

application is also available at <http://www.nrc.gov/reactors/new-licensing/col.html>. Persons who do not have access to ADAMS or who encounter problems in accessing 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 18th day of January 2008.

For the Nuclear Regulatory Commission.

**David B. Matthews,**

*Director, Division of New Reactor Licensing,  
Office of New Reactors.*

[FR Doc. E8-1394 Filed 1-25-08; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-027; EA-08-023]

### In the Matter of: Washington State University (Washington State University TRIGA Reactor); Order Modifying Amended Facility Operating License No. R-76

#### I.

Washington State University (the licensee) is the holder of Amended Facility Operating License No. R-76 (the license) originally issued on March 6, 1961, by the U.S. Atomic Energy Commission and subsequently renewed on August 11, 1982, by the U.S. Nuclear Regulatory Commission (the NRC or the Commission). The license authorizes operation of the Washington State University TRIGA Reactor (the facility) at a power level up to 1,000 kilowatts thermal and to receive, possess, and use special nuclear material associated with the operation. The facility is a research reactor located on the campus of the Washington State University, in the city of Pullman, Whitman County, Washington. The mailing address is Nuclear Radiation Center, Washington State University, P.O. Box 641300, Pullman, Washington 99164-1300.

#### II.

Title 10 of the Code of Federal Regulations (10 CFR) section 50.64, limits the use of high-enriched uranium (HEU) fuel in domestic non-power reactors (research and test reactors) (see 51 FR 6514). The regulation, which became effective on March 27, 1986, requires that if Federal Government funding for conversion-related costs is available, each licensee of a non-power reactor authorized to use HEU fuel shall replace it with low-enriched uranium (LEU) fuel acceptable to the Commission unless the Commission has

determined that the reactor has a unique purpose. The Commission's stated purpose for these requirements was to reduce, to the maximum extent possible, the use of HEU fuel in order to reduce the risk of theft and diversion of HEU fuel used in non-power reactors.

Paragraphs 50.64(b)(2)(i) and (ii) require that a licensee of a non-power reactor (1) not acquire more HEU fuel if LEU fuel that is acceptable to the Commission for that reactor is available when the licensee proposes to acquire HEU fuel and (2) replace all HEU fuel in its possession with available LEU fuel acceptable to the Commission for that reactor in accordance with a schedule determined pursuant to 10 CFR 50.64(c)(2).

Paragraph 50.64(c)(2)(i) requires, among other things, that each licensee of a non-power reactor authorized to possess and to use HEU fuel develop and submit to the Director of the Office of Nuclear Reactor Regulation (Director) by March 27, 1987, and at 12-month intervals thereafter, a written proposal for meeting the requirements of the rule. The licensee shall include in its proposal a certification that Federal Government funding for conversion is available through the U.S. Department of Energy or other appropriate Federal agency; and a schedule for conversion, based upon availability of replacement fuel acceptable to the Commission for that reactor and upon consideration of other factors such as the availability of shipping casks, implementation of arrangements for available financial support, and reactor usage.

Paragraph 50.64(c)(2)(iii) requires the licensee to include in the proposal, to the extent required to effect conversion, all necessary changes to the license, to the facility, and to licensee procedures. This paragraph also requires the licensee to submit supporting safety analyses in time to meet the conversion schedule.

Paragraph 50.64(c)(2)(iii) also requires the Director to review the licensee proposal, to confirm the status of Federal Government funding, and to determine a final schedule, if the licensee has submitted a schedule for conversion.

Section 50.64(c)(3) requires the Director to review the supporting safety analyses and to issue an appropriate enforcement order directing both the conversion and, to the extent consistent with protection of public health and safety, any necessary changes to the license, the facility, and licensee procedures. In the **Federal Register** notice of the final rule (51 FR 6514), the Commission explained that in most, if not all, cases, the enforcement order

would be an order to modify the license under 10 CFR 2.204 (now 10 CFR 2.202).

Section 2.309 states the requirements for a person whose interest may be affected by any proceeding to initiate a hearing or to participate as a party.

