

and allows the facility to be released for unrestricted use.

#### *Environmental Impacts of the Proposed Action*

The NRC staff reviewed the information provided and surveys performed by the licensee to demonstrate that the release of the facility is consistent with the radiological criteria for unrestricted use specified in 10 CFR 20.1402. Based on its review, the staff determined that there were no radiological impacts associated with the proposed action because no radiological remediation activities were required to complete the proposed action, and that the radiological criteria for unrestricted use in § 20.1402 have been met.

Based on its review, the staff determined that the radiological environmental impacts from the proposed action for the Building L facility are bounded by the "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities" (NUREG-1496). Additionally, no non-radiological or cumulative impacts were identified. Therefore, the NRC has determined that the proposed action will not have a significant effect on the quality of the human environment.

#### *Alternatives to the Proposed Action*

The only alternative to the proposed action is to take no action. Under the no-action alternative, the licensee's facility would remain under an NRC license and would not be released for unrestricted use. Denial of the license amendment request would result in no change to current conditions at the Building L facility. The no-action alternative is not acceptable because it is inconsistent with 10 CFR 30.36, which requires licensees who have ceased licensed activities in a particular building to begin decommissioning activities or submit a decommissioning plan, which upon approval, will be used to conduct decommissioning activities. This alternative would impose an unnecessary regulatory burden in controlling access to the former Building L facility, and limit potential benefits from the future use of the facility.

#### *Conclusion*

The NRC staff 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*

The NRC staff has determined that the proposed action will not affect listed species or critical habitats. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. Likewise, the NRC staff has determined that the proposed action is not a type of activity that has potential to cause effect on historic properties. Therefore, consultation under Section 106 of the National Historic Preservation Act is not required.

The NRC consulted with Mr. Keith Henke, Planner, Division of Community and Public Health, Office of Emergency Coordination, Department of Health and Senior Services. Mr. Henke was provided the draft EA for comment on June 27, 2007. Mr. Henke responded to the NRC by e-mail on July 2, 2007, indicating that the State had no additional comments for the Aptiut, Inc. NRC Environmental Assessment for the release of the licensee's Building L.

#### **II. Finding of No Significant Impact**

On the basis of the EA in support of the proposed license amendment to release the facility for unrestricted use, the NRC has determined that the proposed action will not have a significant effect on the quality of the human environment. Thus, the NRC has not prepared an environmental impact statement for the proposed action.

#### **III. 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. 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). The documents and ADAMS accession numbers related to this notice are:

1. Pam Barton, Aptuit, Inc., letter to Kevin Null, U.S. Nuclear Regulatory Commission, January 5, 2007 (ADAMS Accession No. ML070080417).
2. Pam Barton, Aptuit, Inc., letter to Mike McCann, U.S. Nuclear Regulatory Commission, May 2, 2007

(ADAMS Accession No. ML071230265).

3. U.S. Nuclear Regulatory Commission, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs," NUREG-1748, August 2003.
4. U.S. Nuclear Regulatory Commission, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities," NUREG-1496, August 1994.
5. NRC, NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volumes 1-3, September 2003.

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 Lisle, Illinois, this 3rd day of July 2007.

For the Nuclear Regulatory Commission.

**Patrick L. Loudon,**

*Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region III.*

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**BILLING CODE 7590-01-P**

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## **OFFICE OF MANAGEMENT AND BUDGET**

### **Public Availability of Fiscal Year 2006 Agency Inventories Under the Federal Activities Inventory Reform Act**

**AGENCY:** Office of Management and Budget, Executive Office of the President.

**ACTION:** Notice of Public Availability of Agency Inventory of Activities That Are Not Inherently Governmental and of Activities That Are Inherently Governmental.

**SUMMARY:** The Federal Activities Inventory Reform (FAIR) Act, Public Law 105-270, requires agencies to develop inventories each year of activities performed by their employees that are not inherently governmental—i.e., inventories of commercial activities. The FAIR Act further requires OMB to review the inventories in consultation with the agencies and publish a notice of public availability in the **Federal Register** after the consultation process is completed. In accordance with the FAIR Act, OMB is publishing this notice to announce the availability of inventories from the agencies listed below. These inventories identify both commercial activities and activities that are inherently governmental.

This is the second release of the FAIR Act inventories for FY 2006. Interested parties who disagree with the agency's initial judgment may challenge the inclusion or the omission of an activity on the list of activities that are not

inherently governmental within 30 working days and, if not satisfied with this review, may appeal to a higher level within the agency.

The Office of Federal Procurement Policy has made available a FAIR Act User's Guide through its Internet site:

<http://www.whitehouse.gov/omb/procurement/fair-index.html>. This User's Guide will help interested parties review FY 2006 FAIR Act inventories.

