

- Enhance the quality, utility, and clarity of the information to be collected; and
- 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.

*Agency:* Employee Benefits Security Administration.

*Type of Review:* Extension of currently approved collection.

*Title:* ERISA Technical Release 91-1.

*OMB Number:* 1210-0084.

*Frequency:* On occasion.

*Type of Response:* Reporting and third party disclosure.

*Affected Public:* Business or other for-profit; not-for-profit institutions; and individuals or households.

*Number of Respondents:* 42.

*Number of Annual Responses:* 135,513.

*Estimated Time per Respondent:* 1 hour and 52 minutes (includes preparation and distribution of notices).

*Total Burden Hours:* 4,577.

*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$26,539.

*Description:* Technical Release 91-1 alerts the public to amendments to section 101(e) of ERISA that requires a plan to provide advanced notification to the Secretaries of Labor and the Treasury, as well as participants and beneficiaries, of an intended transfer of excess assets from a defined benefit plan to a retiree health account.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. E6-2229 Filed 2-15-06; 8:45 am]

BILLING CODE 4510-29-P

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### Assignment of President's Reporting Function Contained Within Section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c))

February 10, 2006.

**AGENCY:** Employment Standards Administration; Department of Labor.

**SUMMARY:** The President has assigned to the Secretary of Labor the function of the President contained within section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), to provide the specified final report to the Congress in

relation to Proclamation 7959 of November 3, 2005. Proclamation 7959 revoked Proclamation 7924 that was issued September 8, 2005, and which suspended the provisions of the Davis-Bacon Act (40 U.S.C. 3141-3148) relating to prevailing-wage determinations by the Secretary of Labor within specified geographic areas affected by Hurricane Katrina.

**DATES:** *Effective Date:* February 16, 2006.

#### FOR FURTHER INFORMATION CONTACT:

William W. Gross, Director, Office of Wage Determinations, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3028, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693-0569. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** On September 8, 2005, pursuant to authority given to him in 40 U.S.C. 3147 to "suspend the provisions of this subchapter during a national emergency," President George W. Bush issued Proclamation 7924 (70 FR 54227, September 13, 2005) suspending Subchapter IV of Chapter 31 of Title 40, United States Code, within a limited geographical area, as specified in the Proclamation, in response to the national emergency caused by Hurricane Katrina. The Proclamation suspended as to all contracts, as described in 40 U.S.C. 3142(a), entered on or after the date of the Proclamation the provisions of that Subchapter, commonly known as the Davis-Bacon Act, in the specified jurisdictions, and the provisions of "any Executive Order, proclamation, rule, regulation, or other directive providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under section 3142 of title 40, United States Code," until otherwise provided. On November 3, 2005, pursuant to authority vested in him by the Constitution and the laws of the United States, including 50 U.S.C. 1622 (the National Emergencies Act), the President issued Proclamation 7959 (70 FR 67899, November 8, 2005) revoking Proclamation 7924 "as to all contracts for which bids are opened or negotiations concluded on or after November 8, 2005."

On February 3, 2006, by a Memorandum for the Secretary of Labor, the President stated as follows:

By the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3, United States Code, I hereby assign to you the function of the President contained within section 401(c) of the National

Emergencies Act (50 U.S.C. 1641(c)), to provide the specified final report to the Congress in relation to Proclamation 7959 of November 3, 2005.

This function may be further delegated to the Deputy Secretary of Labor. The Memorandum further authorized and directed the Secretary to publish the final report in the **Federal Register**. Therefore, notice of this assignment of the National Emergencies reporting function in relation to Proclamation 7959 is hereby being published in the **Federal Register**.

Signed at Washington, DC this 9th day of February, 2006.

**Victoria A. Lipnic,**

*Assistant Secretary for Employment Standards.*

Signed at Washington, DC, this 9th day of February, 2006.

**Alfred B. Robinson, Jr.,**

*Acting Wage and Hour Administrator.*

#### Final Report on the National Emergency With Respect to the Suspension of Davis-Bacon Act Requirements in a Limited Geographical Area in Response to Hurricane Katrina

I hereby report to the Congress on final developments concerning the suspension of Davis-Bacon Act requirements in response to the national emergency caused by Hurricane Katrina, that was declared in Proclamation 7924 of September 8, 2005. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) ("NEA").

1. On November 3, 2005, the President issued Proclamation 7959 revoking Proclamation 7924 as of November 8, 2005. Copies of the Proclamations are attached.

2. Proclamation 7924 was issued in response to the devastation caused by Hurricane Katrina and invoked the power given to the President in 40 U.S.C. 3147 "to suspend the provisions of subchapter IV of chapter 31 of title 40, United States Code, 40 U.S.C. 3141-3148 during a national emergency." Subchapter IV of chapter 31 of title 40 ("subchapter IV") provides that federal contracts in excess of \$2000 for "construction, alteration, or repair, including painting and decorating, of public buildings and public works" must contain "a provision stating the minimum wages to be paid various classes of laborers and mechanics," *id.* § 3142(a), and also provides that the minimum wages must be based on the prevailing wages "in the civil subdivision of the State in which the work is to be performed," as determined by the Secretary of Labor, *id.* § 3142(b). The Proclamation suspended, as to all contracts entered on or after September 8, 2005, subchapter IV and provisions in other acts dependent upon wage determinations by the Secretary of Labor under that subchapter, that were to be performed in specified jurisdictions in Alabama, Florida, Louisiana, and Mississippi.

