

transmission (facsimile), (3) electronically through the OSHA Web page (see the section titled **ADDRESSES** above). Because of security-related problems, there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for information about security procedures concerning the delivery of submissions by express delivery, hand delivery, and courier service.

All comments, submissions, and background documents are available for inspection and copying at the OSHA Docket Office at the above address. Comments and submissions posted on OSHA's Web page are available at <http://www.OSHA.gov>. Contact the OSHA Docket Office for information about materials not available through the OSHA Web page and for assistance using the Web page to locate docket submissions. Electronics copies of this **Federal Register** notice, as well as other relevant documents, are available on OSHA's Web page. Since all submissions become public, private information such as social security numbers should not be submitted.

#### IV. 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 October 10, 2006.

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

*Assistant Secretary of Labor.*

[FR Doc. 06-8692 Filed 10-13-06; 8:45 am]

**BILLING CODE 4510-26-M**

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### MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

#### Sunshine Act Meetings

**TIME AND DATE:** 9 a.m. to 12 p.m., Thursday, November 9, 2006.

**PLACE:** The offices of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, 130 South Scott Avenue, Tucson, AZ 85701.

**STATUS:** This meeting will be open to the public, unless it is necessary for the Board to consider items in executive session.

**MATTERS TO BE CONSIDERED:** (1) A report on the U.S. Institute for Environmental Conflict Resolution; (2) A report from the Udall Center for Studies in Public Policy; (3) A report on the Native Nations Institute; (4) Program Reports; and (5) A report from the Management Committee.

**PORTIONS OPEN TO THE PUBLIC:** All sessions with the exception of the session listed below.

**PORTIONS CLOSED TO THE PUBLIC:** Executive session.

**CONTACT PERSON FOR MORE INFORMATION:** Christopher L. Helms, Executive Director, 130 South Scott Avenue, Tucson, AZ 85701, (520) 670-5529.

Dated: October 11, 2006.

**Christopher L. Helms,**

*Executive Director, Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and Federal Register Liaison Officer.*

[FR Doc. 06-8725 Filed 10-12-06; 12:05 pm]

**BILLING CODE 6820-FN-M**

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### NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

#### National Endowment for the Arts; National Council on the Arts 159th Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on November 9, 2006 in Room M-09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting, from 8:30 a.m. to 10:30 a.m. (ending time is approximate), will be open to the public on a space available basis. Following opening remarks and announcements by the Senior Deputy Chairman, there will be two presentations: one on 40 years of NEA support for Media Arts and one on 40 years of NEA support for Theater and Musical Theater. This will be followed by review and voting on applications and guidelines. The meeting will conclude with general discussion.

If, in the course of the open session discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b. Additionally, discussion concerning purely personal information about individuals, submitted with grant applications, such as personal biographical and salary data or medical

information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews that are open to the public. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY-TDD 202/682-5429, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from the Office of Communications, National Endowment for the Arts, Washington, DC 20506, at 202/682-5570.

Dated: October 5, 2006.

**Kathy Plowitz-Worden,**

*Panel Coordinator, Office of Guidelines and Panel Operations.*

[FR Doc. E6-17092 Filed 10-13-06; 8:45 am]

**BILLING CODE 7537-01-P**

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### NUCLEAR REGULATORY COMMISSION

[Docket No. 04000341]

#### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Source Materials License No. STC-133 Authorizing the Use of Site-Specific Derived Concentration Guideline Levels When Determining if Unrestricted Release Criteria Has Been Met for the Defense Logistics Agency, Defense Nuclear Supply Center Depot in Somerville, NJ

**AGENCY:** Nuclear Regulatory Commission.

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

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#### FOR FURTHER INFORMATION CONTACT:

