

information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Type of submission, new, revision, or extension: Extension.

2. The title of the information collection: 10 CFR Part 26, "Fitness for Duty Program."

3. The form number if applicable: 3150-0146.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: All licensees authorized to construct or operate a nuclear power reactor; all licensees authorized to use, possess, or transport Category 1 nuclear material; and contractors/vendors who have developed a fitness-for-duty program that is formally reviewed and approved by a licensee, which meets the requirements of Part 26.

6. An estimate of the number of annual responses: 1,419 (1,350 responses + 69 recordkeepers).

7. The estimated number of annual respondents: 69.

8. An estimate of the total number of hours needed annually to complete the requirement or request: 61,143 (5,853 hours reporting [an average of 4.3 hours/response] and 55,290 hours recordkeeping [an average of 801 hours/recordkeeper]).

9. An indication of whether section 3507(d), Pub. L. 104-13 applies: N/A.

10. Abstract: 10 CFR part 26, "Fitness for Duty Program," requires licensees of nuclear power plants, contractors/vendors who have developed a fitness-for-duty program that is formally reviewed by a licensee, and licensees authorized to possess, use, or transport Category 1 nuclear material to implement fitness-for-duty programs to assure that personnel are not under the influence of any substance or mentally or physically impaired, to retain certain records associated with the management of these programs, and to provide reports concerning significant events and program performance. Compliance with these program requirements is mandatory for licensees subject to 10 CFR part 26. In addition, licensees of nuclear power plants are required to comply with security order EA-03-038, which implements work hour controls for security force personnel and requires licensees to retain certain records associated with the management of this security order.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by November 2, 2005. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Office of Information and Regulatory Affairs (3150-0146), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 26th day of September, 2005.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. E5-5355 Filed 9-30-05; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket Nos. 50-275 and 50-323]**

### **Pacific Gas and Electric Company Diablo Canyon Power Plant, Units 1 and 2; Notice of Partial Withdrawal of Application for Amendments to Facility Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Pacific Gas and Electric Company (the licensee) to partially withdraw the request of approval to adopt the extreme growth method, which was a part of its application dated March 18, 2004, and its supplements dated August 18 and 20, and September 17, 2004, for proposed amendments to Facility Operating License No. DPR-80 and Facility Operating License No. DPR-82 for the Diablo Canyon Power Plant, Unit Nos. 1 and 2, respectively, located in San Luis Obispo County, California.

The amendment request included (i) revisions to the Final Safety Analysis Report Update to incorporate the Nuclear Regulatory Commission

approval of a permanently revised steam generator voltage-based repair criteria probability of prior cycle detection (POPCD) method; (ii) addition of a new reporting requirement to the DCPD Technical Specifications as TS 5.6.10.i; and (iii) approval to adopt the extreme growth method coincident with the above POPCD method. However, by letter dated September 17, 2004, the licensee requested that the extreme growth method be approved at a later time. Therefore, on October 28, 2004, the Commission issued Amendment Nos. 177 and 179, to Facility Operating License No. DPR-80 and Facility Operating License No. DPR-82 for the Diablo Canyon Power Plant, Unit Nos. 1 and 2, respectively, without reviewing the extreme growth method.

The Commission had previously issued a Notice of Consideration of Issuance of Amendments published in the **Federal Register** on June 22, 2004 (69 FR 34704), and a Notice of Issuance of Amendments published in the **Federal Register** on November 23, 2004 (69 FR 68190). However, by letter dated September 22, 2005, the licensee withdrew the remaining portion of the amendment request pertaining to the approval to adopt the extreme growth method. The licensee's application dated March 18, 2004, and its supplements dated August 18 and 20, and September 17, 2004, and withdrawal letter dated September 22, 2005, are available in the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession Numbers ML040840449, ML042380475, ML042530054, ML042680323 and ML052660327, respectively.

For further details with respect to this action, see the application for amendment dated March 18, 2004, its supplements dated August 18 and 20, and September 17, 2004, and withdrawal letter dated September 22, 2005, which withdrew the request of approval to adopt the extreme growth method. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams/html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or (301) 415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 26th day of September, 2005.

For the Nuclear Regulatory Commission.

