I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0050 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- NRC’s Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at http://www.nrc.gov/reading-rm/adams.html. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov. The supporting statement is available in ADAMS under Accession No. ML18127B276.
- NRC’s PDR: You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- NRC’s Clearance Officer: A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC’s Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2048; email: INFOCOLLECTS.Resource@NRC.GOV.

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at http://www.regulations.gov and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comments are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, “10 CFR part 140, Financial Protection Requirements and Indemnity Agreements.” 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 April 10, 2018 (83 FR 15422).

2. OMB approval number: 3150–0039.
3. Type of submission: Revision.
4. The form number, if applicable: N/A.
5. How often the collection is required or requested: On occasion, as needed for applicants and licensees to meet their responsibilities called for in Sections 170 and 193 of the Atomic Energy Act of 1954.
6. Who will be required or asked to respond: Each applicant for or holder of a license issued under parts 50 or 54 of title 10 of the Code of Federal Regulations (10 CFR) to operate a nuclear reactor, or the applicant for or holder of a combined license issued under parts 52 or 54 of 10 CFR, as well as licensees authorized to possess and use plutonium in a plutonium processing and fuel fabrication plant. In addition, licensees authorized to construct and operate a uranium enrichment facility in accordance with parts 40 and 70 of 10 CFR.
7. The estimated number of annual responses: 102.
8. The estimated number of annual respondents: 102.
9. The estimated number of hours needed annually to comply with the information collection requirement or request: 796.
10. Abstract: 10 CFR part 140 specifies the information to be submitted by licensees that enables the NRC to assess (a) financial protection required by licensees and for the indemnification and limitation of liability of certain licensees and other persons, (b) the liability insurance required of plutonium processing and fuel fabrication plants, as well as uranium enrichment facility licensees pursuant to Section 193 of the Atomic Energy Act of 1954, as amended.

Dated at Rockville, Maryland, this 10th day of July, 2018.

For the Nuclear Regulatory Commission.

Kristen Benney,
Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2018–15080 Filed 7–13–18; 8:45 am]
BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–1051; NRC–2018–0055]

Holtec International’s HI–STORE Consolidated Interim Storage Facility for Interim Storage of Spent Nuclear Fuel

AGENCY: Nuclear Regulatory Commission.

ACTION: License application; opportunity to request a hearing and to petition for leave to intervene; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received a license application from Holtec International (Holtec), by letter dated March 30, 2017, as supplemented on April 13, October 6, December 21, and 22, 2017; and February 22, 2018. By this application, Holtec is requesting authorization to construct and operate the HI–STORE Consolidated Interim Storage (CIS) Facility, in Lea County, New Mexico. If the NRC approves the application and issues a license to Holtec, Holtec intends to store up to 8,680 metric tons of uranium (MTU) of commercial spent nuclear fuel in the HI–STORE UMEX Canister Storage System for a 40-year license term.

DATES: A request for a hearing or petition for leave to intervene must be filed by September 14, 2018.

ADDRESSES: Please refer to Docket ID NRC–2018–0055 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Website: Go to http://www.regulations.gov and search for Docket ID NRC–2018–0055. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: Jennifer.Borges@nrc.gov. For technical questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.
Holtec is currently requesting permission to construct and operate the Canister Storage System (CISS) facility in Eddy County, New Mexico, and 34 miles west of Hobbs, New Mexico. The proposed site for the CISS facility is located in Eddy County, New Mexico, and 34 miles west of Hobbs, New Mexico.

Holtec is proposing to construct and operate the HI–STORM UMAX Canister Storage System for storage of spent nuclear fuel canisters at the facility. The HI–STORM UMAX Canister Storage System stores the canister containing SNF entirely below-grade, providing a clear, unobstructed view of the entire CISS facility from any location.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this application may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR part 2. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at http://www.nrc.gov/reading-rm/doc-collections/cfr/. A copy of the regulations is also available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike, Rockville, Maryland 20852.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the 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 petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in 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 must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) 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. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition must state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with 10 CFR 2.309(f).
with the filing instructions in the
“Electronic Submissions (E-Filing)”
section of this document, and should
meet the requirements for petitions set
forth in this section. Alternatively, a
State, local governmental body,
Federally-recognized Indian Tribe, or
agency thereof may participate as a non-
party under 10 CFR 2.315(c).
If a hearing is granted, any person
who is not a party to the proceeding and
is not affiliated with or represented by
a party may, at the discretion of the
presiding officer, be permitted to make
a limited appearance pursuant to the
provisions of 10 CFR 2.315(a). A person
making a limited appearance may make
an oral or written statement of his or her
position on the issues but may not
otherwise participate in the proceeding.
A limited appearance may be made at
any session of the hearing or at any
prehearing conference, subject to the
limits and conditions as may be
imposed by the presiding officer. Details
regarding the opportunity to make a
limited appearance will be provided by
the presiding officer if such sessions are
scheduled.

