

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-255-LR, ASLBP No. 05-842-03-LR]

### In the Matter of Nuclear Management Company, LLC; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the *Federal Register*, 37 FR 28710 (1972), and the Commission's regulations, see 10 CFR 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

#### Nuclear Management Company, LLC (Palisades Nuclear Plant)

This proceeding concerns an August 8, 2005 request for hearing submitted jointly by the Nuclear Information and Resource Service, West Michigan Environmental Action Council, Don't Waste Michigan, the Green Party of Van Buren County, the Michigan Land Trustees, and a number of individuals in response to a June 2, 2005 notice of opportunity for hearing, 70 Fed. Reg. 33,533 (June 8, 2005), regarding a March 22, 2005, application, as supplemented on May 5, 2005, from Nuclear Management Company, LLC, (NMC) for renewal of the operating license for its Palisades Nuclear Plant. In its application, NMC requests that the operating license for its Palisades facility be extended for an additional twenty years beyond the period specified in the current license, which expires on March 24, 2011.

The Board is comprised of the following administrative judges:

Ann Marshall Young, Chair, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Dr. Anthony J. Baratta, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Dr. Nicholas G. Trikouros, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All correspondence, documents, and other materials shall be filed with the administrative judges in accordance with 10 CFR 2.302.

Issued at Rockville, Maryland, this 25th day of August, 2005.

G. Paul Bollwerk, III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. E5-4784 Filed 8-31-05; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-6622]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Pathfinder Mines Corporation, Shirley Basin Site, Carbon County, WY

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

#### FOR FURTHER INFORMATION CONTACT:

Stephen J. Cohen, Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-7182; fax number: (301) 415-5955; e-mail: [sjc7@nrc.gov](mailto:sjc7@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The Nuclear Regulatory Commission (NRC) is issuing an amendment to Materials License No. SUA-442, issued to Pathfinder Mines Corporation (the licensee), to authorize alternate concentration limits (ACLs) at its Shirley Basin site in Carbon County, WY. NRC 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 authorize ACLs for chloride, radium-226 + -228, selenium, sulfate, thorium-230, total dissolved solids (TDS), and uranium at the licensee's Shirley Basin site. Specifically, the amendment will replace current ground-water protection

standards with ACLs because reducing ground-water concentrations to meet current standards is not feasible using the current ground-water corrective action program (CAP). The Licensee will also deactivate the current CAP because approval of the ACLs will bring all ground-water constituents of concern into compliance with approved standards. The current CAP has significantly reduced concentrations of the aforementioned constituents in ground water to the extent that deactivating the CAP is not expected to impact human health, safety, and the environment.

On April 3, 2000, Pathfinder Mines Corporation requested that NRC approve the proposed amendment. The staff has prepared the EA in support of the proposed license amendment. Staff considered impacts to land use, geology and soils, water resources, ecology, meteorology, climatology, air quality, socioeconomics, historical and cultural resources, public and occupational health, and transportation. The staff found that the impacts of the proposed action were not significant because ground-water remedial actions have significantly reduced the areal extent and concentration of hazardous constituents, and considerable modeling and ground-water sampling have adequately demonstrated that residual groundwater constituent concentrations are not expected to impact human health, safety, and the environment.

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

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 as follows:

Document	ADAMS Accession No.	Date
Pathfinder Mines Corporation, license amendment request and Shirley Basin Application for Alternate Concentration Limits.	ML003701936	4/3/00

