Prussia, Pennsylvania 19406; telephone (610)-337-5040; fax number (610)-337-5269; or by e-mail: [exu@nrc.gov](mailto:exu@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. 52-01896-04. This license is held by the University of Puerto Rico, College of Natural Sciences (the Licensee), for its University of Puerto Rico Rio Pedras Campus in San Juan, Puerto Rico and a tree at the El Verde Research Station, located in the Luquillo Forest of the Caribbean National Forest. Issuance of the amendment would authorize release of the tree at the El Verde Research Station from any further license requirements. The Licensee requested this action in a letter dated November 16, 2005. 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 NRC plans to take the proposed action 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 November 16, 2005, license amendment request and would release the tree at the El Verde Research

Station from further license requirements. License No. 52-01986-04 was issued on March 18, 1969, pursuant to 10 CFR Part 30, and has been amended periodically since that time. Amendment 13 of this license, issued June 21, 2001, authorized the Licensee to possess the tree at the El Verde Research Station that was previously authorized under License No. 52-19434-02. License No. 52-19434-02 was issued March 9, 1982, and terminated on June 21, 2001. The tree had been injected with 460 microcuries of cesium-137 (Cs-137) in 1968 during a study that was sponsored by the U. S. Atomic Energy Commission and performed by the Puerto Rico Nuclear Center at the University of Puerto Rico. The U. S. Department of Energy (DOE) decommissioned the El Verde Research Station early in the 1980's and transferred responsibility for it, including the tree, to the University of Puerto Rico.

The tree is situated in Study Area 4 of the El Verde Research Station in the Luquillo Forest. The tree is located in a remote area that is accessible only by a trail which includes steep climbs and a cable suspension bridge. The affected area extends about 5 meters from the tree, and includes surface soil and the root system in addition to the tree itself.

The Licensee has provided oversight of the tree since 1982 with assistance from the DOE. In the 1990's, DOE performed additional surveys and remediation activities in the area of the tree. Based on the Licensee's historical knowledge of the site and the conditions of the tree and its affected area, the Licensee determined that no additional decommissioning activities were required. The Licensee provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release of the tree.

#### *Need for the Proposed Action*

The Licensee seeks to remove the tree from further license requirements. Release of the tree would relieve the Licensee of requirements for maintaining fences and postings of the area for the purposes of radiation protection.

#### *Environmental Impacts of the Proposed Action*

The historical review of licensed activities conducted on the tree shows that such activities involved injection into the tree of 460 microcuries of Cs-137 in 1968. Prior to performing the final status survey, the DOE conducted decontamination activities, as necessary, in the areas of the tree

affected by Cs-137, on behalf of the Licensee.

The DOE conducted various surveys of the tree and its affected areas in the 1980's and 1990's. The survey reports were attached to the Licensee's amendment request dated November 16, 2005. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by providing the site-specific dose modeling performed by the DOE, using input parameters specific to the tree based on the results of DOE surveys. The Licensee thus determined the maximum amount of residual radioactivity on materials and soils that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release.

The NRC performed independent calculations to determine if the residual material in the tree and its affected environment would meet Subpart E of 10 CFR Part 20 for unrestricted release. 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 in the tree. The NRC staff reviewed the docket file records and the survey reports to identify any non-radiological hazards that may have impacted the environment surrounding the tree. 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 tree 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 tree 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 survey data confirmed that the tree and its affected area meet 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 Commonwealth of Puerto Rico, Puerto Rico Health Department, Radiological Health Division, for review on June 21, 2006. On July 31, 2006, the Commonwealth of Puerto Rico responded by electronic mail. The Commonwealth 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) University of Puerto Rico, Amendment request dated November 16, 2005, with supporting documents [ML053550475].

(2) Department of Energy, letter dated August 16, 1993 [ML060470455].

(3) Department of Energy, letter dated March 19, 1993 [ML060470461].

(4) NUREG-1757, "Consolidated NMSS Decommissioning Guidance;"

(5) Title 10 Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination;"

(6) Title 10, Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;"

(7) NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities"

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 King of Prussia this 15th day of August 2006.

For the Nuclear Regulatory Commission.

**James P. Dwyer,**

Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region 1.

[FR Doc. E6-13835 Filed 8-21-06; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Sunshine Federal Register Notice

**AGENCY HOLDING THE MEETINGS:** Nuclear Regulatory Commission

**DATES:** Weeks of August 21, 28; September 4, 11, 18, 25, 2006.

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

**STATUS:** Public and Closed. Matters to be Considered:

#### Week of August 21, 2006

There are no meetings scheduled for the Week of August 21, 2006.

#### Week of August 28, 2006—Tentative

There are no meetings scheduled for the Week of August 28, 2006.

#### Week of September 4, 2006—Tentative

*Wednesday, September 6, 2006*

1:50 p.m.

Affirmation Session (Public) (Tentative), a. Pa'ina Hawaii, LLC, LBP-06-4, 63 NRC 99 (2006) and LBP-06-63, NRC 409 (2006). (Tentative).

#### Week of September 11, 2006—Tentative

*Monday, September 11, 2006*

9:30 a.m.

Discussion of Security Issues (Closed—Ex. 1).

1:30 p.m.

Discussion of Security Issues (Closed—Ex. 1 & 3).

*Tuesday, September 12, 2006*

9:30 a.m.

Meeting with Organization of Agreement States (OAS) and Conference of Radiation Control Program Directors (CRCPD), (Public Meeting) (Contact: Shawn Smith, 301-415-2620).

This meeting will be webcast live at the Web address—[www.nrc.gov](http://www.nrc.gov)  
1 p.m.

Discussion of Security Issues (Closed—Ex. 1).

#### Week of September 18, 2006—Tentative

There are no meetings scheduled for the Week of September 18, 2006.

#### Week of September 25, 2006—Tentative

There are no meetings scheduled for the Week of September 25, 2006.

\* 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: Michelle Schroll, (301) 415-1662.

The NRC Commission Meeting Schedule can be found on the Internet at: [www.nrc.gov/what-we-do/policy-making/schedule.html](http://www.nrc.gov/what-we-do/policy-making/schedule.html)

#### ADDITIONAL INFORMATION:

Affirmation of (1) Pacific Gas & Elec. Co. (Diablo Canyon ISFSI), Docket No. 72-26-ISFSI "Motion by San Luis Obispo Mothers for Peace, Sierra Club, and Peg Pinard for Declaratory and Injunctive Relief with respect to Diablo Canyon ISFSI" and (2) AmerGen Energy Company, LLC (License Renewal for Oyster Creek Nuclear Generating Station) Docket No. 50-0219, Legal challenges to LBP-06-07 and LBP-06-11, tentatively scheduled on Thursday, August 17, 2006, was postponed and will be rescheduled.

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, Deborah Chan, at 301-415-7041, TDD: 301-415-2100, or by e-mail at [DLC@nrc.gov](mailto:DLC@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: August 17, 2006.

**R. Michelle Schroll,**

Office of the Secretary.

[FR Doc. 06-7089 Filed 8-18-06; 10:11 am]

BILLING CODE 7590-01-M

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of August 21, 2006:

A Closed Meeting will be held on Thursday, August 24, 2006 at 2 p.m.