

**DEPARTMENT OF ENERGY****DOE Response to Recommendation 2007-1 of the Defense Nuclear Facilities Safety Board, Safety-Related In Situ Nondestructive Assay of Radioactive Materials****AGENCY:** Department of Energy.**ACTION:** Notice.

**SUMMARY:** The Defense Nuclear Facilities Safety Board Recommendation 2007-1, concerning Safety-Related In Situ Nondestructive Assay of Radioactive Materials was published in the **Federal Register** on May 2, 2007 (72 FR 24279). In accordance with section 315(b) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2286d(b), the Secretary transmitted the following response to the Defense Nuclear Facilities Safety Board on June 28, 2007.

**DATES:** Comments, data, views, or arguments concerning the Secretary's response are due on or before August 13, 2007.

**ADDRESSES:** Send comments, data, views, or arguments concerning the Secretary's response to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Heffner, Nuclear Engineer, Departmental Representative to the Defense Nuclear Facilities Safety Board, Office of Health, Safety and Security, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Issued in Washington, DC, on July 10, 2007.

**Mark B. Whitaker, Jr.,**

*Departmental Representative to the Defense Nuclear Facilities Safety Board, Office of Health, Safety and Security.*

**The Secretary of Energy**

Washington, DC 20585

June 28, 2007

The Honorable A.J. Eggenberger, Chairman, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004-2901

Dear Mr. Chairman: The Department of Energy acknowledges receipt of the Defense Nuclear Facilities Safety Board's Recommendation 2007-1, Safety-Related In Situ Nondestructive Assay of Radioactive Materials, issued on April 25, 2007.

The Department recognizes that continuous improvement in in situ nondestructive assay (NDA) is warranted to support nuclear safety in various activities carried out at Department defense nuclear facilities and, therefore, accepts Recommendation 2007-1. Using the following approach, the Department will develop an Implementation Plan consistent

with Integrated Safety Management System principles:

- Evaluate the condition of in situ NDA programs against evaluation criteria, which will be developed;
- Identify state of the practice, both commercial as well as within the Department, in training and qualification, design requirements for new facilities and equipment, standards for conducting in situ NDA, implementation of standards, and oversight;
- Identify any relevant ongoing research and development activities;
- Identify what is needed and any resulting gaps in personnel capabilities and training, equipment capabilities, policy and directives, and oversight;
- Establish requirements, programs, and guidance, as needed; and
- Develop a prioritized plan for implementing the above criteria and requirements.

I have assigned Mr. Richard Lagdon, Chief of Nuclear Safety, Office of the Under Secretary of Energy, as the Department's responsible manager for developing the Implementation Plan. He can be reached at (202) 586-9471.

Sincerely,

Samuel W. Bodman

[FR Doc. 07-3431 Filed 7-12-07; 8:45 am]

**BILLING CODE 6450-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OAR-2007-0529 FRL-8439-4]**

**Agency Information Collection Activities; Proposed Collection; Comment Request; Information Collection Activities Associated with EPA's ENERGY STAR® Product Labeling; EPA ICR No. 2078.02, OMB Control No. 2060-0528**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on December 31, 2007. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before September 11, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2007-0529 by one of the following methods:

- [www.regulations.gov](http://www.regulations.gov): Follow the online instructions for submitting comments.

- *E-mail:* [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov).

- *Fax:* 202-566-9744.

- *Mail:* Air and Radiation Docket Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. *Hand Delivery:* 1301 Constitution Avenue, NW., Room 3334, Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OAR-2007-0529. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov) your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**FOR FURTHER INFORMATION CONTACT:** Ann Bailey, Climate Protection Partnerships Division, Office of Air and Radiation, Mailcode 6202J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-343-9023; fax number: 202-343-2200, e-mail address: [bailey.ann@epa.gov](mailto:bailey.ann@epa.gov).

**SUPPLEMENTARY INFORMATION:****How Can I Access the Docket and/or Submit Comments?**

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2007-0529, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Air and Radiation Docket is 202-566-1742.

Use [www.regulations.gov](http://www.regulations.gov) to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

**What Information Is EPA Particularly Interested in?**

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

- (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (iii) Enhance the quality, utility, and clarity of the information to be collected; and
- (iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

**What Should I Consider When I Prepare My Comments for EPA?**

You may find the following suggestions helpful for preparing your comments:

- 1. Explain your views as clearly as possible and provide specific examples.
- 2. Describe any assumptions that you used.
- 3. Provide copies of any technical information and/or data you used that support your views.
- 4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
- 5. Offer alternative ways to improve the collection activity.
- 6. Make sure to submit your comments by the deadline identified under **DATES**.
- 7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

**What Information Collection Activity or ICR Does This Apply to?**

*Docket ID No.:* EPA-HQ-OAR-2007-0529.

*Affected entities:* Entities potentially affected by this action are product manufacturers which are Partners in EPA's ENERGY STAR program.

*Title:* Information Collection Activities Associated with EPA's ENERGY STAR® Product Labeling.

*ICR numbers:* EPA ICR No. 2078.02, OMB Control No. 2060-0528.

*ICR status:* This ICR is currently scheduled to expire on December 31, 2007. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* ENERGY STAR is a voluntary program developed in collaboration with industry to create a self-sustaining market for energy efficient products. The center piece of the program is the ENERGY STAR label, a registered certification label that helps consumers identify products that save energy, save money, and help protect the environment without sacrificing

quality or performance. In order to protect the integrity of the label and enhance its effectiveness in the marketplace, EPA must ensure that products carrying the label meet appropriate program requirements. Since ENERGY STAR is a self-certification program, it is important that program participants submit signed Partnership Agreements indicating that they will adhere to logo-use guidelines and that participating products meet specified energy performance criteria based on a standard test method.