3. As a result of the Proclamation, during the period September 8, 2005 through

November 8, 2005, when the revocation of Proclamation went into effect (see Proclamation 7959), the Federal Government, through the Secretary of Labor, incurred modest expenses issuing internal and public guidance documents explaining the effect of suspending subchapter IV. Expenses were also incurred in preparing the revocation of the Proclamation. The expenses incurred by the Federal Government that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Hurricane Katrina, as they relate to the two-month suspension of subchapter IV's wage-determination provisions in the specified jurisdictions, are reported to be about \$30,000, which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of Labor (particularly in the Office of the Wage-Hour Administrator and the Office of the Solicitor).

4. Because the proclamation and revocation occurred within this reporting period, I am submitting this report pursuant to section 401(c) of the NEA as the final report to the Congress on the total expenses incurred by the Federal Government that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Hurricane Katrina, as they related to the suspension of subchapter IV's wage-determination provisions in the specified jurisdictions.

Dated: February 6, 2006.

Department of Labor.

Steven J. Law,  
Deputy Secretary.

[FR Doc. 06-1466 Filed 2-15-06; 8:45 am]

BILLING CODE 4510-27-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-00873]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Carroll College, Helena, MT

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

#### FOR FURTHER INFORMATION CONTACT:

Rachel Browder, Project Manager, Nuclear Materials Licensing Branch, Division of Nuclear Materials Safety, Region IV, U.S. Nuclear Regulatory Commission, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011. Telephone: (817) 274-6552; fax number: (817) 860-8188; e-mail: [rsb3@nrc.gov](mailto:rsb3@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The Nuclear Regulatory Commission (NRC) is issuing a license amendment to

Material License No. 25-07093-01, issued to Carroll College, to authorize release of its site located in Helena, Montana, for unrestricted use and license termination. In support of the license amendment, the NRC has prepared an Environmental Assessment (EA) in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. This license amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and NRC's rules and regulations for license termination as set forth in 10 CFR Part 20, Subpart E, "Radiological Criteria for License Termination." Accordingly, this license amendment was issued on January 17, 2006, and is effective immediately.

##### II. EA Summary

The purpose of the license amendment is to allow for the release of the licensee's facility at Carroll College, Helena, Montana, for unrestricted use and license termination.

Carroll College was authorized by the U.S. Atomic Energy Commission (AEC) in the 1960's to use radioactive materials for training purposes in biology and chemistry courses. By letter dated October 10, 2005, with enclosed NRC Form 314, Carroll College requested that NRC release the facility for unrestricted use. The licensee submitted surveys of the facility and provided information to the NRC to demonstrate that the site meets the license termination criteria in Subpart E of 10 CFR Part 20 for unrestricted use.

The staff has prepared an EA in support of the proposed license amendment. The Carroll College site did not require any remediation of the land, buildings or water. The majority of radionuclides authorized were small quantities of beta emitters with short half-lives, less than 162 days, with the exception of tritium, cobalt-60, strontium-90, and carbon-14. The licensee's renewal application dated June 20, 1984, states in part that the licensee was using only phosphorus-32 and sulfur-35, which are considered low-beta emitters with short half-lives. Historical records indicate that the radioisotopes were used during four months of the year for laboratory instruction in the handling and use of radioisotopes and chemistry courses.

The licensee disposed of the remaining unsealed radioactive materials at the facility in accordance with the regulations for disposal by release into sanitary sewerage under 10 CFR 20.2003. NRC regulations in 10

CFR Part 20 specify the maximum amount of radioactive materials that a licensee may release from a site in the form of liquid effluents. Additionally, the licensee disposed of the sealed sources by transfer to an authorized recipient in accordance with 10 CFR 30.41. The sealed source inventory was either exempt material under 10 CFR 30.70 or non-NRC licensed material. The historical site assessment did not identify any short or long-term impacts to human health and the environment due to radiological exposures.

During the historical site assessment, the license identified one onsite burial of carbon-14, iodine-131, and gold-198 on June 30, 1961. Carbon-14 was the only isotope evaluated because the other two isotopes have short half-lives and have since decayed. The burial site was adjacent to the U.S. Geological Survey marker located on the northeast part of the campus near the gate in the fence that leads to the City of Helena Transfer Station. The burial site was within six feet of the marker and approximately four feet deep. Burial of certain quantities of radioactive waste in soil by licensees without prior NRC approval was authorized on January 29, 1959 (22 FR 548). Originally, this authorization was codified in former 10 CFR 20.304. On January 28, 1981, the NRC concluded that it was inappropriate to continue generic authorizations of burials pursuant to 10 CFR 20.304 without regard to factors such as location of burial, concentrations of radioactive material, form of packaging, and notification of NRC, and therefore NRC rescinded 10 CFR 20.304 (45 FR 71761).

Carbon-14 is a low-energy beta emitter with an average energy of 50 keV and a half-life of 5,730 years. Carbon-14 has a transport value of 0.0 in RESRAD, which is indicative of its high mobility such that it essentially moves with ground water; therefore, it is considered readily transportable. The licensee submitted a dose modeling evaluation based on RESRAD Version 6.22 using the default parameters, for the carbon-14 burial site. The licensee calculated the radioactivity concentration of carbon-14 to be 0.25  $\mu\text{Ci/g}$ , based on: 1) the log book record of 50  $\mu\text{Ci}$ , and 2) interview with the professor who stated that a "coffee can size" was buried, which was assumed to be 200 grams. This conservative approach utilizes the resident farmer scenario, which is summed over all pathways. The model projected a peak dose of 30 mrem, due to water consumption pathway, to occur in 1965 with a sharp decline to less than 1 mrem in 1971, which is approximately 10 years. The NRC staff recognizes that