

it can implement appropriate action. In addition, this information permits the Agency to assess an organization's ability to meet projected milestones and expenditures.

## II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

## III. Proposed Actions

OSHA is requesting OMB to extend its approval of the information collection requirements contained in Grantee Quarterly Progress Report. The Agency will summarize the comments submitted in response to this notice, and will include this summary in the request to OMB.

*Type of Review:* Extension of a currently approved collection.

*Title:* Grantee Quarterly Progress Report.

*OMB Number:* 1218-0100.

*Affected Public:* Not-for-profit organizations.

*Number of Respondents:* 55.

*Frequency:* Quarterly.

*Total Responses:* 55.

*Average Time per Response:* 12 hours.  
*Estimated Total Burden Hours:* 2,640 hours.

*Estimated Cost (Operation and Maintenance):* \$0.

## IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows:

- (1) Electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile; or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for this ICR (Docket No. OSHA-2007-0048). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an

electronic or a facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger or courier service, please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627).

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit comments and access the docket is available at the Web site's "User Tips" link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

## V. Authority and Signature

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 5-2002 (67 FR 65008).

Signed at Washington, DC, on May 31, 2007.

**Edwin G. Foulke, Jr.,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. E7-11045 Filed 6-7-07; 8:45 am]

**BILLING CODE 4510-26-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-08203]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 46-06377-04 for Unrestricted Release of the Department of Commerce, National Oceanic and Atmospheric Administration's Facility in Mukilteo, WA

**AGENCY:** Nuclear Regulatory Commission.

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

**FOR FURTHER INFORMATION CONTACT:** D. Blair Spitzberg, Ph.D., Chief, Fuel Cycle and Decommissioning Branch, Division of Nuclear Materials Safety, Region IV, U.S. Nuclear Regulatory Commission, Arlington, Texas 76011; telephone (817) 860-8191; fax number (817) 860-8188; or by e-mail: [dbs@nrc.gov](mailto:dbs@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Material License No. 46-06377-04. This license is held by the United States Department of Commerce, National Oceanic and Atmospheric Administration, Northwest Fisheries Science Center (the Licensee). The license authorizes the Licensee to possess and use cadmium-109, lead-210, hydrogen-3, and carbon-14 at two locations for purposes of conducting research and development activities. At one of these locations—the Licensee's field office known as the Mukilteo Research Station (the Facility) in Mukilteo, Washington—licensed activities have ceased.

By letter dated November 21, 2005, the Licensee requested the NRC to authorize release of the Facility for unrestricted use, which would result in the removal of the Facility as a location of use from the NRC license.

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 this 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 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 November 21, 2005, license amendment request, resulting in a license amendment which would release the Facility for unrestricted use. License No. 46-06377-04 was issued in the 1950's pursuant to 10 CFR part 30, and has been amended periodically since that time.

The Facility is situated on property located adjacent to Puget Sound and consists of a main research office building and several smaller support buildings in the yard. The main facility consists of laboratories and offices and is approximately 10,000 square feet (929 square meters) in size. Within the Facility, use of licensed material was confined to three specific laboratories totaling about 380 square feet (35 square meters) as well as a 350-square foot (28 square meter) portable shed located adjacent to the main research building. The Facility is located in a commercial district in Mukilteo, Washington.

The Licensee ceased licensed activities at the Facility in 1987. The licensee conducted a final status survey at the Facility in November 2004. Based on the Licensee's historical knowledge of the site and the conditions of the Facility, the Licensee determined that only routine decontamination activities, in accordance with their radiation safety procedures, were required. As allowed by Section 7.4 of NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volume 1, the Licensee was not required to submit a decommissioning plan to the NRC. The Licensee conducted surveys of the Facility and provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR part 20 for unrestricted release.

### *Need for the Proposed Action*

The Licensee has ceased licensed activities at the Facility and seeks the unrestricted use of its Facility.

### *Environmental Impacts of the Proposed Action*

The historical review of licensed activities conducted at the Facility shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: hydrogen-3, carbon-14, cadmium-109, and lead-210. Prior to performing the final status survey, the Licensee conducted decontamination activities, as

necessary, in the areas of the Facility affected by these radionuclides.

In November 2004, the licensee conducted a final status survey, which covered the three laboratories, hallways outside the laboratories, and the adjacent storage shed. The final status survey report was attached to the Licensee's amendment request dated November 21, 2005. 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 Appendix H to NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volume 2.

The Licensee used guideline levels that were comparable to the derived concentration guideline levels (DCGLs) developed 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 thus 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). Further, no incidents were recorded involving spills or releases of radioactive material at the Facility. Accordingly, there were no significant environmental impacts from the use of radioactive material at the Facility. 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 Facility. No such hazards or impacts to the environment were identified.

