Committee Secretary, Rules Committee Staff, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: August 1, 2019.
Rebecca A. Womeldorf,
Rules Committee Secretary.

[FR Doc. 2019–16739 Filed 8–5–19; 8:45 am]
BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference; Advisory Committee on Appellate Rules

AGENCY: Advisory Committee on Appellate Rules, Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Appellate Rules will hold a meeting on October 30, 2019. The meeting will be open to public observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.

DATES: October 30, 2019 (9:00 a.m.–5:00 p.m.).


FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Staff, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: August 1, 2019.
Rebecca A. Womeldorf,
Rules Committee Secretary.

[FR Doc. 2019–16737 Filed 8–5–19; 8:45 am]
BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

[OMB Number 1123–0013]

Agency Information Collection Activities; Proposed eCollection eComments Requested; United States Victims of State Sponsored Terrorism Fund Application Form

Correction

Notice document 2019–14380, appearing on pages 32474 through 32475, in the issue of July 8, 2019, was inadvertently published in error and is hereby withdrawn.

[FR Doc. C1–2019–14380 Filed 8–5–19; 8:45 am]
BILLING CODE 1301–00–D

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0146]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of one amendment request. The amendment request is for Fort Calhoun Station, Unit No. 1. For the amendment request, the NRC proposes to determine that it involves no significant hazards consideration. Because the amendment request contains sensitive unclassified non-safeguards information (SUNSI) and safeguards information (SGI), an order imposes procedures to obtain access to SUNSI and SGI for contention preparation.

DATES: Comments must be filed by September 5, 2019. A request for a hearing must be filed by October 7, 2019. Any potential party as defined in § 2.4 of title 10 of the Code of Federal Regulations (10 CFR), who believes access to SUNSI and/or SGI is necessary to respond to this notice must request document access by August 16, 2019.

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

• Federal Rulemaking Website: Go to https://www.regulations.gov/ and search for Docket ID NRC–2019–0146. Address questions about NRC dockets IDs in Regulations.gov 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.

• Mail comments to: Office of Administration, Mail Stop: TWP–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the SUPPLEMENTARY INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0146, facility name, unit number(s), plant docket number, application date, and subject 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:
• Federal Rulemaking Website: Go to https://www.regulations.gov/ and search for Docket ID NRC–2019–0146.
• NRC’s Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at https://www.nrc.gov/reading-rm/adams.html. To begin the search, 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 ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
• 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.

B. Submitting Comments

Please include Docket ID NRC–2019–0146, facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at https://www.regulations.gov/ as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, 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 the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendment to be issued, or proposed to be issued, and grants the Commission the authority to issue and make

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment request involves no significant hazards consideration. Under the Commission’s regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for the amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the Federal Register. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

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

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action 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 2.309. The NRC’s regulations are accessible electronically from the NRC Library on the NRC’s website at https://www.regulations.gov/ collections/cfr/. Alternatively, a copy of the regulations is available at the NRC’s Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike, Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

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 Key:...
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
determination by the presiding officer
that the filing demonstrates good cause
by satisfying the three factors in 10 CFR
2.309(c)(1) through (iii). The petition
must be filed in accordance with the
filing instructions in the “Electronic
Submissions (E-Filing)” section of this
document.

If a hearing is requested, and the
Commission has not made a final
determination on the issue of no
significant hazards consideration, the
Commission will make a final
determination on the issue of no
significant hazards consideration. The
final determination will serve to
establish when the hearing is held. If the
final determination is that the
amendment request involves no
significant hazards consideration, the
Commission may issue the amendment
and make it immediately effective,
notwithstanding the request for a
hearing. Any hearing would take place
after issuance of the amendment. If the
final determination is that the
amendment request involves a
significant hazards consideration, then
any hearing held would take place
before the issuance of the amendment
unless the Commission finds an
imminent danger to the health or safety
of the public, in which case it will issue
an appropriate order or rule under 10
CFR part 2.

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
should 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 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, except that under 10
CFR 2.309(h)(2) a State, local
governmental body, or Federally-
recognized Indian Tribe, or agency
thereof does not need to address the
standing requirements in 10 CFR
2.309(d) if the facility is located within
its boundaries. 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.

B. Electronic Submissions (E-Filing)

All documents filed in NRC
adjudicatory proceedings, including
requests 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
documents 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 https://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 apply for 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
https://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
https://www.nrc.gov/site-help/electronic-sub-ref-mat.html. A
filings 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
https://www.nrc.gov/site-help/e-
submittals.html, by email to
The proposed amendment does not involve any significant consequences of an accident previously evaluated. The proposed amendment has no effect on the capability of any facility SSC to perform its design function. The modifications associated with these changes do not significantly affect the requirements of the DSC and HSM to perform their functions as described in the NUH–003 UFSAR. Hence, the proposed amendment has no effect on the capability of the Cask System to perform its design function nor would it increase the likelihood of an accident previously evaluated. The proposed amendment would not increase the likelihood of the malfunction of any plant SSC. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of a previously evaluated accident.
with this proposed amendment (e.g., Vehicle Barrier System (VBS) relocation, wiring changes in security equipment, the addition of telecommunications equipment, and software changes to the security computer system). The proposed license amendment would not physically change any SSCs involved in the mitigation of any postulated accident. Thus, no new initiators or precursors of new or different kind of accident are created. Furthermore, the proposed amendment does not create the possibility of a new failure mode associated with any equipment failures. The credible events for the ISFSI remain unchanged.

