

method and procedures at the MSHA address listed in the notice. The petitioner states that the alternative method will not be implemented until miners designated to examine the integrity of the seals or locks verify the short-circuit settings, and proper procedures training have been provided for examining trailing cables for defects and damage. The training for the miners will include the following elements: (1) Training in mining methods and operating procedures for protecting the trailing cables against damage; (2) training in the proper procedures for examining the trailing cables to ensure safe operating conditions; (3) training in the hazards of setting the instantaneous circuit breakers too high to adequately protect the trailing cables; and (4) training on how to verify that interrupting device(s) protecting the trailing cable(s) are properly set and maintained. The petitioner further state that within 60 days after the petition is granted, revisions to the Part 48 training plan will be submitted to the District Manager for the area in which the mine is located. The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection to the miners as would be provided by the existing standard.

*Docket Number:* M-2008-005-C.

*Petitioner:* Bear Gap Coal Company, 74 Kushwa Road, Spring Glen, Pennsylvania 17978.

*Mine:* N & L Slope Mine, MSHA I.D. No. 36-02203, located in Northumberland County, Pennsylvania.

*Regulation Affected:* 30 CFR 75.311(a) (Main mine fan operation).

*Modification Request:* The petitioner requests a modification of the existing standard to allow the main mine fan to be idle during non-working hours. The petitioner states that historically, the main mine fan operation has been shut down during non-working shifts, because of icing during the winter months. The petitioner proposes to use the following stipulations in the fan stoppage plan: (1) Shut the main mine fan down during idle periods; (2) no mechanized equipment will be used underground when the fan is idle; (3) no electric power circuits will be energized when the fan is idle; (4) the main mine fan will be operated for a minimum of one-half hour after the pressure recorder indicates that the normal mine ventilating pressure has been reached prior to any one entering the mine; (5) the slope gunboat may be used to make the required per-shift examination; (6) the communication circuit 9-volts will be energized prior to the pre-shift being made; (7) a certified person will conduct

an examination of the entire mine according to the requirements in 30 CFR 75.360; (8) persons will be allowed to enter the mine after it is determined to be safe and the pre-shift examination results have been recorded. The petitioner further states that repeated testing of methane concentrations have shown that concentration levels at no time have risen above 0.0 percent. The petitioner asserts that the proposed alternative method will in no way would provide less than the same measure of protection afforded the miners under the existing standard.

Dated: March 4, 2008.

**Jack Powasnik,**

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

[FR Doc. E8-4758 Filed 3-7-08; 8:45 am]

**BILLING CODE 4510-43-P**

## NATIONAL SCIENCE FOUNDATION

### Advisory Committee for Environmental Research and Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Committee for Environmental Research and Education (9487).

*Dates:* April 9, 2008, 9 a.m.-5 p.m.; April 10, 2008, 9 a.m.-1 p.m.

*Place:* Stafford I, Room 1235, National Science Foundation, 4201 Wilson Blvd., Arlington, Virginia 22230.

*Type of Meeting:* Open.

*Contact Person:* Alan Tessier, National Science Foundation, Suite 635, 4201 Wilson Blvd., Arlington, Virginia 22230. Phone 703-292-7198.

*Minutes:* May be obtained from the contact person listed above.

*Purpose of Meeting:* To provide advice, recommendations, and oversight concerning support for environmental research and education.

*Agenda:*

April 9

Introduction of New Members.

Update on recent NSF environmental activities.

Discussion of Sustainability Science.

Break Out Groups.

April 10

Meeting with the Director (or Representative).

Discussion of Future AC/ERE activities.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. E8-4618 Filed 3-7-08; 8:45 am]

**BILLING CODE 7555-01-P**

## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the OMB review of information collection and solicitation of public comment.

**SUMMARY:** The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection:

NUREG/BR-0238, Materials Annual Fee Billing Handbook.

NRC Form 628, "Financial EDI Authorization."

NUREG/BR-0254, Payment Methods. NRC Form 629, "Authorization for Payment by Credit Card."

3. The form numbers if applicable: NRC Form 628 and NRC Form 629.

4. How often the collection is required: Annually.

5. Who will be required or asked to report: Anyone conducting business with the Nuclear Regulatory Commission including licensees, applicants and individuals who are required to pay a fee for inspections and licenses.

6. An estimate of the number of annual responses: 466 (10 for NRC Form 628 and 456 for NRC Form 629 and NUREG/BR-0254).

7. The estimated number of annual respondents: 466 (10 for NRC Form 628 and 456 for NRC Form 629 and NUREG/BR-0254).

8. An estimate of the total number of hours needed annually to complete the requirement or request: 38 (.8 hour for NRC Form 628 and 37 hours for NRC Form 629 and NUREG/BR-0254).

