

initial costs of the units themselves. Similarly, making space for non-compliant units would also lead to significant additional costs: a change request with the shipyard at this point in construction to re-arrange interior walls and other system components in order to make space for non-compliant units would be expected to cost on the order of \$150,000—or roughly 10 times the purchase price of the steam generators themselves.

Space and weight considerations are vitally important for the ARRV to ensure the ship comes within acceptable operational limits for draft (depth from the waterline to the bottom of the keel), freeboard (height from the waterline to the main deck), and stability (the ability for the ship to right itself). Space for installation of system components was carefully considered in all aspects of the design of the ARRV. It is not possible to keep enlarging the spaces, or the vessel itself, without impacting other critical spaces or increasing total project cost. In most instances, it is far more cost-effective to purchase more expensive system components specifically designed for marine applications with size and weight limitations in mind, than to keep making the vessel larger.

The market research for availability of steam generators for the HVAC system was conducted by the shipyard during late 2010 and early 2011. A total of twenty eight (28) possible US manufacturers of commercial-grade steam generators were located. However, all of these manufacturers supplied steam generators for stationary applications in the building industry. Recognizing the special requirements involved related to the limited space and the mobile, marine operating environment, all but one declined to bid. The vendor that chose to submit a quote proposed a unit that had never been proven in a marine application and was too large to fit in the required space.

As noted in UAF's request for this exemption, the shipyard and their HVAC sub-contractor performed market research in late 2010 and early 2011 by reviewing industry publications and the Internet in order to assess whether there exists a domestic capability to provide HVAC system steam generators that meet the necessary requirements. Based on the information acquired, twenty eight (28) potential vendors were sent Request for Quotation (RFQ) packages and all were contacted either by phone or e-mail to determine suitability with regard to marine application and size. This effort reduced the list to one (1) possible US manufacturer. Technical review of the product quoted found that it had never been used in a marine

application, was twice the sized required, and was deck-mounted as opposed to bulkhead mounted.

The project's conclusion is that there are no US manufacturers who produce a suitable HVAC system steam generator that meets all of the ARRV requirements, so an exemption to the Buy American requirements is necessary.

In the absence of a domestic supplier that could provide requirements-compliant HVAC system steam generators, UAF requested that NSF issue a Section 1605 exemption determination with respect to the purchase of foreign-supplied, requirements-compliant HVAC system steam generators, so that the vessel will meet the specific design and technical requirements that, as explained above, are necessary for this vessel to be able to perform its mission successfully. Furthermore, the shipyard's market research indicated that HVAC system steam generators compliant with the ARRV's technical specifications and requirements are commercially available from foreign vendors within their standard product lines.

NSF's Division of Acquisition and Cooperative Support (DACCS) and other NSF program staff reviewed the UAF exemption request submittal, found that it was complete, and determined that sufficient technical information was provided in order for NSF to evaluate the exemption request and to conclude that an exemption is needed and should be granted.

III. Exemption

On May 25, 2011, based on the finding that no domestically produced HVAC system steam generators met all of the ARRV's technical specifications and requirements and pursuant to section 1605(b), the NSF Chief Financial Officer, in accordance with a delegation order from the Director of the agency signed on May 27, 2010, granted a limited project exemption of the Recovery Act's Buy American requirements with respect to the procurement of HVAC system steam generators.

Dated: June 14, 2011.

Lawrence Rudolph,
General Counsel.

[FR Doc. 2011-15294 Filed 6-17-11; 8:45 am]

BILLING CODE 7555-01-P

NATIONAL SCIENCE FOUNDATION

Notice of Buy American Waiver Under the American Recovery and Reinvestment Act of 2009

AGENCY: National Science Foundation (NSF).

ACTION: Notice.

SUMMARY: NSF is hereby granting a limited exemption of section 1605 of the American Recovery and Reinvestment Act of 2009 (Recovery Act), Public Law 111-5, 123 Stat. 115, 303 (2009), with respect to the purchase of the ultrasonic antifouling system that will be used in the Alaska Region Research Vessel (ARRV). An ultrasonic antifouling system prevents the harmful growth of marine organisms in the ship's sea water inlets and piping systems.

DATES: June 20, 2011.

ADDRESSES: National Science Foundation, 4201 Wilson Blvd., Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey Leithead, Division of Acquisition and Cooperative Support, 703-292-4595.

