

does not make restart practical. Hence, the decision to place either GDP in plant-wide shutdown condition would be made only after determining that there is inadequate safety, safeguards, or security and considering the total impact of the shutdown on safety, the environment, safeguards, and security. A NOED would not be used for noncompliances with other than certificate requirements, or for situations where the certificate holder cannot demonstrate adequate safety, safeguards, or security.

The decision to exercise enforcement discretion does not change the fact that a violation will occur nor does it imply that enforcement discretion is being exercised for any violation that may have led to the violation at issue. In each case where the NRC staff has chosen to issue a NOED, enforcement action will normally be taken for the root causes, to the extent violations were involved, that led to the noncompliance for which enforcement discretion was used. The enforcement action is intended to emphasize that licensees and certificate holders should not rely on the NRC's authority to exercise enforcement discretion as a routine substitute for compliance or for requesting a license or certificate amendment.

Finally, it is expected that the NRC staff will exercise enforcement discretion in this area infrequently. Although a plant must shut down, refueling activities may be suspended, or plant startup may be delayed, absent the exercise of enforcement discretion, the NRC staff is under no obligation to take such a step merely because it has been requested. The decision to forego enforcement is discretionary. When enforcement discretion is to be exercised, it is to be exercised only if the NRC staff is clearly satisfied that the action is warranted from a health and safety perspective.

\* \* \* \* \*

Dated at Rockville, MD, this 8th day of November, 2004.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 04-25260 Filed 11-12-04; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-34325]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Release of Facility for Unrestricted Use for the Department of Veterans Affairs Chicago Health Care System Lakeside Campus—Medical Sciences Building, Chicago, IL

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

#### FOR FURTHER INFORMATION CONTACT:

William Snell, Senior Health Physicist, Decommissioning Branch, Division of Nuclear Material Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois 60532; telephone: (630) 829-9871; fax number: (630) 515-1259; e-mail: [wgs@nrc.gov](mailto:wgs@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The Nuclear Regulatory Commission (NRC) is issuing a license amendment to Material License No. 03-23853-01VA issued to the Department of Veterans Affairs (DVA) (the licensee), to authorize release of its Chicago Health Care System, Lakeside Campus—Medical Sciences Building in Chicago, Illinois for unrestricted use, and has prepared an Environmental Assessment (EA) in support of this amendment in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this notice.

##### II. EA Summary

The purpose of the proposed amendment is to allow for the release of the licensee's Chicago, Illinois facility for unrestricted use. The DVA has occupied the Chicago Health Care System, Lakeside Campus—Medical Sciences Building since 1978, and during that period was authorized to use byproduct, source, and special nuclear material for medical diagnosis, therapy, and research. The Chicago, Illinois facility is a permittee under the DVA NRC Master Material License (MML) Number 03-23853-01VA, and on October 1, 2004, requested the NRC release the facility for unrestricted use. The approval is consistent with a March 17, 2003, Letter of Understanding (LOU) between the NRC and DVA for DVA permittees. The LOU requires the DVA

to submit for NRC review, permittee requests for the release of buildings for unrestricted use where radioactive materials with a half-life greater than 120 days were used. The DVA identified four isotopes with half-lives greater than 120 days that it used in the Medical Sciences Building: hydrogen-3, carbon-14, sodium-22, and chlorine-36. The DVA has conducted surveys of the facility and provided information to the NRC to demonstrate that the site meets the licensee termination criteria in subpart E of 10 CFR part 20 for unrestricted release.

The staff has prepared an EA in support of the proposed license amendment. Based on its review, the staff determined there were no radiological or non-radiological environmental impacts associated with the action since no radiological remediation activities were required to complete the proposed action. The staff has determined that the proposed action is administrative and/or procedural in nature and will not affect listed species or critical habitat. Likewise, NRC staff has determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties because it is an administrative and/or procedural action.