9. An indication of whether section 3507(d), Public Law 104-13 applies: N/A.

10. *Abstract:* The U.S. Department of the Treasury encourages the public to pay monies owed the government through use of the Automated Clearinghouse Network and credit

cards. These two methods of payment are used by licensees, applicants, and individuals to pay civil penalties, full cost licensing fees, and inspection fees to the NRC. The NRC Form 628, "Financial EDI Authorization," provides an option to make electronic payment through the Automated Clearinghouse (ACH) Network and authorizes the licensee's bank to pay invoices to the NRC through the ACH. The NRC Form 628 requests the licensee's name; electronic funds transfer contact, telephone number, address, authorized signature and title.

NRC Form 629, "Authorization for Payment by Credit Card," is another option used to authorize payment. The credit card authorization form is used by licensees to authorize payment by credit card for license fees and for payment of fees for fingerprint cards, and solicits information that identifies the cardholder's name, address, account number, card expiration date, cards accepted, cardholder's signature, invoice number or license number.

There are no recordkeeping requirements associated with this collection.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, Maryland 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by April 9, 2008. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Nathan Frey, Desk Officer, Office of Information and Regulatory Affairs (3150-0190), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to [Nathan\\_J.Frey@omb.eop.gov](mailto:Nathan_J.Frey@omb.eop.gov) or submitted by telephone at (202) 395-7345.

The NRC Clearance Officer is Margaret A. Janney, 301-415-7245.

Dated at Rockville, Maryland, this 3rd day of March, 2008.

For the Nuclear Regulatory Commission.

**Tremaine U. Donnell,**

*Acting NRC Clearance Officer, Office of Information Services.*

[FR Doc. E8-4646 Filed 3-7-08; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No.: 030-19882; License No: 52-21175-01; EA-07-132]

### In the Matter of Baxter Healthcare, Aibonito, Puerto Rico; Confirmatory Order Modifying License (Effective Immediately)

#### I

Baxter Healthcare of Puerto Rico (Baxter) is the holder of NRC Material License No. 52-21175-01 pursuant to 10 CFR part 30 on July 11, 2005, which authorizes the Licensee to operate an irradiator at its facility in Aibonito, Puerto Rico.

This Confirmatory Order (Order) is the result of an agreement reached during an alternative dispute resolution (ADR) mediation session conducted on December 6, 2007.

#### II

An investigation was initiated by the NRC Office of Investigations (OI) on June 1, 2006, at the Baxter facility in Aibonito, Puerto Rico. This investigation was initiated, in part, to determine if Baxter employees willfully violated NRC requirements related to inspection and maintenance activities for the licensed irradiator at the site, as well as personnel training and qualifications for two irradiator operators. As noted in an NRC letter to Baxter on September 17, 2007, OI substantiated, based on the evidence developed during its investigation and a related NRC inspection, that certain Baxter employees, including a first-level supervisor (superintendent), deliberately violated NRC requirements as evidenced by the following: (1) Certain maintenance checks/inspections of the irradiator were not conducted at the Baxter facility, during the period of December 1, 2003 to April 24, 2006, contrary to 10 CFR 36.61(a); (2) the records associated with these maintenance checks/inspections were inaccurate contrary to 10 CFR 30.9; (3) the annual performance (training) tests for two individuals were not performed as required in 2005, contrary to 10 CFR 36.51(d); and, (4) the records associated with these two annual performance tests were inaccurate, contrary to 10 CFR 30.9. The September 17, 2007 letter

offered Baxter the opportunity to either attend a Predecisional Enforcement Conference or to request use of ADR, to resolve this matter. In response to the September 17, 2007 letter, Baxter requested the use of ADR to resolve this matter with the NRC.

On December 6, 2007, the NRC and Baxter met in an ADR session mediated by a professional mediator, arranged through Cornell University's Institute on Conflict Resolution. ADR is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement on resolving any differences regarding the enforcement action. This Confirmatory Order is issued pursuant to the agreement reached during the ADR process.

#### III

During that ADR session, a settlement agreement was reached. The elements of the settlement agreement consisted of the following:

A. The NRC and Baxter Healthcare of Puerto Rico (Baxter) agree that certain Baxter employees, including a first-level supervisor (superintendent), deliberately violated NRC requirements as evidenced by the following: (1) Certain maintenance checks/inspections of the irradiator were not conducted at the Baxter facility, during the period December 1, 2003 to April 24, 2006, contrary to 10 CFR 36.61(a); and, (2) the records associated with these maintenance checks/inspections were inaccurate contrary to 10 CFR 30.9;

B. The NRC maintains that additional deliberate violations of NRC requirements occurred in that (1) annual performance (training) tests for two individuals were not performed as required in 2005, contrary to 10 CFR 36.51(d); and, (2) the records associated with these two annual performance tests were inaccurate, contrary to 10 CFR 30.9. Baxter maintains that based on their investigation of these issues that the evidence available to Baxter did not show that these violations occurred. The NRC and Baxter agree to disagree relative to these violations of 10 CFR 36.51(d) and associated record requirements;

C. Baxter took multiple corrective actions to address the violations, as documented in Baxter's letters dated November 30, 2007, February 2, 2007, November 20, 2006, and November 3, 2006, including: (1) Revising appropriate procedures to require a second person for implementation of the maintenance checks/inspections, as well as a second signature to verify completion; (2) revising procedure records to include attaching the