

received. Permits were issued on October 9, 2009 to: Carlos Gutierrez, Permit No. 2010-008; Alexander R. Simms, Permit No. 2010-009.

**Nadene G. Kennedy,**

*Permit Officer.*

[FR Doc. E9-24845 Filed 10-15-09; 8:45 am]

BILLING CODE 7555-01-P

## OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

### Proposed Information Collection; Comment Request; Application for Relocation Benefits Under the Navajo and Hopi Indian Settlement Act (as Amended)

**AGENCY:** Office of Navajo and Hopi Indian Relocation ("ONHIR").

**ACTION:** Notice.

**SUMMARY:** ONHIR, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506 (c)(2)(A)), as part of its continuing effort to reduce paperwork and reduce respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on this collection of information.

**DATES:** Written comments must be submitted on or before December 30, 2009.

*Address for Comments:* Direct all comments in writing to Diane Pratte, Chief Information Officer, ONHIR, P.O. Box KK, Flagstaff, AZ 86002 (or via the Internet at [eligibility@onhir.gov](mailto:eligibility@onhir.gov).)

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instruments and instructions should be directed to ONHIR's Paralegal Specialist Karen Glanz, at 928-779-2721 x 152, or at [eligibility@onhir.gov](mailto:eligibility@onhir.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Submitting an Application for Relocation Benefits ("Application") ONHIR Form MM#1110.9 (for Navajo individuals) or ONHIR Form MM#1110.10 (for Hopi individuals) to ONHIR is required for all persons seeking such benefits under the Navajo-Hopi Settlement Act, as amended, Public Law 93-531 *et al.*, 25 U.S.C. 640d *et seq.* ("the Act"). The eligibility requirements are detailed in 25 CFR part 700 and summarized in ONHIR Policy Memorandum No. 14 (7/27/2009 Revision), a copy of which may be requested from ONHIR or found on the ONHIR Web site ([onhir.gov](http://onhir.gov), "ONHIR Eligibility" tab.) The information is used

to determine whether an applicant is eligible for Relocation Benefits.

##### II. Method of Collection

Navajo individuals interested in applying for relocation benefits must submit a completed, signed form MM#1110.9, Application for Relocation Benefits (Navajo), to the Office of Navajo and Hopi Indian Relocation. Hopi individuals interested in applying for relocation benefits must submit a completed, signed form MM#1110.10, Application for Relocation Benefits (Hopi), to the Office of Navajo and Hopi Indian Relocation. Documents (Applications) must be signed and executed subject to the penalties for perjury. Signed documents may be hand delivered, mailed (USPS or private delivery service [FedEx, UPS]); faxed or scanned and then e-mailed.

##### III. Data

###### *Application for Relocation Benefits*

*Form Numbers:* MM #1110.9 and MM1110.10.

*Type of Review:* Regular submission.  
*Affected Public:* Enrolled members of the Navajo Nation or Hopi Tribe contemplating filing Applications for Relocation Benefits and members of their families.

*Estimated Number of Respondents:* 500.

*Proposed Frequency of Responses:* One-time only.

The time needed to complete and file an Application for Relocation Benefits will vary depending on individual circumstances. As provided in 5 CFR § 1320.3(b)(2), the information sought on the Application is information that Applicants can be assumed to have gathered and maintained in the normal course of their lives such as their age, marital status, children and employment and residence history. Consequently it is the Agency's position that the burden involved in completion of an Application would be limited to the time needed to read the Application, fill in the Application form itself and then transmit it to the Agency. The estimated average time is thirty minutes.

(1) Reviewing instructions—10 minutes;

(2) Acquiring, installing, and utilizing technology and systems—0;

(3) Adjusting the existing ways to comply with any previously applicable instructions and requirements—0;

(4) Searching data sources—5 minutes;

(5) Completing and reviewing the collection of information (form)—10 minutes;

(6) Transmitting, or otherwise disclosing the information—5 minutes.

##### IV. Request for Comments

*Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected, and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this existing information collection in use without an OMB control number; they also will become a matter of public record.

Dated: October 7, 2009.

**Lawrence A. Ruzow,**

*Alternate Certifying Officer—Attorney, ONHIR.*

[FR Doc. E9-24932 Filed 10-15-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[NRC-2009-0459; Docket No. 030-01786]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 19-00296-10, for Amendment of the License and Unrestricted Release of the Department of Health & Human Services, National Institutes of Health's Facilities in Rockville, MD

**AGENCY:** Nuclear Regulatory Commission.

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

#### FOR FURTHER INFORMATION CONTACT:

Penny Lanzisera, Senior Health Physicist, Medical Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19406; telephone (610) 337-5169; fax number (610) 337-5269; or by e-mail: [penny.lanzisera@nrc.gov](mailto:penny.lanzisera@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. 19-00296-10. This license is held by the Department of Health & Human Services, National Institutes of Health (the Licensee), for, in part, its Danac-5 Building (also called the Park-5 Building) and Danac-4 Building (also called the Flow Building). These two buildings (collectively, the Facilities) are located in close proximity to each other at 12420 Parklawn Drive and 12501 Washington Avenue in Rockville, Maryland, respectively. Issuance of the amendment would authorize release of the Facilities for unrestricted use. The Licensee requested this action in a letter dated February 5, 2009. Licensed activities at other locations under License No. 19-00296-10 will continue.