III. Electronic Submissions (E-Filing)
All documents filed in NRC
adjudicatory proceedings, including a
request for hearing and petition for
leave to intervene (petition), 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 that
request to participate under 10 CFR
2.315(c), must be filed in accordance
with the NRC’s E-Filing rule (72 FR
49139; August 28, 2007, as amended at
77 FR 46562; August 3, 2012). The E-
Filing process requires participants to
submit and serve all adjudicatory
doctruments over the internet, or in some
cases to mail copies on electronic
storage media. Detailed guidance on
making electronic submissions may be
found in the Guidance for Electronic
Submissions to the NRC and on the NRC
website at http://www.nrc.gov/site-help/
e-submittals.html. 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 10
days prior to the filing deadline, the
participant should contact the Office of
the Secretary by email at
hearing.docket@nrc.gov, or by telephone
to 301-415-1677, to (1) request a digital
identification (ID) certificate, which
allows the participant (or its counsel or
representative) to digitally sign
submissions and access the E-Filing
system for any proceeding in which it is
participating; and (2) advise the
Secretary that the participant will be
submitting a petition or other
adjudicatory document (even in
instances in which the participant, or its
counsel or representative, already holds
an NRC-issued digital ID certificate).
Based upon this information, the
Secretary will establish an electronic
docket for the hearing in this proceeding
if the Secretary has not already
established an electronic docket.
Information about applying for a
digital ID certificate is available on the
NRC’s public website at http://
www.nrc.gov/site-help/e-submittals/
getting-started.html. Once a participant
has obtained a digital ID certificate and
a docket has been created, the
participant can then submit
adjudicatory documents. Submissions
must be in Portable Document Format
(PDF). Additional guidance on PDF
submissions is available on the NRC’s
public website at http://www.nrc.gov/
site-help/electronic-sub-ref-mat.html. A
filing is considered complete at the time
the document is submitted through the
NRC’s E-Filing system. To be timely, an
electronic filing must be submitted to
the E-Filing 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 email notice
confirming receipt of the document. The
E-Filing system also distributes an email
notice that provides access to the
document to the NRC’s 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,
applicants and other participants (or
their counsel or representative) must
apply for and receive a digital ID
certificate before adjudicatory
documents are filed so that they can
obtain access to the documents via the
E-Filing system.
A person filing electronically using
the NRC’s adjudicatory E-Filing system
may seek assistance by contacting the
NRC’s Electronic Filing Help Desk
through the “Contact Us” link located
on the NRC’s public website at http://
www.nrc.gov/site-help/e-
submittals.html, by email to
MSHD Resource@nrc.gov, or by a toll-
free call at 1–866–672–7640. The NRC
Electronic Filing Help Desk is available
between 9 a.m. and 6 p.m., Eastern
Time, Monday through Friday,
excluding government holidays.

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 stating why there is good cause for
not filing electronically and 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, 1155 Rockville Pike,
Rockville, Maryland 20852, Attention:
Rulemaking and Adjudications Staff.
Participants filing adjudicatory
documents 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. A presiding officer, having
granted an exemption request from
using E-Filing, may require a participant
or party to use E-Filing if the presiding
officer subsequently determines that the
reason for granting the exemption from
use of E-Filing no longer exists.

Documents submitted in adjudicatory
proceedings will appear in the NRC’s
electronic hearing docket which is
available to the public at
https://adams.nrc.gov/ehd/, unless excluded
pursuant to an order of the Commission
or the presiding officer. Participants are
requested not to include personal
privacy information, such as social
security numbers, home addresses, or
personal phone numbers in their filings,
unless an NRC regulation or other law
requires submission of such
information. For example, in some
instances, individuals provide home
addresses in order to demonstrate
proximity to a facility or site. 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.

