

that the importer is notified by the overseeing APHIS representative that the horse has been refused entry into the United States. Subsequent disposition of the horse must occur under the direct oversight of APHIS representatives. The operator must have a preapproved contingency plan for the disposal of all horses housed in the facility prior to issuance of the import permit.

(I) Vaccination of horses in quarantine is prohibited.

(vi) *Records.*

(A) The facility operator must maintain a current daily record to record the entry and exit of all persons entering and leaving the quarantine facility.

(B) The operator must maintain the daily record, along with any records kept by APHIS and deposited with the operator, for at least 2 years following the date of release of the horses from quarantine and must make such records available to APHIS representatives upon request.

(5) *Environmental quality.* If APHIS determines that a privately operated quarantine facility does not meet applicable local, State, or Federal environmental regulations, APHIS may deny or suspend approval of the facility until appropriate remedial measures have been applied.

(6) *Variations.* The Administrator may grant variations to existing requirements relating to location, construction, and other design features of the physical facility, as well as to sanitation, security, operating procedures, recordkeeping, and other provisions of paragraph (c) of this section, but only if the Administrator determines that the variance causes no detrimental impact to the overall biological security of the quarantine operations. The operator must submit a request for a variance from the requirements for the construction of the facility in paragraph (c)(3) of this section to the Administrator in writing prior to the construction of the facility. The operator must submit a request for a variance from the operational requirements in paragraph (c)(4) of this section to the Administrator in writing at least 30 days in advance of the arrival of horses to the facility. Any variance must also be expressly provided for in the compliance agreement.

8. In § 93.309, the section heading would be revised to read as follows:

§ 93.309 Horse quarantine facilities; payment information.

* * * * *

9. Section 93.310 would be revised to read as follows:

§ 93.310 Quarantine stations, visiting restricted; sales prohibited.

Visitors are not permitted in the quarantine enclosure during any time that horses are in quarantine unless an APHIS representative specifically grants access under such conditions and restrictions as may be imposed by APHIS. An importer (or his or her agent or accredited veterinarian) may be admitted to the lot-holding area(s) containing his or her quarantined horses at such intervals as may be deemed necessary, and under such conditions and restrictions as may be imposed, by an APHIS representative. On the last day of the quarantine period, owners, officers or registry societies, and others having official business or whose services may be necessary in the removal of the horses may be admitted upon written permission from an APHIS representative. No exhibition or sale shall be allowed within the quarantine grounds.

Done in Washington, DC, this 1st day of December 2006.

Bruce Knight,

Under Secretary for Marketing and Regulatory Programs.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Public Meeting on Consideration of Rulemaking To Reduce the Likelihood of Funding Shortfalls for Decommissioning Under the License Termination Rule

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The Nuclear Regulatory Commission (NRC) is working on a proposed rule to reduce the likelihood that a licensee will have insufficient funds to decommission its facility in accordance with 10 CFR part 20, Subpart E, Radiological Criteria for License Termination. In the past, these funding shortfalls resulted in "legacy sites," which are sites that are in decommissioning but whose operators do not have enough funds to complete the work and terminate the license in accordance with NRC regulations. All of the legacy sites have been materials facilities, primarily those that processed uranium and thorium, with undetected subsurface contamination from operations arising as a significant problem during decommissioning. A

risk-informed approach addressing subsurface contamination at operating facilities would affect materials licensees and operators of nuclear power reactors. The purpose of the meeting is to give stakeholders an opportunity to discuss their views and interact with other interested parties on the regulatory issues summarized in the Supplementary Information section of this document.

To aid in the rulemaking process, NRC is holding a public meeting with a "roundtable" format (defined further in the body of this notice) to solicit input. The meeting is open to the public. The NRC is asking those planning to attend the meeting to pre-register by contacting Jayne McCausland as noted under the For Further Information section of this document. Individuals unable to attend the meeting will be able to listen by teleconference.

DATES: The meeting will be held on January 10, 2007, from 9 a.m. to 4 p.m. Registration is from 8:30 a.m. to 9 a.m.; however, all persons planning to attend the meeting are encouraged to pre-register in order to facilitate check-in on the day of the meeting.

ADDRESSES: Residence Inn Bethesda Downtown, 7335 Wisconsin Avenue, Bethesda, Maryland, 20814. Telephone (301) 718-0200.

FOR FURTHER INFORMATION CONTACT: Kevin O'Sullivan, telephone (301) 415-8112, e-mail kro2@nrc.gov, of the Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Questions on the meeting format, including participation in the roundtable, should be directed to the meeting facilitator, Lance Rakovan. Mr. Rakovan can be reached at (301) 415-2589 or ljr2@nrc.gov. To pre-register to attend the meeting in person or to participate via teleconference, or if a participant has special needs, please contact Jayne McCausland, telephone (301) 415-6219, fax (301) 415-5369, or e-mail jmm2@nrc.gov.