Dennis Lawyer, Health Physicist, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region 1, 475 Allendale Road, King of Prussia, Pennsylvania; telephone 610-337-5366; fax number 610-337-5393; or by e-mail: [drl1@nrc.gov](mailto:drl1@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Source Materials License No. STC-133. This license is held by Defense Logistics Agency (DLA or the Licensee) at multiple sites. The site at issue is its Defense National Stockpile Center

located at U.S. Highway Route 206 South in Somerville, New Jersey (the Facility). Issuance of the amendment would authorize the licensee to use site-specific Derived Concentration Guideline Levels (DCGLs) in a later survey of the Facility to determine if the Facility can be released for unrestricted use under the criteria in 10 CFR 20.1402. The use of the site-specific DCGLs requires an exemption to the definition of weighting factors in 10 CFR 20.1003. The Licensee requested this action in a letter dated October 19, 2005. The 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 the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The NRC plans to issue the amendment following the 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 October 19, 2005, license amendment request to use site-specific DCGLs as part of a later request (not yet submitted) to release the Facility for unrestricted use under the criteria in 10 CFR 20.1402. License No. STC-133 was issued on July 23, 1983, pursuant to 10 CFR part 40, and has been amended periodically since that time. This license authorized the Licensee to use unsealed source material for purposes of storage, sampling, repackaging, and transfer.

Based on the approved DCGLs, the Licensee will conduct surveys of the Facility and provide information to the NRC to demonstrate that the Facility meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release.

### *Need for the Proposed Action*

The Licensee has ceased conducting licensed activities at the Facility, and seeks the approval of site-specific DCGLs through issuance of an exemption to the definition of weighting factors in 10 CFR 20.1003. The licensee needs these site specific DCGL values for later determining if the Facility meets the criteria for unrestricted use. NRC is fulfilling its responsibilities under the Atomic Energy Act to make a timely decision on a proposed license amendment that ensures protection of public health and safety and the environment.

### *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: natural uranium and thorium mixtures.

An amendment specifying the site specific DCGLs is required before the Licensee can use such DCGL values to later demonstrate compliance with unrestricted release criteria. The Licensee conducted site-specific dose modeling using input parameters specific to the Facility and a conservative assumption that all residual radioactivity is in equilibrium. Federal Guidance Report Number 13 was used to modify the dose conversion factors because it is based on an improved, more realistic dosimetry model. The selected critical age group is adults as the expected future use of this facility will be industrial. Based on the type of building, and its proximity to an existing railroad, there is no compelling evidence to indicate that the building will be used for other than industrial activities. The NRC has reviewed the Licensee's methodology and proposed DCGLs and finds that the proposed DCGLs are acceptable for use at the Facility. Federal Guidance Report Number 13, as an updated dosimetry model, uses different weighting factors than is published in 10 CFR part 20. The weighting factors are used to determine effective dose equivalent and total dose equivalent. Therefore, an exemption to the definition of weighting factors in 10 CFR 20.1003 is required to use Federal Guidance Report Number 13. The use of Federal Guidance Report Number 13 for dose modeling and weighting factors is acceptable for this Facility.

Based on its review, the staff has 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*

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. Denying the amendment request 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.

### *Conclusion*

The NRC staff has concluded that the site specific DCGLs identified by the Licensee are acceptable for use at its Facility. 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 EA to the State of New Jersey's Department of Environmental Protection for review on June 21, 2006. On July 20, 2006, the State of New Jersey responded by letter. The State agreed with the conclusions of the EA if the DCGL's are adjusted from the NRC's 25 millirem per year standard to the Department of Environmental Protection's remediation criterion of 15 millirem per year (N.J.A.C. 7:28-12.8(a)). While, 15 millirem per year is the State of New Jersey criterion, for the purpose of NRC consideration of the proposed action, the NRC must implement DCGLs that support the 25 millirem per year standard set forth in 10 CFR 20.1402. The Department of Environmental Protection also requests that the deed restriction referenced on page 2 of the letter dated April 26, 2006, "Defense Logistics Agency, Request for Additional Information Concerning Application for Amendment to License" [ML061220479] be in place before approval of NRC license termination. The NRC found that based on the type of building, railroad distribution, and truck access, there is no compelling evidence to indicate that the building will be used for other than industrial activities. NRC determined that no deed restriction will be necessary should the Licensee pursue its plans to seek the unrestricted use of its Facility.