Therefore, the proposed changes do not create the possibility of new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Because the 10 CFR part 50 license for FCS no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel, as specified in 10 CFR 50.82(a)(2), the occurrence of postulated accidents associated with reactor operation is no longer credible. The modifications associated with the proposed amendment include lighting, intruder detection systems, protected area boundary fencing, access control system, telecommunications equipment, VBS relocation, and a central alarm station. The proposed amendment does not involve a significant change in any facility SSCs or Cask System component’s design, configuration, or operation. Therefore, the modifications associated with this proposed amendment do not significantly affect the capability or manner in which facility SSCs or Cask System components perform their safety functions or the safety.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee’s analysis, and based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Stephen M. Bruckner, Attorney, Fraser Stryker PC LLO, 500 Energy Plaza, 409 South 17th Street, Omaha, NE 68102.

NRC Branch Chief: Bruce Watson, CHP.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing sensitive unclassified information (including SUNSI and 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 RidsOgcMailCenter.Resource@nrc.gov, respectively. 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 73.22(b)(1). Consistent with the definition of “need to know” as stated in 10 CFR 73.2.

(b) 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.

(c) A completed Form FD–258 (fingerprint card), signed in original ink, certified by the person who satisfies these criteria.
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 all persons with access to SGI must be fingerprinted for an Federal Bureau of Investigation identification and criminal history records check.

(d) A check or money order payable in the amount of $357.00 ⁴ to the U.S. Nuclear Regulatory Commission for each individual for whom the request for access has been submitted.

(e) If the requestor or any individual(s) who will have access to SGI believes they belong to one or more of the categories of individuals that are exempt from the criminal history records check and background check requirements in 10 CFR 73.59, the requestor should also provide a statement identifying which exemption the requestor is invoking and explaining the requestor’s basis for believing that the exemption applies. While processing the request, the Office of Administration, Personnel Security Branch, will make a final determination whether the claimed exemption applies. Alternatively, the requestor may contact the Office of Administration for an evaluation of their exemption status prior to submitting their request.

Persons who are exempt from the background check are not required to complete the SF–85 or Form FD–258; however, other requirements for access to SGI, including the need to know, are still applicable.

Note: Copies of documents and materials required by paragraphs C.(4)(b), (c), and (d) of this Order must be sent to the following address: U.S. Nuclear Regulatory Commission, ATTN: Personnel Security Branch, Mailstop TWVN–07D04M, 11555 Rockville Pike, Rockville, MD 20852. These documents and materials should not be included with the request letter to the Office of the Secretary, but the request letter should state that the forms and fees have been submitted as required.

D. To avoid delays in processing requests for access to SGI, the requestor should review all submitted materials for completeness and accuracy (including legibility) before submitting them to the NRC. The NRC will return incomplete packages to the sender without processing.

E. Based on an evaluation of the information submitted under paragraphs C.(3) or C.(4) above, as applicable, the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(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 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 request for (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(f)(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, within 30 days of the deadline for the receipt of the written access request.

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

⁵Any 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.

⁶Any 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.
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 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 11th day of July, 2019.

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>
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<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>60</td>
<td>Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI and/or SGI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).</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 “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>
</tr>
<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 issued 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 petitioners’ 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 49139; 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.
NUCLEAR REGULATORY COMMISSION

666th Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on September 4–7, 2019, Two White Flint North, 11543 Rockville Pike, ACRS Conference Room T2D10, Rockville, MD 20852.

Wednesday, September 4, 2019, Conference Room T2D10

1:00 p.m.–1:05 p.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

1:05 p.m.–2:00 p.m.: Advanced Reactor SECY Policy Paper on Siting (Open)—The Committee will have briefings by and discussion with representatives of the NRC staff regarding the subject topic.

2:00 p.m.–4:30 p.m.: Turkey Point Subsequent License Renewal (Open)—The Committee will have briefings by and discussion with representatives of the NRC staff and Florida Power & Light Co. regarding the subject topic.

4:45 p.m.–6:00 p.m.: Preparation of ACRS Reports/Retreat (Open)—The Committee will continue its discussion of proposed ACRS reports and retreat items.

Thursday, September 5, 2019, Conference Room T2D10

8:30 a.m.–11:30 a.m.: Westinghouse Topical Report, WCAP–17794 Related to New D3 CPR Correlation for SVEA–96 Optima-3 Fuel Design (Open/Closed)—The Committee will have briefings by and discussion with representatives of the NRC staff and Westinghouse regarding the subject topic. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552(b)(4)].

12:30 p.m.–2:30 p.m.: Topical Report–0716–50351, “NuScale Applicability of AREVA Method for the Evaluation of Fuel Assembly Structural Response to Externally Applied Forces” (Open/Closed)—The Committee will have briefings by and discussion with representatives of the NRC staff and NuScale regarding the subject topic. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552(b)(4)].

2:45 p.m.–6:00 p.m.: Preparation of ACRS Reports/Retreat (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and retreat items. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552(b)(4)]. [Note: A portion of this meeting may be closed pursuant to 5 U.S.C. 552(b) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

Friday, September 6, 2019, Conference Room T2D10

8:30 a.m.–10:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations/Retreat (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings and retreat items. [Note: A portion of this session may be closed pursuant to 5 U.S.C. 552(b) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.] [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552(b)(4)].

10:15 a.m.–12:00 p.m.: Preparation of ACRS Reports/Retreat (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and retreat items. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552(b)(4)]. [Note: A portion of this meeting may be closed pursuant to 5 U.S.C. 552(b) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy].

Saturday, September 7, 2019, Conference Room T2D10

8:30 a.m.–12:00 p.m.: Preparation of ACRS Reports/Retreat (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and retreat items. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552(b)(4)]. [Note: A portion of this meeting may be closed pursuant to 5 U.S.C. 552(b) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy].

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on December 7, 2018 (83 FR 26506). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: Quynh.Nguyen@nrc.gov), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience. The bridgeline number for the meeting is 866–822–3032, passcode 8272423#.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each