

*Regulation Affected:* 30 CFR 75.1002 (Installation of electric equipment and conductors; permissibility).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of 2, 400-volt AC-powered continuous mining equipment at the No. 2 Deep Mine. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

*Docket Number:* M-2007-046-C.

*Petitioner:* Twentymile Coal Company, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

*Mine:* Foidel Creek Mine, MSHA I.D. No. 05-03836, located in Routt County, Colorado.

*Regulation Affected:* 30 CFR 75.335(c) (Construction of seals).

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance with the prohibition against welding, cutting, or soldering on the longwall face equipment within 150 feet of seals. The petitioner states that: (1) Prior to welding or cutting activity on the longwall face within 150 feet of seals, the ventilation plan will be reviewed with the person(s) involved in such welding or cutting; (2) welding, cutting, or soldering with arc or flame will be done under the supervision of a qualified person who will make a diligent search for fire during and after such operations and shall continuously test for methane with means approved by the Secretary immediately before and during such operations; (3) welding, cutting, or soldering will not be conducted in air that contains 1.0 volume per centum or more of methane; (4) the area will be wet or rock dusted, and additional rock dust or suitable fire extinguishers will be immediately available during such welding or cutting; (5) prior to welding and cutting, a determination will be made concerning the presence of ventilation quantities and velocities specified in the ventilation plan; (6) prior to welding and cutting, a qualified person will examine the area for methane as well as the area towards the closest seal to the area, for a distance that can be traveled safely; and (7) if methane is detected above 1.0 percent at any location during examination, cutting, welding, or soldering on the longwall face or in the tailgate area will be not be permitted. The petitioner asserts that the proposed alternative method would provide an equal measure of protection as that provided by the existing standard.

*Docket Number:* M-2007-047-C.

*Petitioner:* Blue Diamond Coal Company, P.O. Box 47, Slemp, Kentucky 41763.

*Mine:* Mine # 77, MSHA I.D. No. 15-09636, located in Perry County, Kentucky.

*Regulation Affected:* 30 CFR 75.364(b)(2) (Weekly examination).

*Modification Request:* The petitioner requests a modification of the existing standard to permit check points (examination points) for air volume and quality to be established in two locations of the Alwest 2 Mains due to poor roof conditions that prevent foot travel through the affected area of the mine. The petitioner proposes to establish evaluation points at certain points to evaluate airflow entering the Alwest 2 Mains and exiting the Alwest 2 Mains. The petitioner also proposes to establish ventilation check points between certain breaks of the Alwest 2 Main. The petitioner states that due to the adverse roof conditions and the distance from active works, it is impractical to expose personnel to traveling the affected area. The petitioner describes additional safety precautions, such as signage and establishing and monitoring air measurement stations, at locations that would allow a certified person to effectively evaluate ventilation in the affected area of the mine. The petitioner has listed specific additional procedures in this petition that will be used to comply with the proposed alternative method. Individuals may review a complete description of the procedures at the MSHA address listed in this notice. The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

*Docket Number:* M-2007-048-C.

*Petitioner:* Paramount Coal Company Virginia, LLC, 2333 Alumni Park Plaza, Suite 310, Lexington, Kentucky.

*Mine:* Deep Mine # 26, MSHA I.D. No. 44-06929, located in Wise County, Virginia.

*Regulation Affected:* 30 CFR 75.1909(b)(6) ( Nonpermissible diesel-powered equipment; design and performance requirements).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of a Getman Roadbuilder, Model RDG-1504, and Serial Number 6946. The petitioner proposes to: (1) Operate one Getman Roadbuilder without front brakes as originally designed; (2) train grader operators to lower the moldboard to provide additional stopping capability in emergency situations; (3) train operators to recognize the appropriate

speeds to use on different roadway conditions; and (4) limit the maximum speed to 10 miles per hour. The petitioner states that: (1) The Roadbuilder has six wheels and a braking system on the four rear wheels; (2) the weight distribution over the four back wheels and the machine's braking system is adequate to stop the machine; and (3) the safety of the miners will not be compromised. The petitioner asserts that the design of the Getman Roadbuilder guarantees no less than the same measure of protection afforded by the existing standard.