As part of our contribution to the overall success of the program, EPA has agreed to facilitate the sale of qualifying products by providing consumers with easy-to-use information about the products. To be effective, EPA must receive qualifying product information from participating manufacturers. Partners are requested to submit updates to qualifying information on an annual basis, at minimum, so as to ensure that EPA information is recent and accurate. The information will be compiled into a complete qualifying products list per product category, posted on the ENERGY STAR Web site, and supplied to those purchasers who request it via phone, fax, or e-mail. In addition, because of the nature of these products, manufacturers of roof products and residential light fixtures are requested to submit testing reports in order to verify qualification.

In order to monitor progress and support the best allocation of resources, EPA also asks manufacturers to submit annual shipment data for their ENERGY STAR qualifying products. EPA is flexible as to the methods by which manufacturers may submit unit shipment data. For example, if manufacturers already submit this type of information to a third party, such as a trade association, they are given the option of arranging for shipment data to be sent to EPA via this third party to avoid duplication of efforts and to ensure confidentiality. In using any shipment data received directly from a partner, EPA will mask the source of the data so as to protect confidentiality.

Finally, Partners that wish to receive recognition for their efforts in ENERGY STAR may submit an application for the Partner of the Year Award.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 89.33 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions;

develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The estimated total cost for respondents is \$7,056,533 and the hourly burden is approximately 89,150 hours. This cost includes an estimated burden cost of \$6,817,702 and an estimated cost of \$238,831 for capital investment or maintenance and operational costs. The estimated total cost for the Agency is \$468,724 and the hourly burden is approximately 11,932 hours. This cost includes an estimated burden cost of \$467,508 and an estimated cost of \$1,216 for capital investment or maintenance and operational costs. A grand total of \$7,525,257 and an hourly burden of approximately 101,082 hours are expected for all information collection activities under ENERGY STAR product labeling.

EPA collects initial information in the Partnership Agreement (PA), which is completed and submitted by every Partner participating in ENERGY STAR. One overarching PA has been developed by EPA for ENERGY STAR product labeling. It is expected that 292 new Partners will join each year for the three years of this ICR. The reporting burden for information collection requirements associated with completing the PA for each respondent is estimated to be 4.20 hours. This estimate includes time for reviewing the instructions on the PA, completing and reviewing the information requested by the PA, and submitting the PA.

Every manufacturing Partner is required to submit information on each of their qualifying products. Annual updates, at minimum, notifying EPA of any changes in qualifying product information, are required as well. Thirty-three different product categories are covered by EPA under ENERGY STAR. Each product category has specific qualifying product information that must be submitted by each Partner for at least one qualifying product. Qualifying product information is expected for 9,986 new qualifying products each year for the three years of this ICR. The qualifying product list for each product category is updated by the

Agency once each month, for a total of 396 times annually (32 qualifying product lists multiplied by 12 months in a year). Approximately twice each month the Agency receives a request for qualifying product information that cannot be fulfilled by the ENERGY STAR Web site, for a total of 792 requests. The reporting burden for information collection requirements associated with completing qualifying product information for each qualifying product submitted by a respondent is estimated to be 4.85 hours. This estimate includes time for reviewing instructions, completing and reviewing the information requested, and submitting the information.

ENERGY STAR Partners for residential light fixtures and roof products are required to submit testing reports for each product determined to be ENERGY STAR qualified. It is anticipated that qualifying product information for 4,464 new roof and residential light fixture products will be received by EPA each year for the three years of this ICR. The reporting burden for information collection requirements associated with testing reports by roof product and residential light fixture Partners for each qualifying product submitted by a respondent is estimated to be 14.30 hours. This estimate includes performing testing in-house or by a Third Party, assembling the data into a report format, reviewing it, and submitting it.

Each year, ENERGY STAR Partners are required to submit unit shipment data for their ENERGY STAR qualified products. There will be an average of 692 total Partners each year for the three years of this ICR. Therefore, 692 reports of unit shipment data are expected each year for the three years of this ICR. Unit shipment data will be aggregated for each of the 33 product categories covered by EPA under ENERGY STAR. The reporting burden for information collection requirements associated with unit shipment data for each respondent is estimated to be 6.69 hours. This estimate includes reviewing instructions, gathering unit shipment data, compiling and reviewing it by category, and submitting it.

Partners interested in receiving recognition for their efforts on ENERGY STAR are required to submit a Partner of the Year application. One set of Partner of the Year award criteria are developed by the Agency each year and posted on the ENERGY STAR Web site. An average of 17 award applications are expected each year for the three years of this ICR. The reporting burden for information collection requirements associated with the Partner of the Year

application for each respondent is estimated to be 59.29 hours. This estimate includes reviewing instructions on the application, gathering data and information for submission, completing the application, reviewing the information and narrative description required, and submitting the application to EPA.

#### **Are There Changes in the Estimates from the Last Approval?**

There is an increase of approximately 18,483 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. Although the estimated burden hours for each individual collection activity decreased, the overall increase in burden hours reflects the increased number of roof products and residential light fixture Partners that are required to submit testing reports along with qualifying product information. The currently approved ICR estimated 654 respondents, whereas this ICR estimates 4,464 respondents for this activity. This change is an adjustment.

#### **What is the Next Step in the Process for this ICR?**

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: June 29, 2007.

**Kathleen Hogan,**

*Director, Climate Protection Partnerships Division.*

[FR Doc. E7-13623 Filed 7-12-07; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[ER-FRL-6688-9]**

### **Environmental Impact Statements and Regulations; Availability of EPA Comments**

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for