**Rob Portman,**

*Director, Office of Management and Budget.*

#### ATTACHMENT—SECOND FAIR ACT RELEASE FY 2006

Department of Agriculture .....	Ms. Ava Lee, (202) 720-1179, <a href="http://www.usda.gov/ocfo">http://www.usda.gov/ocfo</a> .
Department of Agriculture OIG .....	Mr. Rod DeSmet, (202) 720-6979, <a href="http://www.usda.gov/oig/rptsbulletins.htm">http://www.usda.gov/oig/rptsbulletins.htm</a> .
Department of Homeland Security .....	Mr. David Childs, (202) 447-5266, <a href="http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0504.xml">http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0504.xml</a> .
Department of State .....	Ms. Valerie Dumas, (703) 516-1506, <a href="http://www.state.gov">http://www.state.gov</a> .
Department of Veterans Affairs .....	Ms. Julie Plush, (202) 273-5048, <a href="http://www.va.gov/op3/">http://www.va.gov/op3/</a> .
Equal Employment Opportunity Commission .....	Mr. Jeffrey Smith, (202) 663-4200, <a href="http://www.eeoc.gov/abouteeoc/plan/">http://www.eeoc.gov/abouteeoc/plan/</a> .
Federal Election Commission .....	Ms. Tina VanBrakle, (202) 694-1006, <a href="http://www.fec.gov/pages/fair.shtml">http://www.fec.gov/pages/fair.shtml</a> .
Federal Maritime Commission .....	Mr. Bruce Dombrowski, (202) 523-5800, <a href="http://www.fmc.gov/reading/FairActSubmissionIntro.asp">http://www.fmc.gov/reading/FairActSubmissionIntro.asp</a> .
General Services Administration .....	Mr. Paul Boyle, (202) 501-0324, <a href="http://www.gsa.gov">http://www.gsa.gov</a> .
Merit Systems Protection Board .....	Mr. Wade Douglas, (202) 653-6772 x1118, <a href="http://www.mspb.gov">http://www.mspb.gov</a> .
Nuclear Regulatory Commission .....	Ms. Mary Lynn Scott, (301) 415-7305, <a href="http://www.nrc.gov/who-we-are/contracting.html">http://www.nrc.gov/who-we-are/contracting.html</a> .
Nuclear Regulatory Commission OIG .....	Mr. David Lee, (301) 415-5930, <a href="http://www.nrc.gov/insp-gen/fairact-inventory.html">http://www.nrc.gov/insp-gen/fairact-inventory.html</a> .
Office of Personnel Management .....	Mr. Ronald C. Flom, (202) 606-3207, <a href="http://www.opm.gov/procure/fairactinventory/">http://www.opm.gov/procure/fairactinventory/</a> .
Office of the U.S. Trade Representative .....	Ms. Susan Buck, (202) 395-9412, <a href="http://www.ustr.gov">http://www.ustr.gov</a> .
Smithsonian Institution .....	Ms. Alice Maroni, (202) 275-2020, <a href="http://www.si.edu">http://www.si.edu</a> .

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### PENSION BENEFIT GUARANTY CORPORATION

#### Required Interest Rate Assumption for Determining Variable-Rate Premium for Single-Employer Plans; Interest on Late Premium Payments; Interest on Underpayments and Overpayments of Single-Employer Plan Termination Liability and Multiemployer Withdrawal Liability; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of interest rates and assumptions.

**SUMMARY:** This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or can be derived from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's Web site (<http://www.pbgc.gov>).

**DATES:** The required interest rate for determining the variable-rate premium

under part 4006 applies to premium payment years beginning in July 2007. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in August 2007. The interest rates for late premium payments under part 4007 and for underpayments and overpayments of single-employer plan termination liability under part 4062 and multiemployer withdrawal liability under part 4219 apply to interest accruing during the third quarter (July through September) of 2007.

#### FOR FURTHER INFORMATION CONTACT:

Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (TTY/TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

#### SUPPLEMENTARY INFORMATION:

##### Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the "required interest rate") in determining

a single-employer plan's variable-rate premium. Pursuant to the Pension Protection Act of 2006, for premium payment years beginning in 2006 or 2007, the required interest rate is the "applicable percentage" of the annual rate of interest determined by the Secretary of the Treasury on amounts invested conservatively in long-term investment grade corporate bonds for the month preceding the beginning of the plan year for which premiums are being paid (the "premium payment year").

On February 2, 2007 (at 72 FR 4955), the Internal Revenue Service (IRS) published final regulations containing updated mortality tables for determining current liability under section 412(l)(7) of the Code and section 302(d)(7) of ERISA for plan years beginning on or after January 1, 2007. As a result, in accordance with section 4006(a)(3)(E)(iii)(II) of ERISA, the "applicable percentage" to be used in determining the required interest rate for plan years beginning in 2007 is 100 percent.

The required interest rate to be used in determining variable-rate premiums for premium payment years beginning in July 2007 is 6.32 percent (*i.e.*, 100 percent of the 6.32 percent composite corporate bond rate for June 2007 as determined by the Treasury).