**Girija S. Shukla,**

*Project Manager, Section 2, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 70-0925]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Kerr McGee Cimarron Corporation Former Fuel Fabrication Facility in Crescent, OK

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

**FOR FURTHER INFORMATION CONTACT:** Ken Kalman, Project Manager, Decommissioning Directorate, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-6664; fax number: (301) 415-5398 e-mail: [klk@nrc.gov](mailto:klk@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The Nuclear Regulatory Commission (NRC) is considering amending Material License No. SNM-928 issued to Kerr McGee Cimarron Corporation Cimarron or (the licensee), to authorize the deletion of License Condition 22 and revisions to License Conditions 23 and 27e of the license for its former fuel fabrication facility in Crescent, Oklahoma. NRC has prepared an Environmental Assessment (EA) in support of this amendment 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 the proposed amendment is to authorize revisions to the license for the licensee's former fuel fabrication facility. Specifically, License Condition 22 will be deleted, as all requirements of this condition have been completed. License Conditions 23 and 27e will be revised. The actions

required by these license conditions were addressed in the EA for approval of Cimarron's Decommissioning Plan (DP). That EA is summarized in the **Federal Register** notice of the Finding of No Significant Impact published on August 12, 1999, (64 FR 44059).

The licensee requested that License Condition 22 be deleted from the license, as the specific requirements of this license condition had been completed. License Condition 22 authorizes the licensee to breach the berms, close the two East and West Sanitary lagoons in Subarea L, and backfill the former burial ground in Subarea F. Cimarron backfilled the two sanitary lagoons in 1993. NRC staff reviewed the licensee's request and an NRC confirmatory survey of Subarea L demonstrated that all soil samples met the NRC's release criteria of License Condition 27 of Cimarron's license (SNM-928) and the regulatory limits for unrestricted use. The staff determined that all work addressed in License Condition 22 has been completed and that all the requirements of this condition have been met. Therefore, the NRC staff concluded that this condition can be deleted from the license, and will not have a significant effect on the quality of the human environment.

The licensee also requested that License Condition 23 be revised to reflect completion of some of the decommissioning activities identified in this condition. License Condition 23 authorizes the licensee to dispose of low-enriched uranium contaminated soil in an on-site burial cell in Subarea N. The licensee stated that all requirements in this license condition have been completed except for the requirement to "periodically monitor the disposal area for subsidence, erosion, and status of the vegetative cover for at least five years, and promptly repair any problems noted." The NRC staff conducted a confirmatory survey of the burial cell in Subarea N. The staff determined that the buried cell had been completed in accordance with License Condition 23. All measurements were below the release criteria of Cimarron's license (SNM-928) and the regulatory limits. The NRC staff has reviewed the licensee's request and determined that the licensee has met all of the requirements of License Condition 23, except for the last two sentences of License Condition 23d. This license condition will be revised and the last two sentences will become License Condition 23a. The NRC staff has concluded that this revision to the license will not have a significant impact on the quality of the human environment, because the revision is

only deleting protective actions that have already been completed.

License Condition 27e authorizes the licensee to make certain changes to the DP or Radiation Protection Plan (RPP) and associated procedures without prior NRC approval provided that those changes meet the specific criteria stated in License Condition 27e. The licensee requested that License Condition 27e be revised so that only changes to the facility or process, tests, and experiments described in the DP or the RPP are required to be reviewed by the As Low As Reasonably Achievable (ALARA) Committee. In addition, the licensee requested that the license condition be revised so changes to the associated radiation protection procedures would only require review and approval by the Radiation Safety Officer (RSO). The NRC staff has reviewed this request and found that the requested amendment to License Condition 27e should be granted. This proposed change to the license will have not have a significant effect on the quality of the human environment.

#### III. Finding of No Significant Impact

Based upon the analysis contained in the EA, NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment, because it is only deleting license requirements that have been completed and making changes to a License Condition 27e, which relates to approval of changes to the procedures associated with the Decommissioning Plan or Radiation Protection Procedures. Accordingly, the staff and has determined that preparation of an environmental impact statement is not warranted.

#### 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 Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are: Environmental Assessment for License Amendment 19 of Cimarron Corporations License (SNM-928) Regarding License Conditions 22, 23, and 27e (ML052060071). If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's