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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2007-0011]

### Federal Advisory Council on Occupational Safety and Health

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for nominations.

**SUMMARY:** The Assistant Secretary of Labor for Occupational Safety and Health invites interested parties to submit nominations for membership on the Federal Advisory Council on Occupational Safety and Health (FACOSH).

**DATES:** Nominations for FACOSH must be received by January 9, 2008: You may submit nominations for FACOSH, identified by Docket No. OSHA-2007-0011, by any of the following methods:

*Electronically:* Nominations, including attachments, may be submitted electronically at <http://www.regulations.gov>, the Federal eRulemaking Portal. Follow the online instructions for submitting nominations.

*Facsimile:* If your nomination, including attachments, does not exceed 10 pages, you may fax it to the OSHA Docket Office at (202) 693-1648.

*Mail, express delivery, hand delivery, messenger or courier service:* Submit three copies of your nomination to the OSHA Docket Office, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2350 (TTY number (877) 889-5627).

Deliveries (hand, express mail, messenger and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m.-4:45 p.m., e.t.

*Instructions:* All nominations for FACOSH must include the Agency name and docket number for this **Federal Register** notice (Docket No. OSHA-2007-0011). All submissions in response to this **Federal Register** notice, including personal information provided, will be posted without change at <http://www.regulations.gov>.

Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birth dates. Because of security-related procedures, submitting nominations by regular mail may result in a significant delay in their receipt. Please contact the OSHA Docket Office,

at the address above, for information about security procedures for submitting nominations by hand delivery, express delivery, and messenger or courier service. For additional information on submitting nominations, see the **SUPPLEMENTARY INFORMATION** section below.

*Docket:* To read or download submissions, go to <http://www.regulations.gov>. All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some documents (e.g., copyrighted material) are not publicly available to read or download through <http://www.regulations.gov>. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office at the address above.

**FOR FURTHER INFORMATION CONTACT:** Ms. Diane Brayden, Director, OSHA, Office of Federal Agency Programs, Room N-3622, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2122; fax (202) 693-1685; e-mail [ofap@dol.gov](mailto:ofap@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary of Labor for Occupational Safety and Health invites interested parties to submit nominations for membership on FACOSH. FACOSH is authorized to advise the Secretary of Labor on all matters relating to the occupational safety and health of Federal employees (Occupational Safety and Health Act of 1970 (29 U.S.C. 668), 5 U.S.C. 7902, Executive Order 13446). This includes providing advice on how to reduce and keep to a minimum the number of injuries and illnesses in the Federal workforce and how to encourage the establishment and maintenance of effective occupational safety and health programs in each Federal department and agency.

FACOSH is comprised of 16 members, who the Secretary of Labor appoints, and is chaired by the Assistant Secretary. The composition of FACOSH and the number of new members to be appointed at this time are as follows:

- Eight members are management representatives from Federal departments or agencies. Three management representatives will be appointed; and
- Eight members are representatives of labor organizations representing Federal employees. Three labor representatives will be appointed.

FACOSH members serve staggered three-year terms, unless the member becomes unable to serve, resigns, ceases to be qualified to serve, or is removed by the Secretary. The Secretary may

appoint FACOSH members to successive terms. FACOSH meets between two and six times annually for one-day meetings.

Interested parties may nominate one or more qualified persons for membership. Others are invited and encouraged to submit endorsements in support of particular nominees. Nominations must include the nominee's name, occupation, current position, and contact information. The nomination also must identify the category of membership for which the nominee is qualified and a resume of the nominee's background, experience and qualifications for membership. In addition, the nomination must include a statement that the nominee is aware of the nomination, willing to serve a three-year term, and attend meetings regularly.

The information received through the nomination process, along with other relevant sources of information, will assist the Secretary in making appointments to FACOSH. In selecting FACOSH members, the Secretary will consider individuals nominated in response to this **Federal Register** notice, as well as other qualified individuals. OSHA will publish the new FACOSH membership list in the **Federal Register**.

### Public Participation—Submission of Nominations and Access to Docket

You may submit nominations (1) electronically at <http://www.regulations.gov>; (2) by facsimile (FAX); or (3) by hard copy. All comments, attachments and other materials must identify the Agency name and the OSHA docket number for this **Federal Register** notice (Docket No. OSHA 2007-0011). You may supplement electronic nominations by uploading document files electronically. If, instead, you wish to submit hard copies of any additional material in reference to an electronic submission, you must submit three copies to the OSHA Docket Office following the instructions in the **ADDRESSES** section. The additional material must clearly identify your electronic submission by name, date, and docket number so OSHA can attach them to your nomination.

