

Government offices, it is requested that requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov) and also to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). If a person requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If the hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV shall be final 20 days from the date of this Order without further order or proceedings. If an extension of times for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. A request for hearing shall not stay the immediate effectiveness of this order.

Dated this 3rd day of January, 2007.

For the Nuclear Regulatory Commission.

**Cynthia A. Carpenter,**

*Director Office of Enforcement.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-2377, License No. Stb-472 (Terminated)]

### Kaiser Aluminum & Chemical Corporation; Notice of Completion of Decommissioning of Kaiser Aluminum & Chemical Corporation Site, Tulsa, OK

**ACTION:** Notice of Completion of Decommissioning of the Kaiser Aluminum & Chemical Corporation (Kaiser) Tulsa Site.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is noticing the completion of decommissioning activities at the Kaiser Tulsa Site located in Tulsa, Oklahoma.

## Background

The Kaiser plant in Tulsa, Oklahoma, was built by the Standard Magnesium Corporation (SMC) in the early to mid-1950s to manufacture magnesium products. SMC received a source materials license from the Atomic Energy Commission (AEC) in March 1958, authorizing possession and title to magnesium-thorium alloy with up to 4 percent thorium content for processing. Scrap magnesium-thorium alloy was smelted along with other magnesium materials to recover the magnesium. Thorium alloy material comprised a small fraction of the total magnesium refined on site. Kaiser purchased the facility in 1964. Kaiser's license was terminated in 1971, by the AEC at Kaiser's request.

The Kaiser facility was placed on the Site Decommissioning Management Plan (SDMP) list in 1994, after the NRC detected surface contamination on, and adjacent to, the Kaiser property in 1993. Kaiser elected to remediate the site in two phases.

In Phase 1, Kaiser remediated the land adjacent to the Kaiser property. In Phase 2, Kaiser remediated the Kaiser property itself.

Kaiser conducted off-site remediation activities from October 2000, through May 2001. Remediation activities primarily involved excavating affected soil and moving it onto Kaiser's property. A final status survey (FSS) was performed following completion of remediation/excavation in each survey unit to demonstrate that post-remediation radiological conditions satisfied the SDMP Action Plan criteria for unrestricted release as specified in the Phase 1 Decommissioning Plan (DP). Following successful remediation, excavations were backfilled. In March 2002, NRC informed Kaiser that the adjacent land areas met NRC's criteria for unrestricted release.

Kaiser submitted the Phase 2 DP on May 25, 2001, [with revisions on May 31, 2003, October 6, 2003, May 5, 2005, September 8, 2005 and March 21, 2006] and DP Addendum on May 9, 2002, with a revision on May 31, 2003. NRC approved these documents on June 8, 2003, January 7, 2004, June 22, 2005, and October 3, 2005.

Although Kaiser is not a licensee, it agreed to perform remediation activities in accordance with 10 CFR Part 40. Kaiser conducted decommissioning activities at the site in accordance with its approved DP from June 2003 to June 2006. In accordance with the DP, Kaiser conducted FSSs to demonstrate that the facility and site meet the criteria for unrestricted release as defined in its DP.

Details of the FSS results were submitted to the NRC in six separate FSS reports (FSSRs). On September 14, 2006, Kaiser notified NRC that it had completed decommissioning and FSSs of the Tulsa, Oklahoma site, and that the FSSs demonstrate that the site meets the criteria for decommissioning and release for unrestricted use.

NRC conducted a number of independent confirmatory surveys to verify FSS results obtained by Kaiser. Confirmatory surveys consisted of surface scans for beta and gamma radiation, direct measurements for total beta activity, collection and analysis of soil samples for thorium, and collection of smear samples for determining removable radioactivity levels.

The Commission has concluded, based on the considerations discussed above, that: (1) Radioactive material above release limits has been properly disposed; (2) reasonable effort has been made to eliminate residual radioactive contamination; (3) submitted FSSRs and associated documentation, demonstrate that the facility and site are suitable for release in accordance with the criteria for decommissioning in 10 CFR Part 20, Subpart E; and (4) records required by 10 CFR 40.61(d) and (f) have been received. Therefore, the Kaiser Tulsa Site is suitable for unrestricted release.

**FOR FURTHER INFORMATION CONTACT:** See the letter dated September 14, 2006, and the Safety Evaluation Report dated December 29, 2006, available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agency-wide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html> (ADAMS Accession Nos. ML062700322, and ML062360251).

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 29th day of December, 2006.

For the Nuclear Regulatory Commission.

**Keith I. McConnell,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Identification of Countries Under Section 182 of the Trade Act of 1974: Request for Public Comment

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for written submissions from the public.

