

OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The information collection requirements in the Coke Oven Emissions Standard provide protection for employees from the adverse health effects associated with exposure to coke oven emissions. In this regard, the Coke Oven Emissions Standard requires employers to monitor employees' exposure to coke oven emissions, monitor employee health, and provide employees with information about their exposures and the health effects of exposure to coke oven emissions.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is proposing to extend the information collection requirements contained in the Coke Oven Emissions Standard (29 CFR 1910.1029). The Agency is requesting to increase its current burden hour total from 51,756 hours to 52,701 for a total increase of 945 hours. The adjustment is primarily the result of identifying three additional coke oven batteries. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Coke Oven Emissions Standard (29 CFR 1910.1029).

OMB Number: 1218-0128.

Affected Public: Business or other for-profits; Federal Government; State, Local or Tribal Government.

Frequency: On occasion.

Average Time per Response: Varies from 5 minutes (.08 hour) to provide information to the examining physician to 1 hour to conduct exposure monitoring.

Estimated Total Burden Hours: 52,701.

Estimated Cost (Operation and Maintenance): \$815,488.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows:

(1) Electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (FAX); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA-2008-0022).

You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627).

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

Information on using the <http://www.regulations.gov> Web site to submit

comments and access the docket is available at the Web site's "User Tips" link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

V. 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. 5-2007 (72 FR 31159).

Signed at Washington, DC, on July 7, 2008.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (08-054)]

National Environmental Policy Act; Disposition of Space Shuttle Program's Real and Personal Property

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Finding of no significant impact.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), and NASA policy and procedures (14 CFR Part 1216, Subpart 1216.3), NASA has made a Finding of No Significant Impact (FONSI) with respect to the disposition of the Space Shuttle Program's (SSP's) real and personal property using a structured process consisting of a coordinated series of actions. Under Presidential direction, NASA will cease operations of its SSP by 2010. A number of assets will be dispositioned during the transition and retirement (T&R) activities. NASA proposes to implement a structured process for the disposition of the SSP real and personal property consisting of a coordinated series of actions. SSP T&R activities would include potential retirement, transfer, and disposal of property. SSP property disposition activities would extend for several years beyond 2010. On January 14, 2004, President George W. Bush presented his Vision for U.S. Space

Exploration (hereinafter "the Vision") to the nation. Congress expressly endorsed the President's exploration initiative and provided additional direction for the initiative in the NASA Authorization Act of 2005. In announcing the Vision, the President directed NASA to use the Space Shuttle to fulfill its obligation to complete assembly of the International Space Station and then retire the Space Shuttle by 2010. Under Presidential direction, NASA will cease operations of its SSP activities at all locations, including Kennedy Space Center (KSC), Florida; Johnson Space Center (JSC), Ellington Field (EF), and El Paso Forward Operating Location (EPFOL), Texas; Stennis Space Center (SSC), Mississippi; Michoud Assembly Facility (MAF), Louisiana; Marshall Space Flight Center (MSFC), Alabama; White Sands Test Facility (WSTF), New Mexico; Dryden Flight Research Center (DFRC) and Palmdale (Air Force Plant 42, Site 1), California; and the associated contractor facilities. The cessation of SSP operations will necessitate the disposition of all program-related assets. Public comments received on the Draft Programmatic Environmental Assessment (PEA) during the public review period conducted from February 27, 2008, through March 28, 2008, are provided along with responses in Appendix E of the Final PEA.

DATES: July 11, 2008.

ADDRESSES: The Final PEA may be reviewed at the following location:

(a) NASA Headquarters, Library, Room 1J20, 300 E Street, SW., Washington, DC 20546-0001 (202-358-0168).

It also may be examined at the following locations by contacting the pertinent Freedom of Information Act Office:

(b) NASA, George C. Marshall Space Flight Center, Huntsville, AL 35812 (256-544-1837); and

(c) NASA, John F. Kennedy Space Center, FL 32899 (321-867-2745).

Hard copies of the Final PEA also may be viewed at other NASA Centers (see **SUPPLEMENTARY INFORMATION** below). Limited hard copies of the Final PEA are available, on a first request basis, by contacting Donna L. Holland at the address or telephone number indicated herein. The Final PEA will be available for viewing online at the following address: http://www.nasa.gov/mission_pages/shuttle/main/pea.html.

