

population group, the annual dose equivalent received from the proposed action would be less than 0.01 millisievert (1 millirem). The NRC staff conducted an independent technical review of this estimate and concluded that the Licensee's dose estimate was technically sound. This dose is far below the dose limits established in 10 CFR part 20 for occupational workers and members of the public and is considered to be as low as is reasonably achievable.

The risk to human health from the transportation of radioactive material in the U.S. was evaluated in NUREG-0586, "Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities." As evaluated there, the impacts associated with rail transport of decommissioning wastes are not detectable, and the potential impacts are small. The NRC staff finds that the transportation impacts of the proposed action are bounded by those evaluated in NUREG-0586, and that the proposed action poses no danger to public health and safety. The NRC staff finds that the proposed action will result in minimal risk to workers and the public. The NRC has identified no other radiological or non-radiological activities connected with the proposed action that would result in cumulative environmental impacts, and concludes 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*

The only alternative to the proposed soil disposal action is no action. This no action alternative is unacceptable because it conflicts with 10 CFR 30.36(d) which requires that decommissioning of byproduct material facilities be completed and approved by the NRC after license activities at a site cease. The no action alternative would keep radioactive material on site and halt the remediation activities associated with cleanup of the Beltsville Agricultural Research Center waste burial site.

#### *Conclusion*

The NRC staff has concluded that the proposed action is consistent with NRC guidance and regulations. 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 Environmental Assessment to the Idaho

Department of Environmental Quality and the Maryland Radiological Health Program for review on October 1, 2008. On October 6, 2008, the Idaho Department of Environmental Quality responded by electronic mail. The State of Idaho agreed with the conclusions of the EA, and otherwise had no comments. On November 10, 2008, the Maryland Radiological Health Program responded by electronic mail. The State of Maryland agreed with the conclusions of the EA, and otherwise had no comments.

The NRC staff has determined that the proposed action of authorizing disposal of material meeting the waste acceptance criteria of an existing approved RCRA hazardous waste disposal facility 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. Title 10 Code of Federal Regulations, part 20, "Standards for Protection Against Radiation;"
2. Title 10, Code of Federal Regulations, part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;"
3. Title 10, Code of Federal Regulation, part 30, "Rules of General

Applicability to Domestic Licensing of Byproduct Material;" and

4. Letter dated October 5, 2007 from USDA to NRC [ML073110166]

5. Letter dated August 25, 2008 from USEI to NRC [ML082480279]

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.resource@nrc.gov](mailto:pdr.resource@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 King of Prussia, Pennsylvania this 12th day of March, 2009.

For The Nuclear Regulatory Commission.

**Randolph C. Ragland, Jr.,**

*Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region 1.*

[FR Doc. E9-6000 Filed 3-18-09; 8:45 am]

**BILLING CODE 7590-01-P**

#### **OFFICE OF PERSONNEL MANAGEMENT**

#### **Excepted Service**

**AGENCY:** U.S. Office of Personnel Management (OPM).

**ACTION:** Notice.

**SUMMARY:** This gives notice of OPM decisions granting authority to make appointments under Schedules A, B, and C in the excepted service as required by 5 CFR 6.6 and 213.103.

**FOR FURTHER INFORMATION CONTACT:** Glenda Haendschke, Acting Group Manager, Executive Resources Services Group, Center for Human Resources, Division for Human Capital Leadership and Merit System Accountability, 202-606-2246.

**SUPPLEMENTARY INFORMATION:** Appearing in the listing below are the individual authorities established under Schedules A, B, and C between January 1, 2009, and January 31, 2009. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of September 30 is published each year. The following Schedules are not codified in the Code of Federal Regulations. These are agency specific exceptions.

#### **Schedule A**

Schedule A authorities in the month of January 2009.

Section 213.3113. The authority is amended to read:

*Section 213.3113 U.S. Department of Agriculture*

(f)(2) Positions of Agricultural Commodity Graders, Agricultural Commodity Technicians, and Agricultural Commodity Aides at grades GS-11 and below in the cotton, raisin, peanut, and processed and fresh fruit and vegetable commodities and the following positions in support of these commodities: Clerks, Office Automation Clerks, and Computer Clerks and Operators at GS-5 and below; Clerk-Typists at grades GS-4 and below; and, under the Federal Wage System, High Volume Instrumentation (HVI) Operators and HVI Operator Leaders at WG/WL-2 and below, respectively, Instrument Mechanics/Workers/Helpers at WG-10 and below, and Laborers. Employment under this authority may not exceed 180 days in a service year. In unforeseen situations such as bad weather or crop conditions, unanticipated plant demands, or increased imports, employees may work up to 240 days in a service year. Cotton Agricultural Commodity Graders, GS-5, may be employed as trainees for the first appointment for an initial period of 6 months for training without regard to the service year limitation.

