

Dated: September 25, 2009.

Susanne Bolton,

Committee Management Officer.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 70-152; NRC-2009-0400]

Notice of License Acceptance of Renewal Application for Purdue University and Opportunity To Request a Hearing; Special Nuclear Materials License SNM-142, West Lafayette, IN

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of license renewal application and opportunity to request a hearing.

FOR FURTHER INFORMATION CONTACT:

Mary Adams, Senior Project Manager, Fuel Manufacturing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Rockville, Maryland 20852. Telephone: (301) 492-3113; Fax: (301) 492-3363; e-mail: Mary.Adams@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) has accepted an application for renewal of Special Nuclear Material License SNM-142 for the continued use of special nuclear materials (SNM) for education, research, and training programs at Purdue University in West Lafayette, Indiana. Purdue requested renewal of SNM-142 for a period of 10 years. This license renewal, if approved, would authorize Purdue to continue to possess and use special nuclear materials under the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 70, Domestic Licensing of SNM.

II. Discussion

In an application dated July 31, 2009, Purdue requested renewal of SNM-142. Following an administrative review, and as documented in a letter to Purdue University dated August 28, 2009, the NRC staff determined that the request for renewal contains all essential elements and accepted it for technical review and docketing. The application has been docketed in Docket No. 70-152, the existing docket for Special Nuclear Materials License SNM-142. In accordance with 10 CFR 70.38(a), Purdue is permitted to continue using

the SNM in accordance with existing license SNM-142, pending a final Commission decision on the renewal request. The acceptance letter estimated that NRC staff would complete the review by September 2010.

If the NRC approves the renewal application, the approval will be documented in renewal of NRC License SNM-142. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. These findings will be documented in a Safety Evaluation Report. Because the licensed material will be used for research and development and for educational purposes, renewal of SNM-142 is an action that is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement, pursuant to 10 CFR 51.22(c)(14)(v).

II. Opportunity To Request a Hearing

The NRC hereby provides notice that this is a proceeding on an application for the renewal of Special Nuclear Material License SNM-142 issued to Purdue University in West Lafayette, Indiana. Any person whose interest may be affected by this proceeding, and who desires to participate as a party, must file a request for a hearing and a specification of the contentions which the person seeks to have litigated in the hearing, in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). All documents filed in NRC adjudicatory proceedings, including documents filed by interested governmental entities participating under 10 CFR 2.315(c) and any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, must be filed in accordance with the E-Filing rule. The E-Filing rule 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 a waiver 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 Hearing.Docket@nrc.gov, or by calling (301) 415-1677, to request: (1) A digital Identification (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/sitehelp/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/applycertificates.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 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 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays. The toll-free help line number is (800) 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.

Participants who believe that they have a 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: Rulemakings 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: Rulemakings 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, 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 submission.

The formal requirements for documents contained in 10 CFR 2.304(c)-(e) must be met. If the NRC grants an electronic document

exemption in accordance with 10 CFR 2.302(g)(3), then the requirements for paper documents, set forth in 10 CFR 2.304(b) must be met.

In accordance with 10 CFR 2.309(b), a request for a hearing or petition for leave to intervene must be filed by November 30, 2009. In addition to meeting other applicable requirements of 10 CFR 2.309, a request for a hearing must state:

1. The name, address, and telephone number of the requester;
2. The nature of the requester's right under the Act to be made a party to the proceeding;
3. The nature and extent of the requester's property, financial or other interest in the proceeding;
4. The possible effect of any decision or order that may be issued in the proceeding on the requester's interest; and
5. The circumstances establishing that the request for a hearing is timely in accordance with 10 CFR 2.309(b).

A request for a hearing or petition for leave to intervene must also include a specification of the contentions that the petitioner/requestor seeks to have litigated in the hearing. For each contention, the petitioner/requestor must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the petitioner/requestor must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings the NRC must make to support the granting of a license in response to AES's application. The request/petition must also include a concise statement of the alleged facts or expert opinions which support the position of the petitioner/requestor and on which the petitioner/requestor intends to rely at hearing, together with references to the specific sources and documents on which the petitioner/requestor intends to rely. Finally, the request/petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner/requestor believes that the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's/requestor's belief. Each contention must be one that, if proven, would entitle the petitioner/requestor to relief.

In addition, in accordance with 10 CFR 2.309(f)(2), contentions must be based on documents or other information available at the time the request or petition is to be filed, such as the application or other supporting document filed by the applicant, or otherwise available to the petitioner/requestor. The petitioner/requestor may amend those contentions or file new contentions if there are data or conclusions in the NRC draft or final documents, or any supplements relating thereto, that differ significantly from the data or conclusions in the applicant's documents. Otherwise, contentions may be amended or new contentions filed after the initial filing only with leave of the presiding officer.