FOR FURTHER INFORMATION CONTACT:

General: Ms. Monica Vest, Government Community Relations Dept., NASA MSFC, CS30, Marshall Space Flight

Center, AL 35812, Phone: (256) 544-5560, mail: Monica.M.Vest@nasa.gov.

Technical: Ms. Donna L. Holland, Environmental Engineering Office, NASA MSFC, AS10, Marshall Space Flight Center, AL 35812, Phone: (256) 544-7201, e-mail:

Donna.L.Holland@nasa.gov.

SUPPLEMENTARY INFORMATION: NASA has reviewed the Final PEA prepared for the disposition of the SSP's real and personal property and has determined that it represents an accurate and adequate analysis of the scope and level of associated environmental impacts. The Final PEA is hereby incorporated by reference in this FONSI.

Under NASA's Proposed Action, SSP transition and property disposal activities would be expected to occur at the following NASA sites:

- Dryden Flight Research Center, Edwards Air Force Base, California.
- George C. Marshall Space Flight Center, Huntsville, Alabama.
- John F. Kennedy Space Center, Brevard County, Florida.
- John C. Stennis Space Center, Hancock County, Mississippi.
- Johnson Space Center El Paso Forward Operating Location, El Paso, Texas.
- Johnson Space Center Ellington Field, Houston, Texas.
- Johnson Space Center White Sands Test Facility (and the U.S. Army's White Sands Missile Range), Las Cruces, New Mexico.
- Lyndon B. Johnson Space Center, Houston, Texas.
- Langley Research Center, Hampton, Virginia.
- Michoud Assembly Facility, New Orleans, Louisiana.
- Palmdale Air Force Plant 42, Site 1, Palmdale, California.

The Final PEA may be viewed at the following NASA locations by contacting the pertinent Freedom of Information Act Office in writing or by telephoning:

(a) NASA, Ames Research Center, Moffett Field, CA 94035 (650-604-3273);

(b) NASA, Dryden Flight Research Center, Edwards, CA 93523 (661-276-2704);

(c) NASA, Glenn Research Center at Lewis Field, Cleveland, OH 44135 (1-866-404-3642);

(d) NASA, Goddard Space Flight Center, Greenbelt, MD 20771 (301-286-4721);

(e) NASA, John C. Stennis Space Center, MS 39529 (228-688-2118);

(g) NASA, Lyndon B. Johnson Space Center, Houston, TX 77058 (281-483-8612);

(h) NASA, Langley Research Center, Hampton, VA 23681 (757-864-2497);

(i) NASA, Michoud Assembly Facility, New Orleans, LA 70189 (504-257-2629); and

(j) NASA, White Sands Test Facility, Las Cruces, NM 88004 (505-524-5024).

In addition the Final PEA may be examined at:

(k) Jet Propulsion Laboratory, Visitors Lobby, Building 249, 4800 Oak Grove Drive, Pasadena, CA 91109.

Alternatives that were evaluated include the: (1) No-Action Alternative; and (2) the Proposed Action Alternative. Under the No-Action Alternative, NASA would not implement the proposed comprehensive and coordinated effort to disposition SSP property under a structured and centralized SSP process. Instead, the disposition of SSP property would occur on a Center-by-Center and item-by-item basis in the normal course of NASA's ongoing facility and program management. Under the Proposed Action (which is also NASA's Preferred Alternative), NASA would conduct disposition actions for real and personal property using a structured process consisting of a coordinated series of actions in accordance with 41 CFR, Chapter 101, "Federal Property Management Regulations;" Subchapter H, "Utilization and Disposal;" Federal Acquisition Regulation (FAR) Part 45; 48 CFR Part 45, "Government Property"; and NASA FAR Supplement Part 1845, 48 CFR 1845, "Government Property".

When the SSP disposes of or transfers real or personal property, the responsible NASA Center will evaluate the property using Federal and NASA property management regulations and guidance.

The notice of availability of the Draft PEA was published in the **Federal Register** on February 28, 2008. Notice also was published in local newspapers serving communities near NASA Centers and installations primarily involved in SSP. NASA received 20 comments on the Draft PEA. Environmental concerns were expressed in the context of general interest and support, historic and cultural property disposition, and natural resource management. These comments are addressed in the Final PEA, and were considered along with responses in reaching NASA's decision.

