

including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Dated: December 21, 2005.

Donald E. Moomaw,

Assistant Regional Director, Great Plains Region.

[FR Doc. 05-24646 Filed 12-29-05; 8:45 am]

BILLING CODE 4310-MN-P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

December 22, 2005.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Darrin King on 202-693-4129 (this is not a toll-free number) or e-mail: king.darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Occupational Safety and Health Administration (OSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202-395-7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**, the OMB is particularly interested in comments which:

- 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;
- 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;

- 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: Occupational Safety and Health Administration.

Type of Review: Extension of currently approved collection.

Title: The 13 Carcinogens Standard (29 CFR 1910.1003, 1915.1003, and 1926.1103).

OMB Number: 1218-0085.

Frequency: On occasion and Annually.

Type of Response: Recordkeeping and Third party disclosure.

Affected Public: Business or other for-profit; Not-for-profit institutions; Federal Government; and State, Local, or Tribal Government.

Number of Respondents: 97.

Number of Annual Responses: 2,187.

Estimated Time Per Response: Time per response ranges from approximately 5 minutes (for employers to maintain records) to 2 hours for employees to receive a medical examination.

Total Burden Hours: 1,657.

Total Annualized capital/startup costs: \$0.

Total Annual Costs (operating/maintaining systems or purchasing services): \$86,227.

Description: The information collection requirements specified in the 13 Carcinogens Standard protect employees from the adverse health effects that may result from exposure to any of the 13 carcinogens. The major information collection requirements of the 13 Carcinogens Standard include: Establishing and implementing respiratory protection and medical surveillance programs for employees assigned to or being considered for assignment to regulated areas; maintaining complete and accurate records of the respiratory protection programs and medical surveillance; providing employees with records of all medical examination results; and posting warning signs and information. In addition, employers must retain employee medical records for specified time periods, provide these records to OSHA and the National Institute for Occupational Safety and Health (NIOSH) upon request, and transfer

them to NIOSH under certain circumstances.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 05-24648 Filed 12-29-05; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Fee Adjustments for Testing, Evaluation, and Approval of Mining Products

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice of fee adjustments.

SUMMARY: This notice revises MSHA's Approval and Certification Center (A&CC) user fees for services provided pursuant to part 5 of Title 30 of the Code of Federal Regulations (CFR) during 2006. Fees compensate MSHA for the costs that the agency incurs for testing and evaluating equipment and materials manufactured for use in the mining industry. The fees for 2006 are based on the Agency's fiscal year 2005 actual expenses.

DATES: This fee schedule is effective from January 1, 2006 through December 31, 2006.

FOR FURTHER INFORMATION CONTACT: Steven J. Luzik, Chief, Approval and Certification Center (A&CC), 304-547-2029 or 304-547-0400.

SUPPLEMENTARY INFORMATION:

Fee Computation

MSHA has revised its fee schedule for 2006 in accordance with part 5 of 30 CFR, which was amended by a direct final rule published in the **Federal Register** (70 FR 46336) on August 9, 2005. For approval applications postmarked before January 1, 2006, MSHA will continue to calculate fees under the previous (2005) fee schedule, published on December 29, 2004 (69 FR 78046).

In general, MSHA computed the 2006 fees based on fiscal year 2005 data. The Agency calculated a weighted-average, direct cost for all of the services that it provided during fiscal year 2005 in the processing of requests for testing, evaluation, and approval of equipment and materials manufactured for use in the mining industry. From this cost, MSHA calculated a single hourly rate to apply uniformly.

Changes to Fee Assessments for 2006

On November 7, 2005, MSHA's direct final rule became effective (70 FR 67632). This final rule amended part 5

to reflect established policy and procedures for administering user fees. In addition, the final rule advised the public that the fees relating to part 15 testing of explosives would be modified. In recent years, MSHA has relied on the Department of Health and Human Services' National Institute for Occupational Safety and Health (NIOSH) to conduct part 15 testing on its behalf. Since NIOSH no longer has the facilities to conduct all of the part 15 tests, the tests will be contracted out to other organizations. For additional information regarding part 15 testing, please contact Steven J. Luzik, Chief, Approval and Certification Center, 304-547-2029 or 304-547-0400.

Dated: December 28, 2005.

Robert M. Friend,

Acting Deputy Assistant Secretary for Mine Safety and Health.

FEE SCHEDULE EFFECTIVE JANUARY 1, 2006

[Based on FY 2005 data]

Action title	Hourly rate
Fees for Testing, Evaluation, Approval and Retesting for Approval as a Result of Post-Approval Product Audit of all Mining Products ¹	\$71

¹ Full approval fee consists of evaluation cost plus applicable test costs.

Note: When the nature of the product requires that MSHA test and evaluate the product at a location other than on MSHA premises, MSHA must be reimbursed for the travel, subsistence, and incidental expenses of its representative in accordance with Federal government travel regulations. This reimbursement is in addition to the fees charged for evaluation and testing.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-269, 50-270, 50-287, and 72-004]

Duke Energy Corporation; Oconee Nuclear Station, Units 1, 2, and 3; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring and Conforming Amendments, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 and 72.50 approving the indirect transfer of

Facility Operating Licenses Nos. DPR-38, DPR-47, and DPR-55 and NRC Materials License No. SNM-2503 for the Oconee Nuclear Station, Units 1, 2, and 3, currently held by Duke Energy Corporation, as owner and licensed operator of Oconee Nuclear Station, Units 1, 2, and 3. The indirect transfer would be to a new holding company to be named Duke Energy Corporation. The Commission is also considering amending the licenses for administrative purposes to reflect the proposed change of the name of the licensee from Duke Energy Corporation to Duke Power Company LLC.

According to an application for approval filed by Duke Energy Corporation, following approval of the proposed indirect license transfers, a new holding company would be created to become the parent of the licensee. No physical changes to the Oconee Nuclear Station, Units 1, 2, and 3, facility or ISFSI or operational changes are being proposed in the application.

The proposed amendments would reflect the proposed change in the name of the licensee from Duke Energy Corporation to Duke Power Company LLC, following the licensee's conversion from a corporation to a limited liability company. Although the Part 50 licenses contain antitrust conditions, there are no proposed changes to these conditions.

Pursuant to 10 CFR 50.80 and 10 CFR 72.50, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed underlying transaction resulting in the indirect transfer will not affect the qualifications of the holder of the license, and that the indirect transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility or to the license of an independent spent fuel storage installation which does no more than conform the license to reflect the indirect transfer action involves no

significant hazards consideration or no genuine issue as to whether the health and safety of the public will be significantly affected. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

Within 20 days from the date of publication of this notice, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart C "Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.309. Untimely requests and petitions may be denied, as provided in 10 CFR 2.309(c)(1), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.309(c)(1)(i)-(viii).

Requests for a hearing and petitions for leave to intervene should be served upon Timika Shafeek-Horton, Assistant General Counsel, Duke Energy Law Department, Mail Code EC07H-7109, P.O. Box 1006, 526 South Church St., Charlotte, NC 28201-1006, (704) 382-6373, (704) 382-6056 fax; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.302 and 2.305.

The Commission will issue a notice or order granting or denying a hearing