IV. Availability of Documents
The documents identified in this
Federal Register notice are accessible to
interested persons in ADAMS under the
accession numbers identified in the
table below.
V. Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing sensitive unclassified information (including Sensitive Unclassified Non-Safeguards Information (SUNSI) and Safeguards Information (SGI)). Requirements for access to SGI are primarily set forth in 10 CFR parts 2 and 73. Nothing in this Order is intended to conflict with the SGI regulations.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI or SGI is necessary to respond to this notice may request access to SUNSI or SGI. A “potential party” is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI or SGI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI, SGI, or both to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Hearings and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are Hearing.Docket@nrc.gov and OGCmailcenter@nrc.gov, respectively.¹

The request must include the following information:

1. A description of the licensing action with a citation to this Federal Register notice;
2. The name and address of the potential party and a description of the potential party’s particularized interest that could be harmed by the action identified in C.(1);
3. If the request is for SUNSI, the identity of the individual or entity requesting access to SUNSI and the requestor’s basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention; and
4. If the request is for SGI, the identity of each individual who would have access to SGI if the request is granted, including the identity of any expert, consultant, or assistant who will aid the requestor in evaluating the SGI. In addition, the request must contain the following information:
   a. A statement that explains each individual’s “need to know” the SGI, as required by 10 CFR 73.2 and 10 CFR 73.22(b)(1). Consistent with the definition of “need to know” as stated in 10 CFR 73.2, the statement must explain:
      i. Specifically why the requestor believes that the information is necessary to enable the requestor to proffer and/or adjudicate a specific contention in this proceeding;² and
      ii. The technical competence (demonstrable knowledge, skill, training or education) of the requestor to effectively utilize the requested SGI to provide the basis and specificity for a proffered contention. The technical competence of a potential party or its counsel may be shown by reliance on a qualified expert, consultant, or assistant who satisfies these criteria.
   b. A completed Form SF–85, “Questionnaire for Non-Sensitive Positions,” for each individual who would have access to SGI. The completed Form SF–85 will be used by the Office of Administration to conduct the background check required for access to SGI, as required by 10 CFR part 2, subpart C. ³
   c. A completed Form FD–258 (fingerprint card), signed in original ink, and submitted in accordance with 10 CFR 73.57(d). Copies of Form FD–258 may be obtained by writing the Office of Administrative Services, Mail Services Center, Mail Stop P1–37, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by email to MAILSVC.Resource@nrc.gov. The fingerprint card will be used to satisfy the requirements of 10 CFR part 2, subpart C, 10 CFR 73.22(b)(1), and Section 149 of the Atomic Energy Act of 1954, as amended, which mandates that

¹While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC’s “E-Filing Rule,” the initial request to access SUNSI and/or SGI under these procedures should be submitted as described in this paragraph.
²Broad SGI requests under these procedures are unlikely to meet the standard for need to know; furthermore, NRC staff redaction of information from requested documents before their release may be appropriate to comport with this requirement. These procedures do not authorize unrestricted disclosure or less scrutiny of a requestor’s need to know than ordinarily would be applied in connection with an already-admitted contention or non-adjudicatory access to SGI.
³The requestor will be asked to provide his or her full name, social security number, date and place of birth, telephone number, and email address. After providing this information, the requestor usually should be able to obtain access to the online form within one business day.
(2) The requestor has established a legitimate need for access to SUNSI or need to know the SGI requested.

F. For requests for access to SUNSI, if the NRC staff determines that the requestor satisfies both E.(1) and E.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.\(^5\)

G. For requests for access to SGI, if the NRC staff determines that the requestor has satisfied both E.(1) and E.(2) above, the Office of Administration will then determine, based upon completion of the background check, whether the proposed recipient is trustworthy and reliable, as required for access to SGI by 10 CFR 73.22(b). If the Office of Administration determines that the individual or individuals are trustworthy and reliable, the NRC will promptly notify the requestor in writing. The notification will provide the names of approved individuals as well as the conditions under which the SGI will be provided. Those conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order \(^6\) by each individual who will be granted access to SGI.

H. Release and Storage of SGI. Prior to providing SGI to the requestor, the NRC staff will conduct (as necessary) an inspection to confirm that the recipient’s information protection system is sufficient to satisfy the requirements of 10 CFR 73.22. Alternatively, recipients may opt to view SGI at an approved SGI storage location rather than establish their own SGI protection program to meet SGI protection requirements.

I. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI or SGI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner’s receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI or SGI contentions by that later deadline.