Section 213.3106. The authority is amended to read:

*213.3106 Department of Defense*

(b)(10) "Temporary or time-limited positions in direct support of U.S. Government efforts to rebuild and create an independent, free, and secure Iraq and Afghanistan, when no other appropriate appointing authority applies. Positions will generally be located in Iraq or Afghanistan, but may be in other locations, including the United States, when directly supporting operations in Iraq or in Afghanistan. No new appointments may be made under this authority after October 1, 2012."

**Schedule B**

No Schedule B appointments were approved for January 2009.

**Schedule C**

The following Schedule C appointments were approved during January 2009.

*Section 213.3318 Environmental Protection Agency*

EPGS09005 Special Assistant to the Associate Administrator for Policy, Economics and Innovation. Effective January 30, 2009.

*Section 213.3343 Farm Credit Administration*

FLOT00080 Executive Assistant to Member, Farm Credit Administration Board. Effective January 13, 2009.

*Section 213.3344 Occupational Safety and Health Review Commission*

SHGS90002 Confidential Assistant to the Commission Member (Chairman). Effective January 14, 2009.

*Section 213.3382 National Endowment for the Arts*

NAGS00062 Counselor to the Chairman, National Endowment for the Arts. Effective January 22, 2009.

**Authority:** 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.

**Kathie Ann Whipple,**

*Acting Director, U.S. Office of Personnel Management.*

[FR Doc. E9-5982 Filed 3-18-09; 8:45 am]

**BILLING CODE 6325-39-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. IC-28646; File No. 812-13600]

**ING USA Annuity and Life Insurance Company, et al.**

March 13, 2009.

**AGENCY:** Securities and Exchange Commission ("SEC" or "Commission").

**ACTION:** Notice of Application for an Order Pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act").

**APPLICANTS:** ING USA Annuity and Life Insurance Company (ING USA) (the "Life Company"), Separate Account B of ING USA Annuity and Life Insurance Company (the "Account"), and Directed Services LLC (DSL) (collectively, the "Applicants").

**SUMMARY OF THE APPLICATION:** The Applicants hereby request the Commission to issue an order pursuant to Section 6(c) of the Act to exempt them from the provisions of Sections 2(a)(32) and 27(i)(2)(A) of the Act and Rule 22c-1 thereunder to the extent necessary to permit recapture of certain bonuses applied to purchase payments with respect to (1) the deferred variable annuity contracts, including data pages, riders and endorsements, described herein that the Life Company intends to issue (the "Current Contracts"), (2) the deferred variable annuity contracts, including data pages, riders and endorsements, substantially similar to the Current Contracts that the Life Company may issue in the future (the

"Future Contracts") (Current Contracts and Future Contracts referred to collectively as the "Contracts"), (3) any other separate accounts of the Life Company and its successors in interest ("Future Accounts") that support the Contracts, and (4) any Financial Industry Regulatory Authority, Inc. ("FINRA") member broker-dealers controlling, controlled by, or under common control with any Applicant, whether existing or created in the future, that in the future, may act as principle underwriter for the Contracts ("Future Underwriters"). The circumstances under which the Contracts would allow the recapture of all or a portion of certain bonus credits (previously applied to premium payments) are where the bonus credits were applied and (1) the contract owner exercises his or her "free look" right, (2) in the event of the contract owner's death within 12 months of the bonus credit being applied and any bonus credit applied after the contract owner's death (unless the deceased contract owner's spouse chooses to continue the Contract), or (3) upon a surrender or withdrawal where the surrender charge is waived due to the contract owner's receipt of qualified extended medical care, or the owner is diagnosed with a qualifying terminal illness, as defined in the Contract, in which event the Life Company will recapture all bonus credits applied during the 12 months prior to receipt of such care or date of diagnosis, as applicable.

**FILING DATE:** The application was originally filed on November 7, 2008; amended and restated applications were filed on March 6, 2009, and March 11, 2009.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving the Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on April 3, 2009, and should be accompanied by proof of service on the Applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549. Applicant, c/o John S. (Scott) Kreighbaum, Esq.,