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 February 5, 2009, license amendment request, resulting in release of the Facilities for unrestricted use. License No. 19-00296-10 was issued on December 7, 1956, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorizes the Licensee to use unsealed byproduct material for purposes of conducting medical research and development activities on laboratory bench tops and in hoods.

The Facilities consist of office space and laboratories sited in two buildings, both of which are located in a commercial area. Within the Facilities, use of licensed materials was confined to 21,061 square feet in the Danac-5 Building and 26,700 square feet in the Danac-4 Building.

In 2004, the Licensee ceased licensed activities within the facilities and initiated a survey and decontamination of them. Based on the Licensee's historical knowledge of the site and the conditions of the Facilities, 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 and 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 Facilities.

In addition, a historical review of the Facilities identified that within the area subsequently occupied by the Licensee in the Danac-4 Building, Flow Laboratories, Inc. was also licensed from May 18, 1967, until May 31, 1972, to use unsealed byproduct material for purposes of conducting laboratory tracer studies on laboratory bench tops and in hoods. The license for Flow Laboratories, Inc. expired on May 31, 1972, and no surveys were then performed. However, the assessment that was conducted by the Licensee included areas previously used by Flow Laboratories, Inc. and there is no indication that such use prevents the criteria in Subpart E of 10 CFR Part 20 for unrestricted release from being met.

### *Need for the Proposed Action*

The Licensee has ceased conducting licensed activities at the Facilities, and seeks their unrestricted use.

### *Environmental Impacts of the Proposed Action*

The historical review of licensed activities conducted at the Facilities shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: hydrogen-3, carbon-14, chlorine-36, and calcium-45. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas affected by these radionuclides.

The Licensee conducted final status surveys on December 11 through 15, 2005, and in January 2009, covering all laboratories, counting rooms, hallways, animal facilities, and offices located in the Facilities. The final status survey report was attached to the Licensee's amendment request dated February 5, 2009. 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 criterion 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. 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 Licensee's 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 Facilities. 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 Facilities. 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 Facilities 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 Facilities 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 requirements of 10 CFR 20.1402 for unrestricted release are met here. 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 Maryland's Department of the Environment's Air and Radiation Management Administration and Hazardous Waste Administration for review on July 30, 2009. On August 31, 2009, the State of Maryland's Department of the Environment's Air and Radiation Management Administration and Hazardous Waste Administration responded by e-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. Letter dated February 5, 2009, requesting amendment (ML090440394);
2. Letter dated October 6, 2008, providing additional information (ML082910930);
3. Historical Assessment received July 10, 2009 (ML092110007);
4. Mercury decontamination results dated October 9, 2007 (ML092160003);
5. Document received August 24, 2009, providing additional information (ML092360695);
6. Document received August 24, 2009, providing instrument calibrations (ML092360704);
7. Document received August 24, 2009, providing instrument calibrations (ML092360751);
8. Document received August 24, 2009, providing instrument calibrations (ML092360759);
9. Document received August 24, 2009, providing instrument calibrations (ML092360764);
10. Document received August 24, 2009, providing instrument calibrations (ML092580244);
11. Document received September 1, 2009 describing survey plan (ML092510133);
12. NUREG-1757, "Consolidated NMSS Decommissioning Guidance;"
13. Title, 10 *Code of Federal Regulations*, Part 20, Subpart E, "Radiological Criteria for License Termination;"
14. Title 10, *Code of Federal Regulations*, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;" and
15. 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.resource@nrc.gov](mailto:pdr.resource@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 8th day of October 2009.

For the Nuclear Regulatory Commission.

**Pamela J. Henderson,**

*Branch Chief, Medical Branch, Division of Nuclear Materials Safety, Region I.*

[FR Doc. E9-24979 Filed 10-15-09; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[NRC-2009-0457]

### Office of New Reactors; Interim Staff Guidance on Implementation of a Seismic Margin Analysis for New Reactors Based on Probabilistic Risk Assessment

**AGENCY:** Nuclear Regulatory Commission (NRC).

**ACTION:** Solicitation of public comment.

**SUMMARY:** The NRC staff is soliciting public comment on its Proposed Interim Staff Guidance (ISG) DC/COL-ISG-020 titled "Interim Staff Guidance on Implementation of a Seismic Margin Analysis for New Reactors Based on Probabilistic Risk Assessment," "(Agencywide Documents Access and Management System (ADAMS) Accession No. ML092650342). This ISG supplements the guidance provided to the staff in Section 19.0 of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants," issued March 2007 and DC/COL-ISG-03, "Probabilistic Risk Assessment Information to Support Design Certification and Combined License Applications," dated June 11, 2008 (ADAMS Accession No. ML081430087) concerning the review of probabilistic risk assessment (PRA) information and severe accident assessments submitted to support design certification (DC) and combined license (COL) applications. The NRC staff intends to incorporate the final approved DC/COL-ISG-020 into the next revision of SRP Section 19.0 and Regulatory Guide 1.206, "Combined License Applications for Nuclear Power Plants (LWR Edition)," June 2007.

**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:** You may submit comments by any one of the following methods. Please include Docket ID: NRC-2009-