(1) If the request for access to SUNSI or SGI is denied by the NRC staff either after a determination on standing and requisite need, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) Before the Office of Administration makes a final adverse determination regarding the trustworthiness and reliability of the proposed recipient(s) for access to SGI, the Office of Administration, in accordance with 10 CFR 2.336(b)(1)(iii), must provide the proposed recipient(s) any records that were considered in the trustworthiness and reliability determination, including those required to be provided under 10 CFR 73.57(e)(1), so that the proposed recipient(s) have an opportunity to correct or explain the record.

(3) The requestor may challenge the NRC staff’s adverse determination with respect to access to SUNSI or with respect to standing or need to know for SGI by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(4) The requestor may challenge the Office of Administration’s final adverse determination with respect to trustworthiness and reliability for access to SGI by filing a request for review in accordance with 10 CFR 2.336(f)(1)(iv).

(5) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

K. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party’s interest independent of the proceeding. Such a challenge must be filed within 5 days of

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\(^4\) This fee is subject to change pursuant to the Office of Personnel Management’s adjustable billing rates.

\(^5\) Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

\(^6\) Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SGI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 180 days of the deadline for the receipt of the written access request.
the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.7

L. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI or SGI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 10th of July 2018.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,
Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION AND SAFEGUARDS INFORMATION IN THIS PROCEEDING

<table>
<thead>
<tr>
<th>Day</th>
<th>Event/activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Publication of Federal Register notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.</td>
</tr>
<tr>
<td>10</td>
<td>Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) and/or Safeguards Information (SGI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding; demonstrating that access should be granted (e.g., showing technical competence for access to SGI); and, for SGI, including application fee for fingerprint/background check.</td>
</tr>
<tr>
<td>20</td>
<td>U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff’s determination whether the request for access provides a reasonable basis to believe standing can be established and shows (1) need for SUNSI or (2) need to know for SGI. (For SUNSI, NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents). If NRC staff makes the finding of need to know for SGI and likelihood of standing, NRC staff begins background check (including fingerprinting for a criminal history records check), information processing (preparation of redactions or review of redacted documents), and readiness inspections.</td>
</tr>
<tr>
<td>25</td>
<td>If NRC staff finds no “need,” no “no need to know,” or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff’s denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds “need” for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff’s grant of access.</td>
</tr>
<tr>
<td>30</td>
<td>Deadline for NRC staff reply to motions to reverse NRC staff determination(s).</td>
</tr>
<tr>
<td>40</td>
<td>(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.</td>
</tr>
<tr>
<td>190</td>
<td>(Receipt +180) If NRC staff finds standing, need to know for SGI, and trustworthiness and reliability, deadline for NRC staff to file motion for Protective Order and draft Non-Disclosure Affidavit (or to make a determination that the proposed recipient of SGI is not trustworthy or reliable). Note: Before the Office of Administration makes a final adverse determination regarding access to SGI, the proposed recipient must be provided an opportunity to correct or explain information.</td>
</tr>
<tr>
<td>205</td>
<td>Deadline for petitioner to seek reversal of a final adverse NRC staff trustworthiness or reliability determination under 10 CFR 2.336(f)(1)(iv).</td>
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<tr>
<td>A</td>
<td>If access granted: Issuance of a decision by a presiding officer or other designated officer on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.</td>
</tr>
<tr>
<td>A + 3</td>
<td>Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI and/or SGI consistent with decision issuing the protective order.</td>
</tr>
<tr>
<td>A + 28</td>
<td>Deadline for submission of contentions whose development depends upon access to SUNSI and/or SGI. However, if more than 25 days remain between the petitioner’s receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI or SGI contentions by that later deadline.</td>
</tr>
<tr>
<td>A + 53</td>
<td>(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI and/or SGI.</td>
</tr>
<tr>
<td>A + 60</td>
<td>(Answer receipt +7) Petitioner/Intervenor reply to answers.</td>
</tr>
<tr>
<td>&gt;A + 60</td>
<td>Decision on contention admission.</td>
</tr>
</tbody>
</table>

7 Requestors should note that the filing requirements of the NRC’s E-Filing Rule (72 FR 49119; August 28, 2007, as amended at 77 FR 46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI/SGI request submitted to the NRC staff under these procedures.
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Privacy Act of 1974; System of Records.

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Recindment of System of Records Notices.

SUMMARY: In accordance with the Privacy Act of 1974, the Occupational Safety and Health Review Commission (OSHRC) is rescinding the Privacy Act system-of-records notices for following systems of records: Travel Records, OSHRC–1; and Mailing Lists for News Releases, Speeches, Booklets, Reports, OSHRC–2.

