

to recognize appropriate speeds for different road conditions and slopes, and to lower the grader blade to provide additional stopping capability; and (3) the safety of the miners will not be compromised. The petitioner asserts that the alternative braking method will provide the necessary safety for the workforce as is required in 30 CFR 75.1909(b)(6).

*Docket Number:* M-2007-005-M.

*Petitioner:* Oldcastle Industrial Minerals, 550 S. Biesecker Road, Thomasville, Pennsylvania.

*Mine:* Thomasville Mine, (MSHA I.D. No. 36-03432), located in York County, Pennsylvania.

*Regulation Affected:* 30 CFR 57.11052(d) (Refuge areas).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of compressed air cylinders and bottled water instead of using compressed air and water lines to underground refuge chambers. The petitioner states that: (1) The Thomasville Mine is a high purity, non-gas liberating limestone mine where multiple geologic deformation phases have occurred which has led to the utilization of multiple mining techniques on many different working levels within multiple underground and surface mine operations; (2) the refuge chamber will contain enough compressed air to support four (4) people for up to 2 days, which based on NIOSH figures of oxygen consumption, will require a minimum of 672 cubic feet of oxygen or 3215 cubic feet of breathable air (of which 20.9% is oxygen) supplied in compressed air tanks; and (3) since there is no source of potable water underground it will supply bottled water in the refuge chamber to provide a source of safe, clean water, which would not be the case if water lines from the pumping stations were used.

Dated: May 18, 2007.

**Patricia W. Silvey,**

*Director, Office of Standards, Regulations, and Variances.*

[FR Doc. E7-10442 Filed 5-30-07; 8:45 am]

**BILLING CODE 4510-43-P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Nixon Presidential Historical Materials: Opening of Materials

**AGENCY:** National Archives and Records Administration.

**ACTION:** Notice of opening of materials.

**SUMMARY:** This notice announces the opening of additional Nixon

presidential historical materials. Notice is hereby given that, in accordance with section 104 of Title I of the Presidential Recordings and Materials Preservation Act ("PRMPA", 44 U.S.C. 2111 note) and 1275.42 (b) of the PRMPA Regulations implementing act (36 CFR part 1275), the agency has identified, inventoried, and prepared for public access approximately 11 hours of Nixon White House tape recordings among the Nixon presidential historical materials.

**DATES:** The National Archives and Records Administration (NARA) intends to make the materials described in this notice available to the public no earlier than July 5, 2007. The exact date of the opening has yet to be determined, but public notice will be provided on the National Archives and Records Administration Web site (<http://www.archives.gov>). In accordance with 36 CFR 1275.44, any person who believes it necessary to file a claim of legal right or privilege concerning access to these materials should notify the Archivist of the United States in writing of the claimed right, privilege, or defense on or before July 2, 2007.

**ADDRESSES:** The materials will be made available to the public at the National Archives at College Park research room. The National Archives at College Park research room is located at 8601 Adelphi Road, College Park, Maryland 20740-6001.

**FOR FURTHER INFORMATION CONTACT:** Tim Naftali, Director, Nixon Presidential Materials Staff, 714-983-9121.

**SUPPLEMENTARY INFORMATION:** NARA is proposing to open approximately 165 conversations which were recorded at the Nixon White House in November 1972. These conversations total approximately 11 hours and 30 minutes of listening time. NARA is proposing to open three tapes from November 1972. They are: White House Telephone Tape 33, recorded between November 3, 1972 and November 19, 1972; White House Old Executive Office Building tape 388, recorded on November 8, 1972; and White House Oval Office tape 813, recorded on November 8, 1972. This is the eleventh opening of Nixon White House tapes since 1980. There are no transcripts for these tapes. Tape subject logs, prepared by NARA, are offered for public access as a finding aid to the tape segments and a guide for the listener. There is a separate tape log entry for each conversation. Each tape log entry includes the names of participants; date and inclusive times of each conversation; location of the conversation; and an outline of the content of the conversation.