Because of security-related procedures, the use of regular mail may result in a significant delay in the receipt of nominations. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger or courier service, please contact the OSHA Docket Office (see **ADDRESSES** section).

Submissions in response to this **Federal Register** notice are posted

without change at <http://www.regulations.gov>. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birth dates. Although all submissions are listed in the <http://www.regulations.gov> index, some documents (e.g., copyrighted material) are not publicly available to read or download through <http://www.regulations.gov>. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

Information on using the <http://www.regulations.gov> website to make submissions and to access the docket and exhibits is available at the Web site's User Tips link. Contact the OSHA Docket Office for information about materials not available through <http://www.regulations.gov> and for assistance in using the Internet to locate submissions and other documents in the docket.

Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>. This notice, as well as news releases and other relevant information, is available at OSHA's webpage at <http://www.osha.gov>.

#### Authority and Signature

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668), 5 U.S.C. 7902, section 1(c) of Executive Order 13446, 29 CFR part 1960 (Basic Program Elements of Federal Employee Occupational Safety and Health Programs), and Secretary of Labor's Order 5-2007 (72 FR 31160).

Signed at Washington, DC, this 5th day of December 2007.

**Edwin G. Foulke, Jr.,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. E7-23882 Filed 12-7-07; 8:45 am]

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#### NUCLEAR REGULATORY COMMISSION

[Docket No. 030-37435; License No. 09-31230-01; EA-07-101, 07-104]

#### In the Matter of MC Squared, Inc., Tampa, FL; Order Imposing Civil Monetary Penalty

##### I

MC Squared, Inc. (licensee) is the holder of a materials license issued by the State of Florida, an NRC Agreement

State. Most of the licensee's work is conducted under the State's jurisdiction. MC Squared, Inc. also obtained license No. 09-31230-01 (license) issued by the Nuclear Regulatory Commission (NRC or Commission) on April 5, 2007. This license expires on April 30, 2017. The license authorizes the licensee to possess and use certain byproduct materials in accordance with the conditions specified therein.

##### II

Although MC Squared, Inc. possessed an Agreement State license from the State of Florida, the NRC inspected and processed enforcement against the licensee because their temporary job site, which was located at the Seminole Tribe Indian Reservation, is under NRC jurisdiction. The inspection of the licensee's activities at the temporary job site in Clewiston, Florida, was completed on March 29, 2007.

The results of this inspection concluded that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the licensee by letter dated September 13, 2007. The Notice states the nature of the violations, the provision of the NRC's requirements that the licensee violated, and the amount of the civil penalty proposed for the violations. The licensee responded to the Notice in a letter dated October 11, 2007. In its response, the licensee requested that the NRC negate or significantly reduce the civil penalty.

##### III

After consideration of the licensee's response and argument for mitigation contained therein, the NRC has determined, the violations occurred as stated in the Notice, that the licensee did not provide an adequate basis for negating or significantly reducing the civil penalty, and that the penalty proposed for the violations designated in the Notice should be imposed.

##### IV

In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, § 234, 42 U.S.C. 2282 (1988) ("Act"), and 10 CFR 2.205, *it is hereby ordered that:*

MC Squared, Inc. pay a civil penalty in the amount of \$3,250 within 30 days of the date of this Order, in accordance with NUREG/BR-0254. In addition, at the time payment is made MC Squared, Inc. shall submit a statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear

Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738.

##### V

In accordance with 10 CFR 2.202, MC Squared, Inc. must, and any other person adversely affected by this Order may, submit an answer to this Order within 20 days of the date of this Order. In addition, the licensee and any other person adversely affected by this Order may request a hearing on this Order within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

The answer shall, under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which the licensee or other person relies, and, if the order is not consented to, the reasons as to why the order should not have been issued. The answer may also demand a hearing.

A request for a hearing must be filed in accordance with the NRC E-Filing rule, which became effective on October 15, 2007. The NRC E-Filing Final Rule was issued on August 28, 2007 (72 Fed. Reg. 49,139), and codified in pertinent part at 10 CFR Part 2, Subpart B. The E-Filing process requires participants to submit and serve documents over the internet or, in some cases, to mail copies on electronic optical storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

If a person other than the licensee 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).

If a hearing is requested by a licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this 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 above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall