

Confirmatory Order, I&M agrees to implement a periodic assessment of its compliance with its work hour limitations program and evaluate the results of the assessment for trends.

6. In the event of the transfer of the operating license of D.C. Cook plant to another entity, the actions as required by this Confirmatory Order shall continue to apply to the D.C. Cook plant and accordingly survive any transfer of ownership or license.

7. The NRC understands that I&M has appealed the ARB decision to the United States Court of Appeals for the Sixth Circuit. The outcome of that appeal will not alter I&M's actions set forth herein or the provisions of this Confirmatory Order.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

## VI

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, *ATTN:* Chief, Rulemakings and Adjudications Staff, Washington, DC. 20555-0001. Copies of the hearing request shall also be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC. 20555-0001, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region III, 2443 Warrenville Road, Suite 210, Lisle, IL 60532-4352, and to the Licensee. Because of potential disruptions in delivery of mail to United States Government offices, it is requested that requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov) and also to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address

the criteria set forth in 10 CFR 2.309(d) and (f).

If the hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V shall be final 20 days from the date of this Confirmatory Order without further order or proceedings. If an extension of times for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received. A request for hearing shall not stay the immediate effectiveness of this order.

Dated this 4th day of April, 2007.

For The Nuclear Regulatory Commission.

**Cynthia A. Carpenter,**

*Director, Office of Enforcement.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 040-08778]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Molycorp, Inc.'s Facility in Washington, PA

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Availability.

#### FOR FURTHER INFORMATION CONTACT:

James Webb, Project Manager, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; Telephone: (301) 415-6252; fax number: (301) 415-5398; e-mail: [jxw2@nrc.gov](mailto:jxw2@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The NRC is considering issuance of a license amendment to Molycorp, Inc. (Molycorp or licensee) for Materials License No. SMB-1393, to authorize an alternate decommissioning schedule for its facility in Washington, Pennsylvania. NRC has prepared an Environmental

Assessment (EA) in support of this action 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 this proposed action is to allow the licensee to decommission its facility in a phased approach which will take longer than the two year period identified in the approved decommissioning plan (DP). Following an extensive supplemental characterization study, Molycorp found that there is a large volume of contaminated material in the subsurface. Molycorp will excavate the contaminated soils and transport them off-site to an NRC approved facility. Molycorp's proposed alternate decommissioning schedule shows that all decommissioning activities will be completed by the end of 2008. Molycorp's request is contained in a letter to NRC dated October 11, 2006.

An earlier, and more extensive, EA was prepared for License Amendment No. 5, in support of the NRC staff evaluation of Molycorp's final DP. The NRC staff determined that all steps in the proposed decommissioning could be accomplished in compliance with the NRC public and occupational dose limits, effluent release limits, and residual radioactive material limits. In addition, the staff concluded that approval of the decommissioning of the Molycorp Washington, PA, facility in accordance with the commitments in NRC license SMB-1393 and the final DP would not result in a significant adverse impact on the environment. The proposed action does not change the impacts analyzed in detail in the EA prepared for License Amendment No. 5.

If the NRC approves the license amendment, the authorization will be documented in an amendment to NRC License No. SMB-1393. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report in addition to the EA.

#### III. Finding of No Significant Impact

The staff has prepared the EA (summarized above) in support of Molycorp's proposed alternate decommissioning schedule. The NRC staff has concluded that there will be no adverse environmental impacts associated with granting Molycorp an

alternate decommissioning schedule. The impacts associated with this proposed action do not differ significantly from the impacts evaluated in the EA for approval of the DP in License Amendment No. 5. On the basis of the EA, the NRC has concluded that the environmental impacts from the action are expected to be insignificant and has determined not to prepare an environmental impact statement for the action.