The NRC staff finds that the proposed release of the Facility described above for unrestricted use is in compliance with 10 CFR 20.1402. The NRC has found no other activities in the area that could result in cumulative environmental impacts. Based on its review, the staff considered the impact of the residual radioactivity at the Facility 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*

Alternatives to the proposed action discussed below are: (1) The no-action alternative; and (2) require the Licensee to take some alternate action.

1. *No-action Alternative*: As an alternative to the proposed action, the staff could 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 have ceased. Additionally, this denial of the application 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.

2. *Environmental Impacts of Alternative 2*: A second alternative to the proposed action would be to deny the Licensee's request and instead apply the 10 CFR 20.1403 criteria for restricted release of the Facility. However, restricted releases are not favored in cases where the requirements of 10 CFR 20.1402 for unrestricted release can be met, and the NRC's analysis of the Licensee's final status survey data confirmed that the Facility meets these requirements. Accordingly, the NRC finds that choosing this second alternative to the proposed action is not warranted, and this alternative is eliminated from further consideration.

### *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 Washington Department of Health for review on October 13, 2006. On January 29, 2007, the Department of Health, Division of Radiation Protection, 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 Document 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. **Federal Register** Notice, Volume 65, No. 114, page 37186, dated Tuesday, June 13, 2000, "Use of Screening Values to Demonstrate Compliance With The Federal Rule on Radiological Criteria for License Termination";

2. Title 10 Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination";

3. Title 10, Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions";

4. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities," July 1997 (ML042310492, ML042320379, and ML042330385);

5. NUREG-1757, Volume 1, "Consolidated NMSS Decommissioning Guidance," Revision 2, September 2006 (ML063000243);

6. NUREG-1757, Volume 2, "Consolidated NMSS Decommissioning Guidance," Revision 1, September 2006 (ML063000252);

7. Varanasi, Usha, U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Northwest Fisheries Science Center, License Amendment Requests, November 21, 2005 (ML053460500);

8. Byar, Ann, U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service facsimile, Supplemental Information for NOAA's Final Status Survey Report, August 2, 2006 (ML070850184); and

9. Frazee, Terry C., State of Washington email, Response to Request for Comments, January 29, 2007 (ML070800013).

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@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 Region IV Office this 31st day of May 2007.

For The Nuclear Regulatory Commission  
**D. Blair Spitzberg**,  
*Chief, Fuel Cycle and Decommissioning Branch, Division of Nuclear Materials Safety, Region IV.*

[FR Doc. E7-11107 Filed 6-7-07; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-36974]

### Notice of Availability—Consideration of Terrorist Acts on the Proposed Pa'ina Hawaii, LLC Irradiator in Honolulu, HI

**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 a recently published draft Environmental Assessment (EA) for the Pa'ina Hawaii, LLC license application, dated June 27, 2005. The draft EA was previously issued for public review and comment on December 28, 2006 (71 FR 78231) as part of the NRC's decision-making process on whether to issue a license to

Pa'ina, pursuant to Title 10 of the U.S. Code of Federal Regulations Part 36, "Licenses and Radiation Safety Requirements for Irradiators." This supplemental appendix to the draft EA presents the staff's consideration of terrorist acts at the proposed irradiator. The staff is also providing the public an opportunity to comment as described below. The draft EA and this supplement are available on the NRC's Web site: <http://www.nrc.gov/materials.html> by selecting "Pa'ina Irradiator" in the Quick Links box. Copies are also available by contacting Matthew Blevins as noted below.

**DATES:** The public comment period on this supplemental appendix to the draft EA begins with publication of this notice and continues until July 9, 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 to the extent practical.

**ADDRESSES:** Members of the public are invited and encouraged to submit comments to the Chief, Rules Review and Directives Branch, Mail Stop T6-D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Please note Docket No. 030-36974 when submitting comments. Comments will also be accepted by e-mail at [NRCREP@nrc.gov](mailto:NRCREP@nrc.gov) or by facsimile to (301) 415-5397, Attention: Matthew Blevins.

**FOR FURTHER INFORMATION CONTACT:** Matthew Blevins, Environmental Project Manager, Environmental and Performance Assessment Branch, Division of Waste Management and Environmental Protection, Mail Stop T7-J8, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-7684; e-mail: [mxb6@nrc.gov](mailto:mxb6@nrc.gov).

Dated at Rockville, Maryland this 1st day of June, 2007.

For the Nuclear Regulatory Commission.

**Gregory Suber**,  
*Chief, Environmental Review Branch, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. E7-11108 Filed 6-7-07; 8:45 am]

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