SUPPLEMENTARY INFORMATION: In accordance with section 1605(c) of the Recovery Act and section 176.80 of Title 2 of the Code of Federal Regulations, the National Science Foundation (NSF) hereby provides notice that on May 25, 2011, the NSF Chief Financial Officer, in accordance with a delegation order from the Director of the agency, granted a limited project exemption of section 1605 of the Recovery Act (Buy American provision) with respect to the ultrasonic antifouling system that will be used in the ARRV. The basis for this exemption is section 1605(b)(2) of the Recovery Act, in that an ultrasonic antifouling system of satisfactory quality is not produced in the United States in sufficient and reasonably available commercial quantities. The cost of the ultrasonic antifouling system (~\$21,000) represents less than 0.1% of the total \$148 million Recovery Act award provided toward construction of the ARRV.

I. Background

The Recovery Act appropriated \$400 million to NSF for several projects being funded by the Foundation's Major Research Equipment and Facilities Construction (MREFC) account. The ARRV is one of NSF's MREFC projects. Section 1605(a) of the Recovery Act, the Buy American provision, states that none of the funds appropriated by the Act "may be used for a project for the construction, alteration, maintenance, or

repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.”

The ARRV has been developed under a cooperative agreement awarded to the University of Alaska, Fairbanks (UAF) that began in 2007. UAF executed the shipyard contract in December 2009 and the project is proceeding toward construction. The purpose of the Recovery Act is to stimulate economic recovery in part by funding current construction projects like the ARRV that are “shovel ready” without requiring projects to revise their standards and specifications, or to restart the bidding process again.

Subsections 1605(b) and (c) of the Recovery Act authorize the head of a Federal department or agency to waive the Buy American provision if the head of the agency finds that: (1) Applying the provision would be inconsistent with the public interest; (2) the relevant goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) the inclusion of the goods produced in the United States will increase the cost of the project by more than 25 percent. If the head of the Federal department or agency waives the Buy American provision, then the head of the department or agency is required to publish a detailed justification in the Federal Register. Finally, section 1605(d) of the Recovery Act states that the Buy American provision must be applied in a manner consistent with the United States’ obligations under international agreements.

II. Finding That Relevant Goods Are Not Produced in the United States in Sufficient and Reasonably Available Quality

Installation of an ultrasonic antifouling system is included in the construction specifications of the ARRV to prevent the growth of marine organisms in the ship’s sea water inlets and piping systems. Harmful marine organisms for ships include barnacles, shellfish and grasses and are known collectively as “biofouling.” There are five inlets and piping systems on the ARRV that require protection; two that supply seawater for scientific purposes, and three that supply cooling water to the main machinery and auxiliary systems. Main machinery includes diesel engines on the generators and main electric propulsion motors. Auxiliary machinery includes fire fighting, ballast and heating ventilating and air conditioning systems. If the growth of these organisms goes un-

checked, the water flow to the machinery will decrease to the point where they will not perform as required or damage will occur as a result of overheating. Science seawater systems include uncontaminated seawater for sampling as the ship is underway, and incubator water for keeping samples at the current sea surface temperature. If the flow to the science seawater systems is reduced, or contaminated with undesirable marine growth or chemicals from a different kind of antifouling system, the data collected could be severely compromised and not meet scientific data quality requirements.

Design drivers for selecting the type of anti-fouling system used include:

1. Proven ability to control marine growth in inlets and piping
2. No chemical contamination of the seawater itself. Failure to meet either of these technical requirements would have severe negative consequences for the project with regard to nonperformance and significant added program cost.

An ultrasonic antifouling system produces low level sound waves in the water of a certain frequency that discourages marine organisms from growing in the area. Specifying such a system prevents the vessel from having to use other methods that potentially contaminate the water with biocides, such as anti-fouling paints (which generally contain copper) or other systems which inject chemicals. Both of these chemical-based methods would have a detrimental effect on the uncontaminated science seawater system by introducing chemicals that would skew the natural elements being studied and thus produce erroneous data. An ultrasonic system has zero discharges into the water and is proven technology that offers excellent protection against marine biofouling in localized areas. Use of such a system will help ensure that science samples are taken from “pure” sea water to the maximum extent possible.

The daily cost of operations for the ARRV is estimated at \$45,000 per day in 2014 dollars, or \$12.6M/year for 280 days at sea. Given that the science seawater system is employed on nearly every multi-disciplinary science cruise, the loss to science and the federal ship funding agencies could be significant if samples were found to be contaminated or otherwise compromised. A main machinery casualty from overheating could result in the loss or re-scheduling of weeks of ship time and cost hundreds of thousands of dollars in repairs.

The initial market research for availability of an ultrasonic antifouling system was done by UAF in 2009. Only

two sources were identified world-wide and none were manufactured in the U.S. As noted in UAF’s request for this exemption, the shipyard performed market research in late 2010 by reviewing industry publications and the internet in order to assess whether there exists a domestic capability to provide an ultrasonic antifouling system that meets the necessary requirements. None were found. The result of the shipyard’s independent market research remains consistent with a determination made by the UAF project team in 2009.