#### 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 Agency-wide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession number for the documents related to this notice are: Molycorp's letter to NRC dated October 11, 2006, ML062970401; EA prepared for License Amendment No. 5, ML003735909; EA prepared for this action, ML070250014; Molycorp's final DP, ML010540178; **Federal Register** Notice for Amendment No. 8, ML050030165. 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 Reference staff at 1-800-397-4209, (301) 415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Any questions should be referred to James Webb, Division of Waste Management and Environmental Protection, U.S. Nuclear Regulatory Commission, Washington DC 20555, Mailstop T-7E18, telephone (301) 415-6252, fax (301) 415-5397.

Dated at Rockville, Maryland, this 5th day of April, 2007.

For the U.S. Nuclear Regulatory Commission.

**Keith I. McConnell,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. E7-6835 Filed 4-10-07; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. PROJ0735]

### Public Meeting To Discuss Nuclear Regulatory Commission Roles and Responsibilities for Department of Energy Waste Determination Activities at the Idaho National Laboratory; Notice of Public Meeting in Idaho Falls, ID

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of public meeting.

**DATES:** April 25, 2007.

#### FOR FURTHER INFORMATION CONTACT:

Xiaosong Yin, Project Manager, Environmental Protection and Performance Assessment Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-7640; fax number: (301) 415-5397; e-mail: [XXY@nrc.gov](mailto:XXY@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### 1. Introduction

The Ronald Reagan National Defense Authorization Act for Fiscal Year 2005 (NDAA) authorizes the U.S. Department of Energy (DOE), in consultation with the Nuclear Regulatory Commission (NRC), to determine whether certain radioactive waste related to the reprocessing of spent nuclear fuel is not high-level waste, provided certain criteria are met. The NDAA also requires NRC to monitor DOE disposal actions to assess compliance with 10 CFR Part 61, Subpart C, performance objectives for low-level waste.

On September 7, 2005, DOE submitted a draft waste determination for residual waste incidental to reprocessing, including sodium bearing waste, stored in the Idaho Nuclear Technology and Engineering Center (INTEC) Tank Farm Facility (TFF) to demonstrate compliance with the NDAA criteria including demonstration of compliance with the performance objectives in 10 CFR Part 61, Subpart C. In its consultation role, the NRC staff reviewed the draft waste determination and concluded that the NDAA criteria could be met for residual waste stored in the INTEC TFF. NRC documented the results of its review in a technical evaluation report (TER) issued in October 2006. DOE issued a final waste determination in November 2006 taking into consideration the assumptions, conclusions, and recommendations

documented in NRC's TER (ML062490142).

To better inform the public on the NRC's activities under the NDAA, NRC is holding this public meeting in Idaho Falls, Idaho to provide the public with a clear understanding of NRC's activities on the implementation of the NDAA and the review of DOE's waste determination for the INTEC TFF. The NRC staff will also provide an overview of its planned monitoring activities.

##### 2. Meeting Time and Location

The NRC will hold this public meeting on April 25, 2007, at Red Lion Hotels, 475 River Parkway, Idaho Falls, Idaho.

##### 3. Meeting Agenda

*6:30 p.m.-7 p.m.:* Meeting participants registration.

*7 p.m.-7:10 p.m.:* The NRC staff will make opening remarks regarding the conduct of today's sessions.

*7:10 p.m.-7:30 p.m.:* The NRC staff will provide an overview of NRC's implementation of the Ronald Reagan National Defense Authorization Act for FY 2005, Section 3116.

*7:30 p.m.-7:45 p.m.:* Open questions and answers from all participants.

*7:45 p.m.-8 p.m.:* The NRC staff will provide an overview on NRC's technical review of DOE's Draft Determination for the Tank Farm Facility at the Idaho National Laboratory.

*8 p.m.-8:15 p.m.:* The NRC staff will provide an overview of NRC planned monitoring activities for the Tank Farm Facility at the Idaho National Laboratory.

*8:15 p.m.-9 p.m.:* Open questions and answers from all participants.

*9 p.m.:* Adjourn.

Dated at Rockville, Maryland, this 5th day of April, 2007.

For the Nuclear Regulatory Commission.

**Scott Flanders,**

*Deputy Director, Environmental Protection and Performance Assessment Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

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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