#### III.

The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. On August 15, 2007 (ADAMS Accession Nos. ML072410493 and ML080170058), as supplemented on December 14, 2007 (ADAMS Accession No. ML080090628), and January 15, 2008 (ADAMS Accession No. ML080170037), the licensee submitted its conversion proposal. The NRC staff is in the process of reviewing the conversion proposal. The licensee indicated in their conversion proposal that a separate order increasing the uranium-235 possession limit in its license was needed to minimize down time of the reactor during the refueling process. The licensee also stated that there is a constraint on the shipment of LEU fuel because the certification of the shipping cask used to transfer the LEU fuel from the manufacturer in France will expire before the order for reactor conversion can be issued. The receipt and possession, but not use in the reactor, of the LEU fuel is required by the licensee at this time to assemble the fuel elements in order to meet the proposed timely conversion. The LEU fuel contains the uranium-235 isotope at an enrichment of less than 20 percent. The NRC staff reviewed the licensee's proposal and the requirements of 10 CFR 50.64, and has determined that the public health and safety and common defense and security require the licensee to receive and possess the LEU fuel prior to the conversion. This is necessary so that LEU fuel can be shipped to the licensee before the shipping cask certification expires and that the LEU fuel elements may be prepared to convert the reactor from HEU fuel in accordance with the schedules planned by the Department of Energy to support U.S. non-proliferation policies and the licensee to support its academic mission.

#### IV.

Accordingly, pursuant to sections 51, 53, 57, 101, 104, 161b, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and to Commission regulations in 10 CFR 2.202 and 10 CFR 50.64, *it is hereby ordered that:*

Amended Facility Operating License No. R-76 is modified by adding the following license condition:

2.B.(4) Pursuant to 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," to receive and possess, but not use in the reactor, in addition to the amount specified under License Condition 2.B.(2), up to 15.0 kilograms of contained uranium-235 in the form of reactor fuel, at enrichments less than 20 percent.

This Order will be effective 20 days after the date of publication of this Order in the **Federal Register**.

#### V.

Pursuant to 10 CFR 2.202, any person(s) whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request within 20 days after the date of publication of this Order setting 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. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

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 FR 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.

To comply with the procedural requirements associated with E-Filing, at least five (5) days prior to the filing deadline the requestor must contact the Office of the Secretary by e-mail at [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV), or by calling (301) 415-1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any NRC proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances when the requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>.

Information about applying for a digital ID certificate also is available on NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for a hearing through EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the filer submits its document through EIE. To be timely, electronic filings must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request is filed so that they may obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the "Contact Us" link located on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html> or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397-4209 or locally, (301) 415-4737.

Participants who believe that they have good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff.

Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at [http://ehd.nrc.gov/EHD\\_Proceeding/home.asp](http://ehd.nrc.gov/EHD_Proceeding/home.asp), unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their works.

If a hearing is requested, an Order designating the time and place of any hearing will be issued.

In the absence of any request for hearing, the provisions as specified in Section IV shall be final twenty (20) days after the date of publication of this Order in the **Federal Register**.

In accordance with 10 CFR 51.10(d) this Order is not subject to Section 102(2) of the National Environmental Policy Act, as amended. The NRC staff notes, however, that with respect to environmental impacts associated with the changes imposed by this Order as described in the safety evaluation, the changes would, if imposed by other than an Order, meet the definition of a categorical exclusion in accordance with 10 CFR 51.22(c)(9). Thus, pursuant to either 10 CFR 51.10(d) or 51.22(c)(9), no environmental assessment nor environmental impact statement is required.

Detailed guidance which the NRC uses to review applications from research reactor licensees can be found in the document NUREG-1537, entitled "Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors," which can be obtained from the Commission's PDR. The detailed review guidance (NUREG-1537) may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS Accession Nos. ML041230055 for Part one and ML041230048 for Part two.

For further information see the application from the licensee dated August 15, 2007 (ADAMS Accession Nos. ML072410493 and ML080170058), as supplemented on December 14, 2007 (ADAMS Accession No. ML080090628) and January 15, 2008 (ADAMS Accession No. ML080170037), the NRC staff's request for additional information (ADAMS Accession No. ML073240018), and the cover letter to the licensee and the staff's safety evaluation dated January 23, 2008 (ADAMS Accession No. ML073550839), available for public inspection at the Commission's 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 ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who have problems in accessing the documents in ADAMS should contact the NRC PDR reference staff by telephone at 1-800-397-4209 or 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated this 23rd day of January 2008.

For the Nuclear Regulatory Commission.

