FACOSH2006-1
EX-1

rope to ⅝ inch wire rope. As in the previously granted petition for modification, the petitioner proposes to use the slope (gunboat) to transport persons in shafts and slopes without safety catches or other no less effective devices. Instead, petitioner proposes to use an increased rope strength/safety factor and secondary safety rope connection. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

2. McElroy Coal Company

[Docket No. M–2006–020–C]

McElroy Coal Company, RD #4, Box 425, Route 2, Moundsville, West Virginia 26041 has filed a petition to modify the application of 30 CFR 77.214(a) (Refuse piles; general) to its McElroy Mine (MSHA I.D. No. 46–01437) located in Marshall County, West Virginia. The petitioner proposes to abandon the escape shaft by filling it with cement grout and capping the shaft with a 6-inch thick concrete cap along with a minimum 5-foot thick by 25-foot wide clay cap. They previously described this proposal in the Sealing Plan submitted on April 6, 2006 to the MSHA District 3 office in Morgantown, West Virginia and included it as "Attachment 1" to the petition for modification. Further, the petitioner proposes to backfill around and or near the abandoned shaft with coarse coal refuse as part of the expansion of the Conner Run Dam after the abandonment of the shaft is completed. In addition, petitioner avers that abandonment of the shaft with cement grout will eliminate the potential of material consolidation, void formation or seepage flows between the abandoned shaft and underground workings. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

3. AMFIRE Mining Company, LLC

[Docket No. M–2006–021–C]

AMFIRE Mining Company, LLC, One Energy Place, Latrobe, Pennsylvania 15650 has filed a petition to modify the application of 30 CFR 75.1100–2(e)(2) (Quantity and location of firefighting equipment) to its Madison Mine (MSHA I.D. No. 36–09127) located in Cambria County, Pennsylvania. The petitioner requests a modification of the existing standard to permit an alternative method of compliance with the firefighting equipment required at temporary electrical installations. The petitioner proposes to use two (2) fire extinguishers or one fire extinguisher of twice the required capacity at all temporary electrical installations, in lieu of using 240 pounds of rock dust. In support of the request, petitioner asserts that having two (2) fire extinguishers at each temporary electrical installation will eliminate or minimize the problems associated with the maintenance of rock dust at temporary electrical installations. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

4. R S & W Coal Company, Inc.

[Docket No. M–2006–022–C]

R S & W Coal Company, Inc., 207 Creek Road, Klingerstown, Pennsylvania 17941 has filed a petition to modify the application of 30 CFR 75.1714–2(c) (Self-rescue devices; use and location requirements) to its RS&W Drift Mine (MSHA I.D. No. 36–01818) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the existing standard to permit self-contained self-rescue (SCSR) devices to be stored within 200 feet of the working face. The petitioner states that in steeply pitching, conventional anthracite mines, entries are advanced as far as 200 feet vertically, which exposes the miner to trip and fall hazards and the necessity of carrying supplies up narrow entries while wearing the SCSRs may result in damage to the SCSR and also may result in a diminution of safety to the miner. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via E-mail to *zzMSHA-Comments@dol.gov*. Include "petitions for modification" in the subject line of the e-mail. Comments can also be submitted by fax, regular mail, or hand-delivery. If faxing your comments, include "petitions for modification" on the subject line of the fax. Comments by regular mail or hand-delivery should be submitted to the Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209. If hand-delivered, you are required to stop by the 21st floor to check in with the receptionist. All comments must be postmarked or received by the Office of Standards, Regulations, and Variances on or before October 10, 2006. Copies of the petitions are available for inspection at that address.

Dated at Arlington, Virginia, this 25th day of August 2006.

Ria Moore Benedict,

Deputy Director, Office of Standards, Regulations, and Variances.

[FR Doc. E6–14888 Filed 9–7–06; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Notice of Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Federal Advisory Council on Occupational Safety and Health (FACOSH); Notice of meeting.

SUMMARY: The Federal Advisory Council on Occupational Safety and Health (FACOSH) was established to advise the Secretary of Labor on issues relating to the occupational safety and health of Federal employees. The purpose of this **Federal Register** notice is to announce the upcoming FACOSH meeting. The Agenda items for the meeting will include:

1. Call to Order.
2. Program Updates.
   a. GAO Audit.
   b. SHARE.
   c. Federal Recordkeeping.
   d. Federal Agency Training.
   e. Pandemic Flu Guidance for Federal Agencies.
3. New Business.
4. Adjournment.