Petitioners/requestors should, when possible, consult with each other in preparing contentions and combine similar subject matter concerns into a joint contention, for which one of the co-sponsoring requestors or petitioners is designated the lead representative. Further, in accordance with 10 CFR 2.309(f)(3), any petitioner/requestor that wishes to adopt a contention proposed by another petitioner/requestor must do so, in accordance with the E-Filing rule, within ten days of the date the contention is filed, and designate a representative who shall have the authority to act for the petitioner/requestor.

In accordance with 10 CFR 2.309(g), a request for hearing or a petition for leave to intervene may also address the selection of hearing procedures, taking into account the provisions of 10 CFR 2.310.

III. Further Information

The application for license renewal is available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession number for the document comprising the July 31, 2009, license renewal request is ML092660195. The ADAMS accession number for the NRC staff's August 28, 2009, acceptance letter is ML092310085.

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdr.resource@nrc.gov.

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O-1 F21, One

White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland this 3rd day of September, 2009.

For the U.S. Nuclear Regulatory Commission.

Peter J. Habighorst,

Chief, Fuel Manufacturing Branch, Fuel Facilities Licensing Directorate, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. E9-23572 Filed 9-29-09; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC-2008-0643]

Draft Regulatory Guide: Public Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Public Meeting on Draft Regulatory Guide, DG-1203.

FOR FURTHER INFORMATION CONTACT:

Robert G. Roche-Rivera, Project manager, Structural Geotechnical and Seismic Engineering Branch, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 251-7645; fax number: (301) 521-7420; e-mail: Robert.Roche@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) has revised Draft Guide 1203 considering NRC staff recommendations and public comments. This Draft Guide, originally entitled, "Containment Performance for Pressure Loads", describes methods that the staff of the NRC considers acceptable for evaluating containment structural integrity under internal pressurization above design pressure, in accordance with regulatory requirements and Commission's performance goals for containment structures under internal pressurization.

II. Further Information

The NRC staff invites the public for a meeting to discuss the revised Draft Guide 1203. This is a Category 2 Meeting. The public is invited to participate in this meeting by discussing regulatory issues with the U.S. Nuclear Regulatory Commission (NRC) at designated points on the agenda. The meeting will take place on Thursday October 8, 2009 from 1 p.m. to 4 p.m. at the following location:

- U.S. Nuclear Regulatory Commission, Church Street Building, Room CSB-6B1, 21 Church Street, Rockville, MD 20850.

Interested members of the public can also participate in the meeting via a toll-free teleconference. For details, please call the meeting contact listed above.

The NRC provides reasonable accommodations to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in this meeting (e.g., sign language), or need this meeting notice or other information from the meeting in another format (e.g., Braille, large print), please notify the NRC's meeting contact. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Dated at Rockville, Maryland, this 23rd day of September, 2009.

For the Nuclear Regulatory Commission.

Rosemary T. Hogan,

Chief, Structural Geotechnical and Seismic Engineering Branch, Division of Engineering, Office of Nuclear Regulatory Research.

Agenda for Public Meeting Regarding Draft Regulatory Guide DG-1203: Containment Performance for Pressure Loads

1 p.m.–4 p.m. Thursday October, 8, 2009, NRC, Church Street Building, Rockville, MD (Room CSB-6B1).

1–1:10 Introduction and Opening Remarks;

1:10–1:50 Presentation—Overview of revised Draft Guide 1203 and resolution to public comments;

1:50–2 Break;

2–4 Discussion on Draft Guide 1203;

4 Adjourn.

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OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Questionnaire for National Security Positions, SF 86

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Federal Investigative Services Division (FISD), U.S. Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an information collection request (ICR), Office of Management and Budget (OMB) Control No. 3206-0005, for the General Request for the Questionnaire for National Security Positions, (SF 86).

As required by the Paperwork Reduction Act of 1995, (Pub. L. 104-13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104-106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. 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;

2. 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;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. 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 submissions of responses.

DATES: Comments are encouraged and will be accepted until October 30, 2009. This process is conducted in accordance with 5 CFR part 1320.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the FISD, OPM, 1900 E. Street, NW., Room 2H31, Washington, DC 20415, Attention: MaryKay Brewer or sent via electronic mail to SFRevisionComments@opm.gov; and Jasmeet K. Seehra, OMB Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 725 17th Street, NW., Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, and/or a copy of the Change Matrix described in the **SUPPLEMENTARY INFORMATION**, below, may be obtained by contacting the FISD, OPM, 1900 E. Street, NW., Washington, DC 20503, Attention: MaryKay Brewer or sent via electronic mail to MaryKay.Brewer@opm.gov.

SUPPLEMENTARY INFORMATION: This notice announces that OPM submitted to OMB a request for review and clearance of the revised collection of information, Questionnaire for National Security Positions SF 86 (OMB Control No. 3206-0005), which includes e-QIP (Electronic Questionnaires for Investigations Processing).