*Docket Number:* M-2007-007-M.

*Petitioner:* Phelps Dodge Safford, Inc., 1124 W. Thatcher Blvd., Suite 202, Safford, Arizona 85546.

*Mine:* Safford Mine, MSHA I.D. No. 02-00299, located in Graham County, Arizona.

*Regulation Affected:* 30 CFR 56.6309(b) (Fuel oil requirements for ANFO).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of used petroleum-based, lubrication oil from diesel equipment (recycled oil) for blending with diesel fuel and conventional prills to create ammonium nitrate-fuel oil (ANFO). The petitioner has listed specific additional procedures in this petition that will be used to comply with the proposed alternative method. Individuals may review a complete description of the procedures at the MSHA address listed in this notice. The petitioner asserts that the proposed alternative method would at all times guarantee no less than the same measure of protection as the existing standard.

Dated: August 9, 2007.

**Jack Powasnik,**

*Acting Deputy Director, Office of Standards, Regulations, and Variances.*

[FR Doc. E7-16022 Filed 8-14-07; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-182; EA-07-197]

### In the Matter of Purdue University (Purdue University Research Reactor); Order Modifying Facility Operating License No. R-87

I

Purdue University (the licensee) is the holder of Facility Operating License No. R-87 (the license) issued on August 16, 1962, by the U.S. Atomic Energy Commission, and subsequently renewed

on August 8, 1988, by the U.S. Nuclear Regulatory Commission (the NRC or the Commission). The license authorizes operation of the Purdue University Research Reactor (the facility) at a power level up to 1 kilowatt thermal. The facility is a research reactor located on the campus of Purdue University, in the city of West Lafayette, Tippecanoe County, Indiana. The mailing address is Radiation Laboratories, Purdue University, Nuclear Engineering Building, 400 Central Drive, West Lafayette, IN 47907-2017.

## II

Title 10 of the Code of Federal Regulations (10 CFR) Section 50.64, limits the use of high-enriched uranium (HEU) fuel in domestic non-power reactors (research and test reactors) (see 51 FR 6514). The regulation, which became effective on March 27, 1986, requires that if Federal Government funding for conversion-related costs is available, each licensee of a non-power reactor authorized to use HEU fuel shall replace it with low-enriched uranium (LEU) fuel acceptable to the Commission unless the Commission has determined that the reactor has a unique purpose. The Commission's stated purpose for these requirements was to reduce, to the maximum extent possible, the use of HEU fuel in order to reduce the risk of theft and diversion of HEU fuel used in non-power reactors.

Paragraphs 50.64(b)(2)(i) and (ii) require that a licensee of a non-power reactor (1) not acquire more HEU fuel if LEU fuel that is acceptable to the Commission for that reactor is available when the licensee proposes to acquire HEU fuel, and (2) replace all HEU fuel in its possession with available LEU fuel acceptable to the Commission for that reactor in accordance with a schedule determined pursuant to 10 CFR 50.64(c)(2).

Paragraph 50.64(c)(2)(i) requires, among other things, that each licensee of a non-power reactor authorized to possess and to use HEU fuel develop and submit to the Director of the Office of Nuclear Reactor Regulation (Director) by March 27, 1987, and at 12-month intervals thereafter, a written proposal for meeting the requirements of the rule. The licensee shall include in its proposal a certification that Federal Government funding for conversion is available through the U.S. Department of Energy or other appropriate Federal agency and a schedule for conversion, based upon availability of replacement fuel acceptable to the Commission for that reactor and upon consideration of other factors such as the availability of shipping casks, implementation of

arrangements for available financial support, and reactor usage.

Paragraph 50.64(c)(2)(iii) requires the licensee to include in the proposal, to the extent required to effect conversion, all necessary changes to the license, to the facility, and to licensee procedures. This paragraph also requires the licensee to submit supporting safety analyses in time to meet the conversion schedule.