SUPPLEMENTARY INFORMATION: Current NRC regulations in 10 CFR part 20, Subpart F, Surveys and Monitoring, require licensees to conduct surveys, as reasonable under the circumstances, to evaluate (1) the magnitude and extent of radiation levels; (2) concentrations or quantities of radioactive material; and (3) the potential radiological hazards. NRC regulations in 10 CFR 20, Subpart L, Records, contain related record-keeping requirements. There have been past occurrences among materials licensees, and recent occurrences at

nuclear power reactors, of inadvertent and undetected release of radioactive material into the underlying soils and groundwater. Such undetected subsurface contamination from operations may significantly expand the scope of decommissioning when the facility is shut down, to the extent that the licensee has insufficient funds to terminate the license in accordance with NRC regulations.

Amendments to NRC regulations are under consideration that will affect both facility operations and financial assurance for decommissioning requirements. One proposed change would require each NRC licensee to conduct operations, to the extent practicable, so as to minimize the presence of contamination in the subsurface environment. A second would require certain licensees, based on their capability for causing long-lasting subsurface contamination, to check for the presence of such contamination. NRC experience with legacy sites demonstrates that soil or groundwater contamination, if not addressed during the operating life of the facility, can increase decommissioning costs to levels much higher than initially funded and may contribute to off-site radionuclide migration, causing additional expense and delay in returning the site to other productive uses.

Another regulatory amendment under consideration is to eliminate the escrow account as an approved financial assurance mechanism due to its ineffectiveness in bankruptcy actions. Two other financial assurance mechanisms that pose similar financial risk during bankruptcy are the unsecured Parent Company Guarantee and unsecured Self-Guarantee. Reliance on these financial assurance mechanisms may increase the likelihood of future legacy sites.

The January 10, 2007, public meeting is being held to discuss these and related issues using a "roundtable" format. Participants at the roundtable will be the invited stakeholders representing the broad spectrum of interests who may be affected by this rulemaking. The roundtable format is being used for this meeting to promote a dialogue among the representatives at the table on the issues of concern. Opportunities will be provided for comments and questions from the audience. The meeting notice and a meeting agenda will be posted on the NRC Web site at: <http://www.nrc.gov/public-involve/public-meetings/index.cfm>.

Dated at Rockville, Maryland, this 6th day of December 2006.

For the Nuclear Regulatory Commission.

Dennis Rathbun,

Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 54

[Docket Nos. PRM-54-02 and PRM-54-03]

Andrew J. Spano and Joseph C. Scarpelli; Denials of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petitions for rulemaking; denial.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying two nearly identical petitions for rulemaking submitted by Andrew J. Spano, County Executive, Westchester County, New York (PRM-54-02), and Mayor Joseph Scarpelli of Brick Township, New Jersey (PRM-54-03). The petitioners requested that the NRC amend its regulations to provide that the agency renew a license only if the plant operator demonstrates that the plant meets all criteria and requirements that would apply if it were proposing the plant de novo for initial construction. The petitioners assert that amendments are necessary because they believe the process and criteria established in the Commission's license renewal regulations are seriously flawed and should consider critical plant-specific factors as demographics, siting, emergency evacuation, and site security. The NRC is denying the petitions because the petitioners raise issues that the Commission has already considered at length in developing the license renewal rule. These issues are managed by the on-going regulatory process or under other regulations; or are issues beyond the Commission's regulatory authority. The petitioners did not present new information that would contradict positions taken by the Commission when the license renewal rule was established or demonstrate that sufficient reason exists to modify the current regulations.

ADDRESSES: Publicly available documents related to these petitions, including the petitions, public comments received, and the NRC's letters of denial to the petitioners, may be viewed electronically on public

computers in the NRC's Public Document Room (PDR), O-1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking Web site at <http://ruleforum.llnl.gov>.

Publicly available documents created or received at the NRC after November 1, 1999, are also available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can gain entry into 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 PDR reference staff at (800) 387-4209, (301) 415-4737 or by e-mail to pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Lee Banic, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-2771, e-mail mjb@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The NRC received two separate, but nearly identical, petitions for rulemaking in 2005 requesting that part 54, Requirements for renewal of operating licenses for nuclear power plants be amended. Mr. Andrew J. Spano, the County Executive of Westchester County, New York, filed the first petition on May 10, 2005, which was assigned Docket No. PRM-54-02. The NRC published a notice of receipt of the petition and request for public comment in the **Federal Register** on June 15, 2005 (70 FR 34700). Mayor Joseph C. Scarpelli of Brick Township, New Jersey, filed the second petition on July 20, 2005, which was assigned Docket Number PRM-54-03.¹ The NRC published a notice of receipt of the petition and request for public comment in the **Federal Register** on September 14, 2005 (70 FR 54310). Because of the similarities to PRM-54-02, Mayor

¹ Attorney Michelle R. Donato actually filed PRM-54-03 on behalf of Mayor Scarpelli, the New Jersey Environmental Federation (NJEF), and the New Jersey Sierra Club (NJSC). Although Ms. Donato's letter indicates that she is presenting three "formal" petitions to the NRC, the submissions from NJEF and NJSC state that they are submitted "in support of" or joining Mayor Scarpelli's petition. They do not appear to request petitioner status. Thus, any reference in this document to the PRM-54-03 petitioner is limited to Mayor Scarpelli.