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. NUREG-1757, "Consolidated NMSS Decommissioning Guidance";
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. Letter dated October 19, 2005, "Amendment to Source Materials License" [Adams Accession No. ML053060017];
5. Letter dated December 29, 2005, "Amendment to Source Material License STC-133—Request to use Commodity Specific DCGLs at Binghamton and Somerville Depots" [ML060040304];
6. Letter dated February 7, 2006, "Amendment to Source Material License STC-133—Request to Use Commodity Specific DCGLs at Binghamton and Somerville Depots" [ML060410319];
7. Letter dated April 26, 2006, "Defense Logistics Agency, Request for Additional Information Concerning Application for Amendment to License" [ML061220479];
8. "Radiological Historical Site Assessment Report, Defense National Stockpile Center, Somerville Depot, Hillsborough, NJ" dated January 2006 [ML060730422];
9. "Radiological Historical Site Assessment Report, Defense National Stockpile Center, Binghamton Depot, Binghamton, NY" dated February 2006 [ML060730408].

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 1, 475 Allendale Road, King of Prussia this 6th day of October 2006.

For the Nuclear Regulatory Commission.

**James P. Dwyer,**

*Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region 1.*

[FR Doc. E6-17078 Filed 10-13-06; 8:45 am]

**BILLING CODE 7590-01-P**

#### OFFICE OF MANAGEMENT AND BUDGET

#### Proposed Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA)

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

**ACTION:** Notice and request for comments.

**SUMMARY:** The Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) can provide strong confidentiality protections for statistical information collections, such as surveys and censuses, as well as for other statistical activities, such as data analysis, modeling, and sample design, that are sponsored or conducted by Federal agencies. The purpose of the proposed CIPSEA implementation guidance is to inform agencies about the requirements for using CIPSEA and clarify the circumstances under which CIPSEA can be used. The Office of Management and Budget (OMB) requests comments on the proposed Implementation Guidance for Title V of the E-Government Act, the Confidential Information Protection and Statistical Efficiency Act of 2002. The complete text of the proposed guidance is available on the OMB Web site at <http://www.whitehouse.gov/omb/inforg/statpolicy.html>.

**Authority:** 31 U.S.C. 1104(d); 44 U.S.C. 3504 (specifically (a)(1)(B)(iii) and (v), (e)(1), (3) and (5), and (g)(1)); Pub. L. 107-347 503(a), 44 U.S.C. 3501 note.

**DATES:** To ensure consideration during the final decision-making process, written comments must be provided to OMB no later than December 15, 2006.

**ADDRESSES:** Due to potential delays in OMB's receipt and processing of mail, respondents are strongly encouraged to submit comments electronically to ensure timely receipt. We cannot

guarantee that comments mailed will be received before the comment closing date. Electronic comments may be submitted to: Brian A. Harris-Kojetin at [bharrisk@omb.eop.gov](mailto:bharrisk@omb.eop.gov). Please provide the full body of your comments in the text of the electronic message and as an attachment. Please include your name, title, organization, postal address, telephone number, and e-mail address in the text of the message. Comments may also be submitted via facsimile to (202) 395-7245. Comments may be mailed to Brian Harris-Kojetin, Ph.D., Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., New Executive Office Building, Room 10201, Washington, DC 20503. All comments submitted in response to this notice will be made available to the public, including by posting them on OMB's Web site. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information.

**FOR FURTHER INFORMATION CONTACT:** Brian Harris-Kojetin, Ph.D., Statistical and Science Policy Office, Office of Information and Regulatory Affairs, Office of Management and Budget, NEOB, Room 10201, 725 17th Street, NW., Washington, DC 20503. Telephone: 202-395-3093.

#### SUPPLEMENTARY INFORMATION:

##### Background

Statistics collected and published by the Federal Government constitute a significant portion of the available information about the United States' economy, population, natural resources, environment, and public and private institutions. There are more than 70 Federal agencies or organizational units that carry out statistical activities as their principal mission or in conjunction with other program missions, such as providing services or enforcing regulations. In addition to these 70 agencies, many other Federal agencies or units may collect statistical information to use for specific program needs.

Prior to the enactment CIPSEA, a patchwork of legislative protections governed the confidentiality of data gathered for statistical purposes by the different agencies and units. Some agencies had strong statutory authority to protect the confidentiality of the data they gathered for statistical purposes, while other agencies had weak or no legislative authority to protect confidentiality. In addition, the ability of the designated statistical agencies to share information to improve the