Document	ADAMS Accession No.	Date
Pathfinder Mines Corporation, Shirley Basin Application for Alternate Concentration Limits, Page Revisions for Section 1.3.	ML003721101	6/1/00
U.S. Nuclear Regulatory Commission, Request for Additional Information—Shirley Basin Application for Alternate Concentration Limits.	ML012050189	7/20/01
Pathfinder Mines Corporation, Shirley Basin Application for Alternate Concentration Limits, Response to NRC's Request for Information.	ML012530116	8/29/01
U.S. Fish and Wildlife Service response to NRC, listing the threatened, endangered, and candidate species that may exist in Carbon County, Wyoming.	ML012530146 ML022880471	9/26/02
Pathfinder Mines Corporation, Shirley Basin Application for Alternate Concentration Limits, Revisions to Section 4—Compliance Monitoring.	ML023310580	11/21/02
Wyoming Department of Environmental Quality, Classification of Groundwater, Shirley Basin Facility .....	ML030070703	1/3/03
Pathfinder Mines Corporation, First Response to September 13, 2003, Request for Additional Information—ACL Application.	ML033250352	11/14/03
Pathfinder Mines Corporation, Response to September 13, 2003, Request for Additional Information—ACL Application.	ML040350749	1/30/04
Wyoming Department of Environmental Quality, Spring Creek Stream Assessment, Draft Work Plan for Biotic Survey, Shirley Basin Site, Wyoming.	ML040920255	3/22/04
Wyoming Department of Environmental Quality, Request for Additional Information, Pathfinder Mines, Alternate Concentration Limits Application, Shirley Basin Site, Wyoming.	ML041410244	3/22/04
U.S. NRC, to Pathfinder Mines Corporation—Request for Additional Information Concerning Alternate Concentration Limits Application for the Shirley Basin, Wyoming Site.	ML043130569	11/1/04
Spring Creek Evaluation for Pathfinder Mines Corporation, Shirley Basin Mine .....	ML050280249	1/12/05
2004 Spring Creek Aquatic Study, Shirley Basin Mine Area, October 2004 .....	ML050280249	1/12/05
Wyoming Department of Environmental Quality, Response to NRC Request for Additional Information, November 1, 2004.	ML050970395	3/30/05
Wyoming Department of Environmental Quality, Biotic and Physical Survey of the Spring Creek Drainage System in the Vicinity of the Shirley Basin Mine Tailings Site, October 2004.	ML050970382	3/30/05
Environmental Assessment for Amendment to Source Materials License SUA-442 for Ground Water Alternate Concentration Limits.	ML052270503	7/31/05

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's 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 Rockville, MD, this 25th day of August 2005.

For the Nuclear Regulatory Commission.

**Robert A. Nelson,**

*Chief Uranium Processing Section, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. E5-4786 Filed 8-31-05; 8:45 am]

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## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

**SUMMARY:** In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement

Board (RRB) will publish periodic summaries of proposed data collections.

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

#### *Title and Purpose of information collection:*

*Applicant Background Survey:* New information collection.

This information collection is needed to comply with Federal laws and regulations. 5 U.S.C. Chapter 72 § 7201 establishes an anti-discrimination policy. Title VII of the Civil Rights Act of 1964, § 2000e-8 [§ 709], requires agencies to make and keep relevant records to identify unlawful employment practices. 29 CFR part 1602 allows agencies to collect data to determine if there is any adverse impact on employment practices such as recruitment or selection.

The RRB's Equal Employment Office needs to collect data to assess the impact of the agency's recruitment

processes on the hiring of minorities, women and people with disabilities. To obtain the information necessary to conduct a proper assessment, the RRB proposes the use of Form EEO-44, Applicant Background Survey, which will collect information about the racial or ethnic identity, gender and disability of applicants for RRB jobs from outside of the Federal government. Form EEO-44 will only be viewed by RRB Human Resources personnel and Equal Employment Opportunity officials. Summarized data from all external applicants for a position will be used to identify hiring barriers which limit or tends to limit employment opportunities for members of a particular sex, race, or ethnic background, or based on an individual's disability status.

The EEO-44 will contain a "Plain English" assurance that the information will be kept highly confidential and only shared with authorized RRB officials. This assurance will specifically state that the information obtained will be kept as a running tally which cannot be disaggregated into individual names, that information from the form is *not* entered into the RRB's personnel database, that the information will not be provided to selecting officials or any others who can affect the selection, or to the public, and that the forms will be destroyed after the position is filled. The information