**J.E. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E8-1492 Filed 1-25-08; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 52-006]

### Westinghouse Electric Company; Acceptance for Docketing of a Design Certification Rule Amendment Request for the AP1000 Design

By letter dated May 26, 2007, as supplemented by letters dated October 26, November 2, December 12, 2007, January 11, and January 14, 2008, Westinghouse Electric Company, Pittsburgh, Pennsylvania, submitted an amendment request to the U.S. Nuclear Regulatory Commission (NRC) to revise AP1000 Design Certification (DC) Rule, filed pursuant to Section 103 of the Atomic Energy Act and Subpart B, "Standard Design Certifications," of Title 10 of the *Code of Federal Regulations* (10 CFR), part 52, "License Certifications and Approvals for Nuclear Power Plants." The reactor design proposed for amendment in the request is the AP1000 design, Revision 15, as referenced in 10 CFR 52, Appendix D,

"Design Certification Rule for the AP1000 Design."

The NRC staff has determined that Westinghouse has submitted sufficient information in accordance with 10 CFR part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," and 10 CFR part 52 such that it is acceptable for docketing. The docket number established for this review is 52-006. Docketing of the amendment request does not preclude the NRC from requesting additional information from the applicant as the review proceeds, nor does it predict whether the Commission will grant or deny the amendment request.

Finally, the Commission will announce in a future **Federal Register** notice the opportunity to comment on the proposed rulemaking.

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O-1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and will be accessible electronically through the Agencywide Documents Access System (ADAMS) Public Electronic Reading Room link at the NRC Web site <http://www.nrc.gov/reading-rm/adams.html>. The application is also available at <http://www.nrc.gov/reactors/new-licensing/col.html>. Persons who do not have access to ADAMS, or who encounter problems in accessing 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 18th day of January 2008.

For the Nuclear Regulatory Commission.

**David B. Matthews,**

*Director, Division of New Reactor Licensing, Office of New Reactors.*

[FR Doc. E8-1393 Filed 1-25-08; 8:45 am]

BILLING CODE 7590-01-P

## OVERSEAS PRIVATE INVESTMENT CORPORATION

### January 29, 2008 Public Hearing

OPIC's Sunshine Act notice of its Annual Public Hearing meeting was published in the **Federal Register** (Volume 73, Number 10, Page 2558) on January 15, 2008. No requests were received to provide testimony or submit written statements for the record; therefore, OPIC's annual public hearing scheduled for 2 p.m. on January 29, 2008 has been cancelled.

*Contact Person for Information:* Information on the hearing cancellation

may be obtained from Connie M. Downs at (202) 336-8438, via facsimile at (202) 218-0136, or via e-mail at [Connie.Downs@opic.gov](mailto:Connie.Downs@opic.gov).

Dated: January 24, 2008.

**Connie M. Downs,**

*OPIC Corporate Secretary.*

[FR Doc. 08-372 Filed 1-24-08; 12:10 pm]

BILLING CODE 3210-01-M

## OVERSEAS PRIVATE INVESTMENT CORPORATION

### January 29, 2008 Public Hearing

OPIC's Sunshine Act notice of its Public Hearing in Conjunction with each Board meeting was published in the **Federal Register** (Volume 73, Number 10, Page 2558) on January 15, 2008. No requests were received to provide testimony or submit written statements for the record; therefore, OPIC's annual public hearing scheduled for 3 p.m. on January 29, 2008 in conjunction with OPIC's January 31, 2008 Board of Directors meeting has been cancelled.

*Contact Person for Information:* Information on the hearing cancellation may be obtained from Connie M. Downs at (202) 336-8438, via facsimile at (202) 218-0136, or via E-mail at [Connie.Downs@opic.gov](mailto:Connie.Downs@opic.gov).

Dated: January 24, 2008.

**Connie M. Downs,**

*OPIC Corporate Secretary.*

[FR Doc. 08-373 Filed 1-24-08; 12:10 pm]

BILLING CODE 3210-01-M

## POSTAL SERVICE

### Sunshine Act Meeting; Notification of Change in Start Time

**PREVIOUS ANNOUNCEMENT:** 73 FR 3760, January 22, 2008.

**PREVIOUSLY ANNOUNCED DATE OF MEETING:** January 30, 2008.

**STATUS:** Open Meeting.

**CHANGE IN MEETING TIME:** Change Start time to 8 a.m.

**CONTACT PERSON FOR MORE INFORMATION:** Wendy A. Hocking, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-1000. Telephone (202) 268-4800.

**Wendy A. Hocking,**  
*Secretary.*

[FR Doc. 08-357 Filed 1-23-08; 4:37 pm]

BILLING CODE 7710-12-M