DATES: The Council will meet on Thursday, September 28, 2006, from 10 a.m. to 4:30 p.m.

ADDRESSES: The Council will meet at the U.S. Department of Labor, Mine Safety and Health Administration (MSHA) located at 1100 Wilson Boulevard, Arlington, VA 22209. The meeting will be held in MSHA Conference Rooms 2537G–2540K.

FOR FURTHER INFORMATION CONTACT: For additional information, please contact Diane Brayden, Director, Office of Federal Agency Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–3622, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2187. Individuals with disabilities who need special accommodations and wish to attend the meeting should contact Ms. Brayden at the address indicated above.

SUPPLEMENTARY INFORMATION: The FACOSH meeting is open to the public.

All interested persons are invited to attend the FACOSH meeting at the time and location listed above. Anyone wishing to attend this meeting must be prepared to exhibit photo identification and sign-in at MSHA's front office, located in Suite 2176, for authorization to enter the meeting area.

Public Participation: Written data, views, or comments may be submitted, preferably with 20 copies, to the Office of Federal Agency Programs at the Department of Labor Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210. All such submissions received by September 21, 2006 will be provided to the Federal Advisory Council members and included in the meeting record. Anyone wishing to make an oral presentation should notify the Office of Federal Agency Programs by the close of business on September 21, 2006. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation's content. Those who request the opportunity to address the Council may be allowed to speak, as time permits, at the discretion of the Chairperson. An official record of the meeting will be available for public inspection at the Office of Federal Agency Programs.

Authority: Edwin G. Foulke, Jr., Assistant Secretary of Labor Occupational Safety and Health, directed the preparation of this notice under the authority granted by Section 1–5 of Executive Order 12196 and the Federal Advisory Committee Act (5 U.S.C. App.2).

Signed at Washington, DC, this 30th day of August, 2006.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor.

[FR Doc. E6–14875 Filed 9–7–06; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–30074]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 29–28056–01, for Unrestricted Release of the Celgene Corporation's Facility in Warren, NJ

AGENCY: Nuclear Regulatory Commission.

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

FOR FURTHER INFORMATION CONTACT: Dennis Lawyer, Health Physicist, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, PA 19406; telephone (610) 337–5366; fax number (610) 337–5393; or by e-mail: *drl1@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Materials License No. 29–28056–01. This license is held by Celgene Corporation (the Licensee), for the facility located at 7 Powder Horn Drive in Warren, New Jersey (the Facility). Issuance of the amendment would authorize release of the Facility for unrestricted use. The Licensee requested this action in a letter dated January 17, 2006. 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 amendment will be issued to the Licensee 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 January 17, 2006, license amendment request, resulting in release of Celgene Corporation's Warren, NJ facility for unrestricted use. License No. 29–28056–01 was issued on September 10, 1987, pursuant to 10 CFR part 30, and has been amended periodically since that time. This license authorized the Licensee to use unsealed byproduct material for purposes of conducting research and development activities on laboratory bench tops and in hoods.

The Facility occupies 38,500 square feet and consists of administrative office and laboratories. The Facility is located in a light industrial area. Use of licensed material was confined to Rooms 13, 14, 15, 18A, 20, 105, 106, 113, Waste and Chemical Storage areas, associated hallways, and undeveloped areas of approximately 10,000 square feet within the Facility.

On August 15, 2005, the Licensee ceased licensed activities and initiated a survey, and decontamination of the areas in which licensed materials were used within the Facility. Based on the Licensee's historical knowledge of the site and the conditions of the Facility, the Licensee determined that only routine decontamination activities, in accordance with its NRC-approved, operating radiation safety procedures, were required. The Licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. The Licensee conducted surveys of the areas where licensed materials were used and provided information to the NRC to demonstrate that it 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 unrestricted use of its Facility.

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: hydrogen-3 and carbon-14. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of the Facility affected by these radionuclides.

The Licensee conducted a final status survey on December 5–7, 2005. This survey covered Rooms 13, 14, 15, 18A, 20, 105, 106, 113, Waste and Chemical Storage areas, underdeveloped areas and associated hallways. The final status survey report was enclosed with the Licensee's amendment request dated January 17, 2006, as supplemented in a letter dated April 28, 2006. The Licensee 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 Licensee 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 Licensee's final status survey results were below these DCGLs and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. The NRC concludes that the Licensee's final status survey results are thus acceptable.