The analyses of environmental impacts due to activities associated with the disposition of shuttle property revealed minimal to no impact on environmental resources with the exception of the effect on historical resources. The impact to historic resources was found to be moderate, but adverse. The moderate impact is due to the potential for demolition or modification of buildings that will no

longer be needed after the retirement of the SSP. NASA believes that the ultimate impact will be moderate because, before any final decision is made about demolishing or modifying any facility, NASA will conduct an appropriate level of environmental and cultural resource analysis. If any such properties are listed in or eligible for listing in the National Register of Historic Places, NASA will take no action that would affect any such property until the National Historic Preservation Act Section 106 process is complete.

On the basis of the evaluations documented in the SSP T&R Final PEA, the environmental impacts associated with the proposed action would not individually or cumulatively have a significant impact on the quality of the human environment. An Environmental Impact Statement need not and will not be prepared, and NASA is issuing this Finding of No Significant Impact.

William H. Gerstenmaier,

Associate Administrator for Space Operations.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 030-29462]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact Related to the Approval for the Department of the Navy To Issue an Amendment to a Materials Permit for the Unrestricted Release of Building 5 at the Naval Air Warfare Center Weapons Division in China Lake, CA, Under Byproduct Materials License No. 45-23645-01NA

AGENCY: Nuclear Regulatory Commission.

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

FOR FURTHER INFORMATION CONTACT:

Orysia Masnyk Bailey, Health Physicist, Materials Security & Industrial Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406; telephone (864) 427-1032; fax number (610) 680-3497; or by e-mail: omm@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering allowing the Department of the Navy

(Navy) to issue an amendment to a materials permit which is governed by the Navy's Master Materials License No. 45-23645-01NA pursuant to 10 CFR Part 30. The NRC approval would authorize the Navy to release, for unrestricted use, Building 5 (the Facility), located at the Naval Air Warfare Center Weapons Division in China Lake, California. The Navy requested this action in a letter dated February 8, 2008. 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 proposed action will be taken following the publication of this FONSI and EA in the **Federal Register**.

Background

The materials permit for the Facility (NRMP No. 04-68307-WINP) was issued on August 7, 2003, and authorized the use of carbon-14 for preparation of radio-labeled derivatives of an energetic material for analysis by offsite laboratories. Additionally, bottles of thorium-232 oxide powder and uranium dioxide (limited to amounts of 15 grams and 100 grams, respectively) were also stored at the Facility.

II. Environmental Assessment

Identification of Proposed Action

The proposed action would approve the Navy's February 8, 2008, request to release Building 5 at the Naval Air Warfare Center Weapons Division (NAWC) in China Lake, California (the Facility) for unrestricted use and the termination of its materials permit.

NAWC China Lake is a 1.1 million acre (1735 square mile) military reservation in the upper Mojave Desert of south central California. It is divided into two major ranges, the North and South Ranges. The Facility is located on the North Range. The carbon-14 work area was confined to a corner of Room 1613 within the Facility, with dimensions of approximately 10 feet by 13 feet. The work area contained a table, a bench counter containing a sink, an adjoining bench counter, a fume hood, and a table. Room 1613 is approximately 18 feet by 30 feet by 15 feet high in the carbon-14 work area and 20 feet high on the opposite side of the room.

In November 2005, the Navy ceased licensed activities at the Facility and initiated decontamination of Room

1613. Scoping surveys were performed in March 2004, April 2005, and September 2006. Based on the Navy's historical knowledge of the site and the results of the scoping surveys, the Navy determined that only routine decontamination activities, in accordance with their NRC-approved, operating radiation safety procedures, were required. The Navy was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures were consistent with those approved for routine operations. The Navy conducted Facility surveys in September 2007, and provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release and for permit termination.

Need for the Proposed Action

The Navy is requesting approval of this permitting action because it has ceased conducting licensed activities at the Facility and seeks its unrestricted use and the termination of its materials permit.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted in the Facility shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: Carbon-14 and thorium-232. Prior to performing the final status survey, the Navy conducted decontamination activities, as necessary, in the areas of the Facility affected by these radionuclides.

The Navy conducted a final status survey in September 2007. This survey covered building and work area surfaces in the Facility. The final status survey report was submitted by letter dated February 8, 2008. For the carbon-14, the Navy elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening approach described in NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volume 2. The Navy used the radionuclide-specific derived concentration guideline levels (DCGLs), developed there by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials, and in soils, that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Navy's final status survey results were below these DCGLs and are in compliance with the As Low As Reasonably Achievable