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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: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of 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).

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

For further details with respect to this license amendment application, see the licensee's application for amendment dated May 29, 2008 (ADAMS Accession No. ML081560641), as supplemented by letter dated November 14, 2008 (ADAMS Accession No. ML083240593), which are available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, MD, this 11th day of June 2009.

For the Nuclear Regulatory Commission.

**Marlayna Vaaler,**

*Project Manager, Plant Licensing Branch II-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E9-14420 Filed 6-18-09; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 55-62335-SP; ASLBP No. 09-891-01-SP-BD01]

### **David B. Kuhl, II; Establishment of Atomic Safety and Licensing Board**

#### **Establishment of Atomic Safety and Licensing Board**

Pursuant to delegation by the Commission dated December 29, 1972 (37 FR 28,710), and the Commission's regulations, *see* 10 CFR 2.103(b), 2.309, 2.313(a), and 2.318, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

#### **David B. Kuhl, II (Denial of Senior Reactor Operator License)**

This proceeding concerns a request for hearing from David B. Kuhl, II, dated May 28, 2009. His request is in response to a denial letter from the Office of Nuclear Reactor Regulation (NRR) dated May 13, 2009 notifying him that, following an administrative review, NRR was in agreement with Region I's decision of February 20, 2009 not to issue him a Senior Reactor Operator

License for the Beaver Valley Power Station.

The Board is comprised of the following administrative judges: Paul S. Ryerson, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Alan S. Rosenthal, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Michael F. Kennedy, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

As provided in 10 CFR 2.302, all correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 2007 (72 FR 49,139).

Issued at Rockville, Maryland, this 15th day of June 2009.

**E. Roy Hawkens,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. E9-14435 Filed 6-18-09; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[NRC-2008-0588]

### **Final Regulatory Guide: Issuance, Availability**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Issuance and Availability of Regulatory Guide (RG) 1.21, Revision 2.

#### **FOR FURTHER INFORMATION CONTACT:**

Steven Garry, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 415-2766 or e-mail [Steven.Garry@nrc.gov](mailto:Steven.Garry@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is issuing a guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

RG 1.21, Rev. 2, "Measuring, Evaluating, and Reporting Radioactive Material in Liquid and Gaseous

Effluents and Solid Waste,” was issued with a temporary identification as Draft Regulatory Guide, DG-1186. This guide describes a method that the staff of the NRC considers acceptable for use in measuring, evaluating, and reporting plant-related radioactivity (excluding background radiation) in effluents and solid radioactive waste shipments. The regulatory guide also provides guidance on determining and reporting the public dose from nuclear power plant operations.

This guide incorporates the risk-informed principles of the Reactor Oversight Process. A risk-informed, performance-based approach to regulatory decision-making combines the “risk-informed” and “performance-based” elements discussed in the staff requirements memorandum on SECY-98-144, “White Paper on Risk-Informed and Performance-Based Regulation,” dated March 1, 1999.

## II. Further Information

In November 2008, DG-1186 was issued for public comment. The public comment period closed on January 30, 2009. The staff’s responses to the public comments received are located in the NRC’s Agencywide Documents Access and Management System under Accession Number ML091170117. Electronic copies of RG 1.21, Rev. 2 are available through the NRC’s public Web site under “Regulatory Guides” at <http://www.nrc.gov/reading-rm/doc-collections/>.

In addition, regulatory guides are available for inspection at the NRC’s Public Document Room (PDR) located at 11555 Rockville Pike, Rockville, Maryland. The PDR’s mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached by telephone at (301) 415-4737 or (800) 397-4205, by fax at (301) 415-3548, and by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Rockville, MD, this 10th day of June 2009.

For the Nuclear Regulatory Commission.

**R.A. Jervey,**

*Acting Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. E9-14422 Filed 6-18-09; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[NRC-2008-0096]

### Notice of Issuance of Regulatory Guide

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Issuance and Availability of Regulatory Guide 4.1, Revision 2.

#### FOR FURTHER INFORMATION CONTACT:

Steven Garry, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-2766 or e-mail [Steven.Garry@nrc.gov](mailto:Steven.Garry@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing a revision to an existing guide in the agency’s “Regulatory Guide” series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency’s regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

Revision 2 of Regulatory Guide 4.1, “Radiological Environmental Monitoring for Nuclear Power Plants,” was issued with a temporary identification as Draft Regulatory Guide, DG-4013. This guide describes a method that the staff of the NRC considers acceptable for use in establishing and conducting an environmental monitoring program at nuclear power plants. The guide describes programs for preoperational and operational environmental monitoring.

##### II. Further Information

In November 2008, DG-4013 was published with a public comment period of 60 days from the issuance of the guide. The public comment period closed on January 30, 2009. The staff’s responses to the comments received are located in the NRC’s Agencywide Documents Access and Management System under accession number ML091310156. Electronic copies of Regulatory Guide 4.1, Revision 2 are available through the NRC’s public Web site under “Regulatory Guides” at <http://www.nrc.gov/reading-rm/doc-collections/>.

In addition, regulatory guides are available for inspection at the NRC’s Public Document Room (PDR) located at

Room O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852-2738. The PDR’s mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached by telephone at (301) 415-4737 or (800) 397-4209, by fax at (301) 415-3548, and by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

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Dated at Rockville, MD, this 12th day of June 2009.

For the Nuclear Regulatory Commission.

**Richard A. Jervey,**

*Acting Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. E9-14421 Filed 6-18-09; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-156; EA-09-141; NRC-2009-0245]

### In the Matter of University of Wisconsin (University of Wisconsin Nuclear Reactor); Order Modifying Facility Operating License No. R-74

#### I

University of Wisconsin (the licensee) is the holder of Amended Facility Operating License No. R-74 (the license) originally issued on February 4, 1974, by the U.S. Atomic Energy Commission. The license authorizes operation of the University of Wisconsin Nuclear Reactor (the facility) at a power level up to 1,000 kilowatts thermal and in the pulse mode, with reactivity insertions not to exceed 1.4%Δk/k, and to receive, possess, and use special nuclear material associated with facility operation. The facility is a research reactor located on the campus of the University of Wisconsin, in the city of Madison, Dane County, Wisconsin. The mailing address is Nuclear Reactor Laboratory, University of Wisconsin—Madison, 1513 University Avenue, Room 1215 ME, Madison, WI 53706-1687.

#### II

Title 10 of the Code of Federal Regulations (10 CFR) Section 50.64, “Limitations on the Use of Highly Enriched Uranium (HEU) in Domestic Nonpower Reactors,” limits the use of high-enriched uranium (HEU) fuel in domestic non-power reactors (research and test reactors). The regulation, which became effective on March 27, 1986 (Volume 51 of the **Federal Register**,