Paragraph 50.64(c)(2)(iii) also requires the Director to review the licensee proposal, to confirm the status of Federal Government funding, and to determine a final schedule, if the licensee has submitted a schedule for conversion.

Section 50.64(c)(3) requires the Director to review the supporting safety analyses and to issue an appropriate enforcement order directing both the conversion and, to the extent consistent with protection of public health and safety, any necessary changes to the license, the facility, and licensee procedures. In the **Federal Register** notice of the final rule (51 FR 6514), the Commission explained that in most, if not all cases, the enforcement order would be an order to modify the license under 10 CFR 2.204 (now 10 CFR 2.202).

Section 2.309 states the requirements for a person whose interest may be affected by any proceeding to initiate a hearing and to participate as a party.

## III

On August 13, 2006 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML062400495 and ML070920272), as supplemented on May 3 (ADAMS Accession No. ML071410299) and June 18, 2007 (ADAMS Accession No. ML071700633), the NRC staff received the licensee's conversion proposal, including its proposed modifications and supporting safety analyses. HEU fuel assemblies are to be replaced with LEU fuel assemblies. The fuel assemblies contain fuel plates, typical of the Materials Testing Reactor design, with the fuel consisting of uranium silicide dispersed in an aluminum matrix. These plates contain the uranium-235 isotope at an enrichment of less than 20 percent. The NRC staff reviewed the licensee's proposal and the requirements of 10 CFR 50.64 and has determined that public health and safety and common defense and security require the licensee to convert the facility from the use of HEU to LEU fuel in accordance with the attachments to this Order and the schedule included herein. The attachments to this Order specify the changes to the license

conditions and technical specifications that are needed to amend the facility license and contains an outline of a reactor startup report to be submitted to NRC within six months following return of the converted reactor to normal operation.

## IV

Accordingly, pursuant to Sections 51, 53, 57, 101, 104, 161b, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and to Commission regulations in 10 CFR 2.202 and 10 CFR 50.64, *It is hereby ordered that:*

Facility Operating License No. R-87 is modified by amending the license conditions and technical specifications as stated in the attachments to this Order (*Attachment 1: MODIFICATIONS TO FACILITY OPERATING LICENSE NO. R-87; Attachment 2: OUTLINE OF REACTOR STARTUP REPORT*). The Order becomes effective on the later date of either (1) the day the licensee receives an adequate number and type of LEU fuel assemblies to operate the facility as specified in the licensee proposal dated August 13, 2006 (ADAMS Accession Nos. ML062400495 and ML070920272), as supplemented on May 3 (ADAMS Accession No. ML071410299) and June 18, 2007 (ADAMS Accession No. ML071700633), or (2) 23 days after the date of publication of this Order in the **Federal Register**.

## V

Any person adversely affected by this Order may submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Any answer or request for a hearing shall set forth the matters of fact and law on which the person adversely affected relies and the reasons why the Order should not have been issued. Any answer or request for a hearing shall be filed (1) by first class mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) by courier, express mail, and expedited delivery services to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Because of possible delays in delivery of mail to the United States Government Offices, it is requested that answers and/or requests for hearing be transmitted to the Secretary of the Commission either by e-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV); or by

facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at 301-415-1101 (the verification number is 301-415-1966). Copies of the request for hearing must also be sent to the Director, Office of Nuclear Reactor Regulation and to the Assistant General Counsel for Materials Litigation and Enforcement, Office of the General Counsel, with both copies addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and the NRC requests that a copy also be transmitted either by facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov).

If a person requests a hearing, he or she shall set forth in the request for a hearing with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309.