DATES: Comments must be received by OSHRC on or before August 15, 2018. The rescindment of OSHRC–1 and OSHRC–2 will become effective on that date, without any further notice in the Federal Register, unless comments or government approval procedures necessitate otherwise.

ADDRESS: You may submit comments by any of the following methods:

- Email: rbailey@oshrc.gov. Include “PRIVACY ACT SYSTEM OF RECORDS” in the subject line of the message.
- Fax: (202) 606–5417.
- Mail: One Lafayette Centre, 1120 20th Street NW, Ninth Floor, Washington, DC 20036–3457.
- Hand Delivery/Courier: Same as mailing address.

Instructions: All submissions must include your name, return address, and email address, if applicable. Please clearly label submissions as “PRIVACY ACT SYSTEM OF RECORDS.”

FOR FURTHER INFORMATION CONTACT: Ron Bailey, Attorney-Advisor, Office of the General Counsel, via telephone at (202) 606–5410, or via email at rbailey@oshrc.gov.

SUPPLEMENTARY INFORMATION: Following OSHRC’s review of its systems of records, the agency is rescinding two of its system-of-records notices: (1) Travel Records, OSHRC–1; and (2) Mailing Lists for News Releases, Speeches, Booklets, Reports, OSHRC–2. The records included in OSHRC–1 are fully covered by the following Privacy Act notices for governmentwide systems of records: GSA/GOVT–4, see 74 FR 26709, July 6, 2009, and GSA/GOVT–3, see 78 FR 20108, May 3, 2013. OSHRC–1 is therefore being rescinded to avoid duplicative notices.

Additionally, based on a comprehensive review of OSHRC’s records, the agency has determined that mailing lists for news releases, speeches, booklets, and reports are no longer maintained by the agency. As this system of records, OSHRC–2, no longer exists, its notice is being rescinded.

The notices rescinding OSHRC–1 and OSHRC–2 are as follows.

OSHRC–1

SYSTEM NAME AND NUMBER: Travel Records, OSHRC–1.

HISTORY:

April 14, 2006, 71 FR 19556; August 4, 2008, 73 FR 45256; October 5, 2015, 80 FR 60182; and September 28, 2017, 82 FR 45324.

OSHRC–2

SYSTEM NAME AND NUMBER: Mailing Lists for News Releases, Speeches, Booklets, Reports, OSHRC–2.

HISTORY:

April 14, 2006, 71 FR 19556; August 4, 2008, 73 FR 45256; October 5, 2015, 80 FR 60182; and September 28, 2017, 82 FR 45324.

Dated: July 9, 2018.

Nadine N. Mancini,
General Counsel, Senior Agency Official for Privacy.

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33156; 812–14884]

DMS ETF Trust I, et al.

July 10, 2018.

AGENCY: Securities and Exchange Commission (“Commission”).

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (“Act”) for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements in rule 20a–1 under the Act, Item 19(a)(3) of Form N–1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934, and sections 6–07(2)(a), (b), and (c) of Regulation S–X (“Disclosure Requirements”).

The requested exemption would permit an investment adviser to hire and replace certain sub-advisers without shareholder approval and grant relief from the Disclosure Requirements as they relate to fees paid to the sub-advisers.

APPLICANTS: DMS ETF Trust I, DMS ETF Trust II, and DMS Mutual Fund Trust (each, a “Trust” and collectively, the “Trusts”), each a Delaware statutory trust that will be registered under the Act as an open-end management investment company, and DMS ETF Solutions, LLC (the “Initial Adviser”), a Delaware limited liability company that will be registered as an investment adviser under the Investment Advisers Act of 1940 (collectively with the Trusts, the “Applicants”).

FILING DATES: The application was filed on March 12, 2018.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission’s Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 6, 2018, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission’s Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

Applicants, 130 West 42nd Street, Ste. 1050, New York, NY 10036.

FOR FURTHER INFORMATION CONTACT: Christine Y. Greenlees, Senior Counsel, at (202) 551–6879, or Andrea Ottomanelli Magovern, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel’s Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission’s website by searching for the file number, or an applicant using the Company name box, at http://www.sec.gov/search/search.htm or by calling (202) 551–8090.

Summary of the Application

1. An Adviser will serve as the investment adviser to each Subadvised Series pursuant to an investment advisory agreement with the applicable Trust (the “Investment Management