

information system which contains environmental data concerning overseas buildings owned or leased by the agency. Records include water quality data, indoor air quality measurements, asbestos-related data, and similar information.

16. Department of the Treasury, Internal Revenue Service (N1-58-09-12, 2 items, 2 temporary items). Inputs and master files of an electronic information system used to ensure that employers accurately report wage data to the agency and to the Social Security Administration.

17. Department of the Treasury, Internal Revenue Service (N1-58-09-13, 2 items, 2 temporary items). Inputs and master files of an electronic information system used to identify non-filers and late filers so as to ensure compliance. This data is also used for compliance research.

18. Environmental Protection Agency, Agency-wide (N1-412-09-7, 1 item, 1 temporary item). Electronic data maintained in laboratory information management systems that are used to receive, store and report data generated from laboratory analysis of environmental samples using scientific instruments. Data elements can include sample data and metadata (e.g., who took the sample and where, what was asked to be analyzed, who analyzed the sample, and when).

19. Environmental Protection Agency, Agency-wide (N1-412-09-8, 1 item, 1 temporary item). Electronic data copied or downloaded from other information systems at specific intervals and maintained in data marts and data warehouses in order to provide easy access and facilitate analysis and reporting. The offices responsible for the individual systems from which the data marts and warehouses copy or download their data manage their system data under specific schedules governing their disposition.

20. Nuclear Regulatory Commission, Office of Nuclear Regulatory Research (N1-431-08-21, 4 items, 2 temporary items). Interim system documentation and status reports posted on the agency's public website relating to significant safety issues at nuclear facilities. Master files and formal reports relating to these issues are proposed for permanent retention.

21. Securities and Exchange Commission, Office of the Chief Accountant (N1-266-09-2, 3 items, 1 temporary item). Correspondence, memorandums, and e-mail messages relating to the preparation of congressionally mandated studies. Final reports and working papers are proposed for permanent retention.

Dated: May 29, 2009.

**Michael J. Kurtz,**

*Assistant Archivist for Records Services—  
Washington, DC.*

[FR Doc. E9-13348 Filed 6-5-09; 8:45 am]

**BILLING CODE 7515-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. NRC-2009-0041]**

### **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. The NRC published a **Federal Register** Notice with a 60-day comment period on this information collection on March 6, 2009.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* 10 CFR Part 55, "Operators' Licenses".

3. *Current OMB approval number:* 3150-0018.

4. *The form number if applicable:* NA.

5. *How often the collection is required:* As necessary for NRC to meet its responsibilities to determine the eligibility of applicants for operators' licenses, prepare or review initial operator licensing and requalification examinations for and performance of simulation facilities.

6. *Who will be required or asked to report:* Holders of, and applicants for, facility (i.e. nuclear power and research and test reactors) operating licenses and individual operators' licenses.

7. *An estimate of the number of annual responses:* 345.

8. *The estimated number of annual respondents:* 243.

9. *An estimate of the total number of hours needed annually to complete the requirement or request:* 120,377.

10. *Abstract:* 10 CFR Part 55, "Operators' Licenses," of the NRC's

regulations, specifies information and data to be provided by applicants and facility licenses so that the NRC may make determinations concerning the licensing and requalification of operators for nuclear reactors, as necessary to promote public health and safety. The reporting and recordkeeping requirements contained in 10 CFR Part 55 are mandatory for the licensees and applicants affected.

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, MD 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 July 8, 2009. 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.

NRC Desk Officer, Office of Information and Regulatory Affairs (3150-0018), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

The NRC Clearance Officer is Tremaine Donnell, (301) 415-6258.

Dated at Rockville, Maryland, this 1st day of June 2009.

For the Nuclear Regulatory Commission.

**Tremaine Donnell,**

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

[FR Doc. E9-13295 Filed 6-5-09; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-005; NRC-2009-0228, Facility License No. R-2]**

### **The Pennsylvania State University Notice of Acceptance for Docketing of the Application and Notice of Opportunity for Hearing Regarding Renewal of Breazeale Reactor for an Additional 20-Year Period**

The Nuclear Regulatory Commission (NRC or the Commission) is considering an application for the renewal of Facility Operating License No. R-2, which authorizes the Pennsylvania State University (PSU or the licensee) to operate the Penn State Breazeale Reactor (PSBR) at 1,000 kilowatts thermal power. The renewed license would

authorize the licensee to operate the PSBR for an additional 20 years from the date of issuance.