If a hearing is requested by a person whose interest is adversely affected, the Commission shall issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

In accordance with 10 CFR 51.10(d), this Order is not subject to Section 102(2) of the National Environmental Policy Act, as amended. The NRC staff notes, however, that with respect to environmental impacts associated with the changes imposed by this Order as described in the safety evaluation, the changes would, if imposed by other than an Order, meet the definition of a categorical exclusion in accordance with 10 CFR 51.22(c)(9). Thus, pursuant to either 10 CFR 51.10(d) or 51.22(c)(9), no environmental assessment or environmental impact statement is required.

For further information see the application from the licensee dated August 13, 2006 (ADAMS Accession Nos. ML062400495 and ML070920272), as supplemented on May 3 (ADAMS Accession No. ML071410299) and June 18, 2007 (ADAMS Accession No. ML071700633), the staff's request for additional information dated March 13, 2007 (ADAMS Accession No. ML070680273), and the cover letter to the licensee, attachments to this Order and the NRC staff's safety evaluation dated August 9, 2007 (ADAMS Accession No. ML071920168), available for public inspection at the Commission's Public Document Room (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 have problems in accessing the documents 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@nrc.gov](mailto:pdr@nrc.gov).

Dated this 9th day of August 2007.

For the Nuclear Regulatory Commission

**James T. Wiggins,**

*Deputy Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E7-16070 Filed 8-14-07; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Unistar Nuclear LLC; Notice of Receipt and Availability of Part of an Application for a Combined License

On July 13, 2007 (ML071980294), UniStar Nuclear LLC (UniStar) filed with the Nuclear Regulatory Commission (NRC, the Commission) pursuant to Section 103 of the Atomic Energy Act and 10 CFR Part 52, a portion of an application for a combined license (COL) for a U.S. EPR nuclear power plant at the Calvert Cliffs Nuclear Power Plant facility in Lusby, Maryland identified as Calvert Cliffs Nuclear Power Plant Unit No. 3. UniStar supplemented its filing with a letter dated July 16, 2007 (ML072000363).

An applicant may seek a COL in accordance with Subpart C of 10 CFR Part 52 and may submit such an application in two parts in accordance with 10 CFR 2.101(a)(5). The part submitted by UniStar on July 13 consists of the Environmental Report required by 10 CFR 50.30(f) as well as other information required under 10 CFR 2.101(a)(5). This information includes certain administrative information such as financial qualifications submitted pursuant to 10 CFR 50.33, Chapter 2, "Site Characteristics," of the safety analysis report (SAR), which is submitted pursuant to 10 CFR 50.34(a)(1), and an agreement to limit access to sensitive information submitted pursuant to 10 CFR 50.37. To support its application, UniStar also requested an exemption from 10 CFR 2.101(a)(5), as documented in its July 13, 2007 letter. The NRC will review this exemption request and render its decision as part of the acceptance review of the application.

Subsequent **Federal Register** notices will address the acceptability of this part of the tendered COL application for

docketing and provisions for participation of the public in the COL review process.

A copy of the application is available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland and via the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. The accession number for the application is ML071980294. Future publicly available documents related to the application will also be posted in ADAMS. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC Public Document Room staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). The application is also available at <http://www.nrc.gov/reactors/new-licensing/col.html>.

Dated at Rockville, Maryland, this 9th day of August, 2007.

For the Nuclear Regulatory Commission.

**Thomas A. Bergman,**

*Deputy Director, Licensing Operations Division of New Reactor Licensing, Office of New Reactors.*

[FR Doc. E7-16068 Filed 8-14-07; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-05004]

### Notice of License Termination and Release of the Northern States Power Company Pathfinder Site in Sioux Falls, SD, for Unrestricted Use

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of license termination and site release for unrestricted use.

#### FOR FURTHER INFORMATION CONTACT:

Chad J. Glenn, Materials Decommissioning Section, Division of Waste Management and Environmental Protection, NRC, Washington, DC 20555; telephone: (301) 415-6722; fax: (301) 415-5369; or e-mail at: [cjg1@nrc.gov](mailto:cjg1@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

Pursuant to 10 CFR Part 20 Subpart E, the U.S. Nuclear Regulatory Commission (NRC) is providing notice that it has terminated Northern States