The project’s conclusion is there are no U.S. manufacturers who produce a suitable ultrasonic antifouling system that meets all of the ARRV requirements so an exemption to the Buy American requirements is necessary.

In the absence of a domestic supplier that could provide a requirements-compliant ultrasonic antifouling system, UAF requested that NSF issue a Section 1605 exemption determination with respect to the purchase of a foreign-supplied, requirements-compliant ultrasonic antifouling system, so that the vessel will meet the specific design and technical requirements which, as explained above, are necessary for this vessel to be able to perform its mission safely and successfully. Furthermore, the shipyard’s market research was consistent with UAF’s and indicated that an ultrasonic antifouling system compliant with the ARRV’s technical specifications and requirements is commercially available from foreign vendors within their standard product lines.

NSF’s Division of Acquisition and Cooperative Support (DACS) and other NSF program staff reviewed the UAF exemption request submittal, found that it was complete, and determined that sufficient technical information was provided in order for NSF to evaluate the exemption request and to conclude that an exemption is needed and should be granted.

III. Exemption

On May 25, 2011, based on the finding that no domestically produced ultrasonic antifouling system met all of the ARRV’s technical specifications and requirements and pursuant to section 1605(b), the NSF Chief Financial Officer, in accordance with a delegation order from the Director of the agency signed on May 27, 2010, granted a limited project exemption of the Recovery Act’s Buy American requirements with respect to the procurement of an ultrasonic antifouling system.

Dated: June 14, 2011.

Lawrence Rudolph,
General Counsel.

[FR Doc. 2011-15295 Filed 6-17-11; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2011-0135]

Interim Staff Guidance Regarding the Environmental Report for Applications To Construct and/or Operate Medical Isotope Production Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Interim staff guidance; request for public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff is requesting public comment on a proposed draft Interim Staff Guidance (ISG), NPR-ISG-2011-001, "Staff Guidance Regarding the Environmental Report for Applications to Construct and/or Operate Medical Isotope Production Facilities." This ISG provides guidance to the Environmental Review and Guidance Update Branch (RERB) of the Division of License Renewal (DLR), Office of Nuclear Reactor Regulation on the information that should be included in the Environmental Report, which is part of an application to construct and operate a medical isotope production facility. The draft ISG is located in the Agencywide Documents Access and Management System (ADAMS) ML11116A166.

DATES: Comments may be submitted by August 4, 2011. 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-2011-0135 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site <http://www.regulations.gov>. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those

persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

- **Federal rulemaking Web site:** Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2011-0135. Address questions about NRC dockets to Carol Gallagher 301-492-3668; e-mail carol.gallagher@nrc.gov.

- **Mail comments to:** Cindy K. Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Division of Administrative Services, Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by fax to RADB at 301-492-3446.

You can access publicly available documents related to this notice using the following methods:

- **NRC's Public Document Room (PDR):** The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Room O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** Publicly available documents created or received at the NRC are available online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov.

- **Federal Rulemaking Web site:** Public comments and supporting materials related to this notice can be found at <http://www.regulations.gov> by searching for documents filed under Docket ID: NRC-2011-0135.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Sloan, Project Manager, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; *telephone:* 301-415-1619, *e-mail:* Scott.Sloan@nrc.gov.

The NRC staff is issuing this notice to solicit public comments on the proposed NPR-ISG-2011-001. After the NRC staff considers any public comments, it will make a determination regarding issuance of the proposed ISG.

Dated at Rockville, Maryland, this 13th day of June 2011.

For the Nuclear Regulatory Commission.

Andrew S. Imboden,
Chief, Environmental Review and Guidance Update Branch, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2011-15227 Filed 6-17-11; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2010-0148]

Notice of Issuance of Regulatory Guide

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance and Availability of Regulatory Guide 8.4, Revision 1, "Personnel Monitoring Device—Direct-Reading Pocket Dosimeters."

FOR FURTHER INFORMATION CONTACT:

Harriet Karagiannis, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; *telephone:* 301-251-7477 or *e-mail:* Harriet.Karagiannis@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC or Commission) is issuing a revision to an existing guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

Proposed Revision 1 of Regulatory Guide (RG) 8.4, "Personnel Monitoring Device—Direct-Reading Pocket Dosimeters," was issued with a temporary identification as Draft Regulatory Guide, DG-8036 on April 9, 2010 (75 FR 18241). This guidance sets forth the NRC staff's views of acceptable methods for complying with the NRC's regulations on direct-reading pocket dosimeters; it includes specific performance standards for personnel monitoring but not for area monitoring.

The regulatory requirements for the use of personnel monitoring devices are mainly established in Title 10 of the *Code of Federal Regulations*, (CFR) part 20, "Standards for Protection Against