**SUMMARY:** Section 182 of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2242), requires the United States Trade Representative (USTR) to identify countries that deny adequate and effective protection of intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. (Section 182 is commonly referred to as the "Special '301' provisions of the Trade Act.) In addition, the USTR is required to determine which of these countries should be identified as Priority Foreign Countries. Acts, policies or practices that are the basis of a country's identification as a priority foreign country are normally the subject of an investigation under the Section 301 provisions of the Trade Act. Section 182 of the Trade Act contains a special rule for the identification of actions by Canada affecting United States cultural industries.

USTR requests written submissions from the public concerning foreign countries' acts, policies, and practices that are relevant to the decision whether particular trading partners should be identified under Section 182 of the Trade Act.

**DATES:** Submissions must be received on or before 10 a.m. on Monday, February 12, 2007.

**ADDRESSES:** All comments should be addressed to Sybia Harrison, Special Assistant to the Section 301 Committee, and sent (i) electronically, to [FR0606@ustr.eop.gov](mailto:FR0606@ustr.eop.gov) (please note, "FR0606" consists of the numbers "zero-six-zero-six,") with "Special 301 Review" in the subject line, or (ii) by fax, to (202) 395-9458, with a

confirmation copy sent electronically to the e-mail address above.

#### FOR FURTHER INFORMATION CONTACT:

*Jennifer Choe Groves*, Director for Intellectual Property and Innovation and Chair of the Special 301 Committee, Office of the United States Trade Representative.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 182 of the Trade Act, USTR must identify those countries that deny adequate and effective protection for intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. Those countries that have the most onerous or egregious acts, policies, or practices and whose acts, policies or practices have the greatest adverse impact (actual or potential) on relevant U.S. products are to be identified as Priority Foreign Countries. Acts, policies or practices that are the basis of a country's designation as a Priority Foreign Country are normally the subject of an investigation under the Section 301 provisions of the Trade Act.

USTR may not identify a country as a Priority Foreign Country if it is entering into good faith negotiations, or making significant progress in bilateral or multilateral negotiations, to provide adequate and effective protection of intellectual property rights.

USTR requests that, where relevant, submissions mention particular regions, provinces, states, or other subdivisions of a country in which an act, policy, or practice deserve special attention in this year's report. Such mention may be positive or negative, so long as it deviates from the general norm in that country.

Section 182 contains a special rule regarding actions of Canada affecting United States cultural industries. The USTR must identify any act, policy or practice of Canada that affects cultural industries, is adopted or expanded after December 17, 1992, and is actionable under Article 2106 of the North American Free Trade Agreement (NAFTA). Any act, policy or practice so identified shall be treated the same as an act, policy or practice which was the basis for a country's identification as a Priority Foreign Country under Section 182(a)(2) of the Trade Act, unless the United States has already taken action pursuant to Article 2106 of the NAFTA.

USTR must make the above-referenced identifications within 30 days after publication of the National Trade Estimate (NTE) report, i.e., no later than April 30, 2007.

**Requirements for comments:** Comments should include a description

of the problems experienced and the effect of the acts, policies, and practices on U.S. industry. Comments should be as detailed as possible and should provide all necessary information for assessing the effect of the acts, policies, and practices. Any comments that include quantitative loss claims should be accompanied by the methodology used in calculating such estimated losses.

Comments must be in English. No submissions will be accepted via postal service mail. Documents should be submitted as either WordPerfect, MS Word, .pdf, or text (.TXT) files. Supporting documentation submitted as spreadsheets are acceptable as Quattro Pro or Excel files. A submitter requesting that information contained in a comment be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. A non-confidential version of the comment must also be provided. For any document containing business confidential information, the file name of the business confidential version should begin with the characters "BC-", and the file name of the public version should begin with the character "P-". The "P-" or "BC-" should be followed by the name of the submitter. Submissions should not include separate cover letters; information that might appear in a cover letter should be included in the submission itself. To the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

All comments should be addressed to Sybia Harrison, Special Assistant to the Section 301 Committee, and sent (i) electronically, to [FR0606@ustr.eop.gov](mailto:FR0606@ustr.eop.gov) (please note, "FR0606" consists of the numbers "zero-six-zero-six,") with "Special 301 Review" in the subject line, or (ii) by fax, to (202) 395-9458, with a confirmation copy sent electronically to the email address above.

**Public inspection of submissions:** (1) Within one business day of receipt, non-confidential submissions will be placed in a public file open for inspection at the USTR reading room, Office of the United States Trade Representative, Annex Building, 1724 F Street, NW., Room 1, Washington, DC. An appointment to review the file must be scheduled at least 48 hours in advance and may be made by calling Jacqueline Caldwell at (202) 395-6186. The USTR reading room is open to the public from 10 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday; or (2)