On December 6, 2005, the Commission's staff received an application from PSU filed pursuant to 10 CFR Part 50.51(a), to renew Facility Operating License No. R-2 for the PSBR. Because the license renewal application was filed in a timely manner in accordance with 10 CFR 2.109, the license will not be deemed to have expired until the license renewal application has been finally determined.

Based on its initial review of the application, the Commission's staff determined that PSU submitted sufficient information in accordance with 10 CFR 50.33 and 50.34 so that the application is acceptable for docketing. The current Docket No. 50-005 for Facility Operating License No. R-2 will be retained. The docketing of the renewal application does not preclude requests for additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application. Prior to a decision to renew the license, the Commission will make findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

Within 60 days after the date of publication of this notice, the applicant may file a request for a hearing, and 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 for a hearing and a petition for leave to intervene, via electronic submission through the NRC E-filing system. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland and on the NRC Web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr>. Publicly available records will be accessible from the Agencywide 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>. If a request for a hearing or petition for leave to intervene is filed within the 60-day period, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will

rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner/requestor in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions that the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that supports the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the licensing action (*i.e.*, license renewal) under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

All documents filed in NRC adjudicatory proceedings, including a

request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FRN 49139). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the petitioner/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 proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/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 is available on NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. 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 documents through EIE. To be timely, an electronic filing 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 documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory e-filing system 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 electronic filing Help Desk, which is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays. The toll-free help line number is (866) 672-7640. A person filing electronically may also seek assistance by sending an e-mail to the NRC electronic filing Help Desk at [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov).

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, 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.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a

balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

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, unless an NRC regulation or other law requires submission of such information. 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 submissions.

Detailed guidance which the NRC uses to review applications for the renewal of non-power reactor licenses 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 NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. 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 No. ML041230055 for part one and ML041230048 for part two. Copies of the application to renew the facility license for the licensee are available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852-2738. The initial application and other related documents may be accessed through the NRC's Public Electronic Reading Room, at the address mentioned above, under ADAMS Accession No. ML080840445 (Redacted Version). Persons who do not have access to ADAMS, or have problems accessing the documents located in ADAMS, may contact the NRC PDR Reference staff at (800) 397-4209, or locally, (301) 415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, Maryland, the 1st day of June, 2009.

For the Nuclear Regulatory Commission.

**Kathryn M. Brock,**

*Chief, Research and Test Reactors Branch  
A, Division of Policy and Rulemaking, Office  
of Nuclear Reactor Regulation.*

[FR Doc. E9-13296 Filed 6-5-09; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-247 and 50-286; NRC-2008-0455; License Nos. DPR-26 and DPR-64]

### **Entergy Nuclear Operations, Inc.; Entergy Nuclear Indian Point 2, LLC; Entergy Nuclear Indian Point 3, LLC; Notice of Issuance of Director's Decision Under 10 CFR 2.206**

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC or Commission) has issued a Director's Decision with regard to petitions filed by Mr. Sherwood Martinelli, hereinafter referred to as the "Petitioner." The original petition, dated September 28, 2007, was amended by petition dated January 24, 2008. The NRC subsequently combined the above two petitions with a third petition dated March 30, 2008. The petitions were supplemented on December 21, 2007, and August 14, 2008, with transcripts of meetings between the NRC and the Petitioner. The petitions concern the operation of the Indian Point Nuclear Generating Unit Nos. 2 and 3 (Indian Point) owned by Entergy Nuclear Indian Point 2, LLC and Entergy Nuclear Indian Point 3, LLC, respectively, and operated by Entergy Nuclear Operations, Inc. (Entergy).

The petitions requested immediate suspension of the operating licenses for Indian Point Unit Nos. 2 and 3 and the imposition of daily civil penalties until the licensee implements a new emergency siren system with backup electrical power as required by the Energy Policy Act of 2005.

As the basis for the September 28, 2007, request, the Petitioner expressed his belief that the emergency siren system is the first and best chance that citizens will have in protecting themselves and their families in the event of a terrorist attack and/or a significant radiological event at the Indian Point facility. The Petitioner noted that the Energy Policy Act of 2005 required that a backup electrical power supply be provided for the emergency siren system at Indian Point and that the licensee failed to meet successive implementation deadlines imposed by