The tape recordings will be made available in the research room at 8601 Adelphi Road, College Park, Maryland no earlier than noon on the opening date. Researchers must have a NARA researcher card, which they may obtain when they arrive at the facility. Listening stations will be available for public use on a first come, first served basis. NARA reserves the right to limit listening time in response to heavy demand.

Dated: May 24, 2007.

**Allen Weinstein,**

*Archivist of the United States.*

[FR Doc. E7-10411 Filed 5-30-07; 8:45 am]

**BILLING CODE 7515-01-P**

## OFFICE OF NATIONAL DRUG CONTROL POLICY

### Meeting of the Advisory Commission on Drug Free Communities

**AGENCY:** Office of National Drug Control Policy.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Drug-Free Communities Act, a meeting of the Advisory Commission on Drug Free Communities will be held on June 27 and 28, 2007 at the Office of National Drug Control Policy in the 5th Floor Conference Room, 750 17th Street, NW., Washington, DC. The meeting will commence at 8:30 a.m. on Wednesday, June 27th, 2007 and adjourn for the evening at 5 p.m. The meeting will reconvene at 8:30 a.m. on Thursday, June 28th, 2007 in the same location. The meeting will adjourn at 4 p.m. on Thursday, June 28th, 2007. The agenda is slated to include: Remarks by ONDCP Director John P. Walters, remarks by the DFC Program's Administrator, Jack Claypoole, and remarks by Policy Analyst Ken Shapiro. There will also be a discussion of the program's evaluation, a discussion about the reauthorization of the Drug Free Communities Program, a review of the new grant process, and an update from the Substance Abuse and Mental Health Services Administration. There will be an opportunity for public comment from 9-9:30 on Thursday, June 28th, 2007. Members of the public who wish to attend the meeting and/or make public comment should contact ShaNice Stokes, at (202) 395-6699 to arrange building access.

**FOR FURTHER INFORMATION CONTACT:** Linda V. Priebe, (202) 395-6622.

Dated: May 4, 2007.

Linda V. Priebe,

Assistant General Counsel.

[FR Doc. E7-10390 Filed 5-30-07; 8:45 am]

BILLING CODE 3180-02-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 72-26]

### Notice of Availability of Supplement to the Environmental Assessment and Draft Finding of No Significant Impact for the Diablo Canyon Independent Spent Fuel Storage Installation

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability of opportunity to provide comments.

**SUMMARY:** Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) is issuing a supplement to the Environmental Assessment (EA) for the Diablo Canyon Independent Spent Fuel Storage Installation (ISFSI) and publishing, for public comment, a draft Finding of No Significant Impact (FONSI). NRC issued the EA and initial FONSI for this action on October 24, 2003, and subsequently issued a license for the Diablo Canyon ISFSI to the Pacific Gas and Electric Company (PG&E), on March 22, 2004. The license authorizes PG&E to receive, possess, store, and transfer spent nuclear fuel and associated radioactive materials resulting from the operation of the Diablo Canyon Power Plant in an ISFSI at the site for a term of 20 years. NRC is issuing this supplement to the EA and draft FONSI in response to the June 2, 2006, decision by the United States Court of Appeals for the Ninth Circuit, *San Luis Obispo Mothers for Peace v. NRC*, 449 F.3d 1016 (9th Cir. 2006). This supplement to the EA addresses the environmental impacts from potential terrorist acts against the Diablo Canyon ISFSI.

**DATES:** The public comment period on the draft FONSI closes July 2, 2007. Written comments should be submitted as described in the **ADDRESSES** section of this notice. Comments submitted by mail should be postmarked by that date, to ensure consideration. Comments received or postmarked after that date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Members of the public are invited and encouraged to submit comments to the Chief, Rulemaking, Directives, and Editing Branch, Mail

Stop T6-D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Please note Docket No. 72-26 when submitting comments. Comments will also be accepted by e-mail, at [NRCREP@nrc.gov](mailto:NRCREP@nrc.gov) or by facsimile to (301) 492-3342, Attention: James R. Hall.