##### III. Finding of No Significant Impact

The staff has prepared an EA in support of the proposed license amendment to release the site for unrestricted use. The staff has found that the radiological environmental impacts from the proposed amendment are bounded by the impacts evaluated by NUREG-1496, Volumes 1-3, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Facilities" (ML042310492, ML042320379, and ML042330385). The staff has also found that the non-radiological impacts are not significant. On the basis of the EA, NRC has concluded that there are no significant environmental impacts from the proposed amendment and has determined not to prepare an environmental impact statement.

##### IV. Further Information

Documents related to this action, including the application for 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 ADAMS accession numbers for the documents related to this notice are: the DVA letter dated October 1, 2004 (Accession No. ML042920457); the Final Status Survey Report, VA Chicago—Lakeside Campus, Medical Sciences Building, September 9, 2004 (Accession No. ML042920463); and the EA summarized above (Accession No. ML043010491). Please note that on October 25, 2004, the NRC terminated public access to ADAMS and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public access to ADAMS. The NRC Public Documents Room is located at NRC Headquarters in Rockville, MD, and can be contacted at (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 in Lisle, Illinois, this 4th day of November 2004.

For the Nuclear Regulatory Commission,  
**Kenneth G. O'Brien**,  
 Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region III.  
 [FR Doc. 04-25258 Filed 11-12-04; 8:45 am]  
**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 155th meeting on November 16-18, 2004, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The schedule for this meeting is as follows:

#### Tuesday, November 16, 2004

- 10:30 a.m.-10:40 a.m.: Opening Statement (Open)**—The ACNW Chairman will open the meeting with brief opening remarks.
- 10:40 a.m.-11:40 a.m.: NMSS Division Directors' Semi-Annual Briefing (Open)**—The Committee will be briefed by the Director, Division of

High Level Waste Repository Safety and the Director, Division of Waste Management and Environmental Protection on recent activities of interest.

- 11:40 a.m.-12:40 p.m.: International Transportation Meetings (Open)**—The Director, SFPO will report on recent international transportation-related meetings/activities of interest.
- 2 p.m.-3 p.m.: Format and Content of the U.S. Department of Energy Yucca Mountain License Application (Open)**—The Committee will be briefed by a DOE representative on the general DOE format and content of the forthcoming DOE license application.
- 3:15 p.m.-5:15 p.m.: ACNW 2005 Action Plan (Open)**—The ACNW Committee will continue its discussion of potential topics for inclusion in its draft 2005 Action Plan.

#### Wednesday, November 17, 2004

- 8:30 a.m.-8:35 a.m.: Opening Statement (Open)**—The ACNW Chairman will make opening remarks regarding the conduct of today's sessions.
- 8:35 a.m.-10 a.m.: Working Group Planning Session (Open)**—The Committee Members will discuss potential future activities including proposed 2005 working group meetings.
- 10 a.m.-12 Noon: Preparation of ACNW Reports (Open)**—The Committee will discuss potential ACNW reports on matters discussed during this meeting. It may also discuss possible reports on matters discussed during prior meetings.

#### Thursday, November 18, 2004

- 8:30 a.m.-8:35 a.m.: Opening Remarks by the ACNW Chairman (Open)**—The Chairman will make opening remarks regarding the conduct of today's sessions.
- 8:35 a.m.-12 Noon: Miscellaneous (Open)**—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on October 18, 2004 (69 FR 61416). In accordance with these procedures, oral or written statements may be presented by members of the public. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Persons desiring to make oral statements should notify Mr. Howard J. Larson, (Telephone

(301) 415-6805), between 7:30 a.m. and 4:00 p.m. e.t., as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Howard J. Larson as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted, therefore can be obtained by contacting Mr. Howard J. Larson.

ACNW meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at [pdr@nrc.gov](mailto:pdr@nrc.gov), or by calling the PDR at 1-800-397-4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> or <http://www.nrc.gov/reading-rm/doc-collections/> (ACRS & ACNW Mtg schedules/agendas).

Video Teleconferencing service is available for observing open sessions of ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audiovisual Technician (301) 415-8066), between 7:30 a.m. and 3:45 p.m. e.t., at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: November 8, 2004.

**Andrew L. Bates**,

*Advisory Committee Management Officer.*

[FR Doc. 04-25259 Filed 11-12-04; 8:45 am]

**BILLING CODE 7590-01-P**