#### FOR FURTHER INFORMATION, CONTACT:

James R. Hall, Senior Project Manager, Licensing Branch, Division of Spent Fuel Storage and Transportation, Mail Stop 6003-3D-02M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 492-3319; e-mail: [jrh@nrc.gov](mailto:jrh@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

On December 21, 2001, PG&E submitted an application to NRC, requesting a site-specific license to build and operate an ISFSI, to be located on the site of the Diablo Canyon Power Plant, in San Luis Obispo County, California. In accordance with the National Environmental Policy Act (NEPA), the NRC staff issued an EA for this action on October 24, 2003, in conformance with NRC requirements specified in 10 CFR 51.21 and 51.30, and the associated guidance in NRC report NUREG-1748, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs." Based on the EA, NRC also issued a FONSI for this action on October 24, 2003, in accordance with 10 CFR 51.31 and 51.32.

On March 22, 2004, the NRC staff issued Materials License No. SNM-2511 to PG&E, pursuant to 10 CFR Part 72, authorizing PG&E to receive, possess, store, and transfer spent nuclear fuel and associated radioactive materials resulting from the operation of the Diablo Canyon Power Plant in an ISFSI at the site for a term of 20 years. PG&E has begun construction of the Diablo Canyon ISFSI and currently plans to start transferring spent fuel to the ISFSI in mid-2008.

After NRC's issuance of the license for the Diablo Canyon ISFSI, the San Luis Obispo Mothers for Peace and other parties filed suit in the United States Court of Appeals for the Ninth Circuit, asking that NRC be required to consider terrorist acts in its environmental review associated with this licensing action. In its decision of June 2, 2006, *San Luis Obispo Mothers for Peace v. NRC*, 449 F.3d 1016 (9th Cir. 2006), the Ninth Circuit held that NRC could not categorically refuse to consider the consequences of a terrorist attack under NEPA and remanded the case to NRC.

In response to the Ninth Circuit decision, the Commission issued a Memorandum and Order on February 26, 2007, directing the NRC staff to prepare a revised EA, addressing the likelihood of a terrorist attack at the Diablo Canyon ISFSI site and the potential consequences of such an attack.

The October 24, 2003, EA and FONSI, and the license and supporting documents, are available on NRC's Web site at: <http://www.nrc.gov/waste.html>, by selecting "Diablo Canyon ISFSI," in the Quick Links box. Copies are also available by contacting James R. Hall, as noted above.

##### II. Summary of Supplement to the EA for the Diablo Canyon ISFSI

In the supplement to the EA, the NRC staff has considered the potential radiological impacts of terrorist acts on the Diablo Canyon ISFSI. NRC has established requirements and has initiated several actions designed to provide high assurance that a terrorist attack would not lead to a significant radiological event at an ISFSI. These include: (1) NRC's continual evaluation of the threat environment, in coordination with the intelligence and law enforcement communities, which provides, in part, the basis for the protective measures currently required; (2) the protective measures that are in place to reduce the chance of an attack that leads to a significant release of radiation; (3) the robust design of dry cask storage systems, which provide substantial resistance to penetration; and (4) NRC security assessments of the potential consequences of terrorist attacks against ISFSIs.

The supplement to the EA describes the security measures for ISFSIs and discusses the security assessments performed by NRC, which confirmed that the existing security requirements, imposed by regulations and orders, are adequate to provide high assurance that a terrorist attack on an ISFSI will not lead to significant radiological consequences. Threat scenarios considered in the generic security assessments for ISFSIs included a large aircraft impact similar in magnitude to the attacks of September 11, 2001, and ground assaults using expanded adversary characteristics consistent with the design basis threat for radiological sabotage for nuclear power plants.

The NRC staff compared the assumptions used in the generic ISFSI security assessments to the relevant features of the Diablo Canyon ISFSI. Based on this comparison, the staff determined that the assumptions used in these generic security assessments,