

Signed at Washington, DC, on January 8, 2008.

**Daniel R. Petersen,**

*Assistant General Counsel.*

[FR Doc. E8-451 Filed 1-11-08; 8:45 am]

BILLING CODE 3180-02-P

## OFFICE OF NATIONAL DRUG CONTROL POLICY

### Paperwork Reduction Act; Notice of Intent To Collect; Comment Request

**AGENCY:** Office of National Drug Control Policy (ONDCP).

**ACTION:** ONDCP provides opportunity for public comment concerning the collection of information to identify the State and local resources that support Student Drug Testing Programs in the nation's schools.

**SUMMARY:** This action proposes the collection of drug control information from State Educational Agencies regarding State and local support for the Student Drug Testing Programs.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The purpose of this survey is to gain a greater understanding of state and local level support for Student Drug Testing Programs. Currently, Federal support for SDT programs is available through discretionary grants and the Safe and Drug Free Schools State formula grant (Title IV). The information that is collected will be used to gain a greater understanding of state and local level support for Student Drug Testing (SDT) programs so as to better target scarce Federal resources.

*Type of Collection:* Survey of State Educational Directors.

*Title of Information Collection:* Federal Safe and Drug Free Schools State formula grant (Title IV) resources supporting Student Drug Testing Programs in the nation's schools.

*Frequency:* Annually by fiscal year.

*Affected Public:* Instrumentalities of state, local, and tribal educational entities.

*Estimated Burden:* Minimal since State Education Agencies have pre-established reporting relationships with Local Education Agencies. LEAs receiving funds under Title IV must report on the services and activities supported by these funds.

##### II. Special Issues for Comment

ONDCP especially invites comments on: (a) Whether the proposed collection is necessary for the proper performance of ONDCP functions, including whether the information has practical utility; (b)

ways to enhance information quality, utility, and clarity; and (c) ways to ease the burden on respondents, including the use of automated collection techniques or other forms of information technology.

**ADDRESSES:** Address all comments in writing within 60 days to Michael Reles. Facsimile and e-mail are the more reliable means of communication. Mr. Reles facsimile number is (202) 395-5176, and his e-mail address is [merles@ondcp.eop.gov](mailto:merles@ondcp.eop.gov). Mailing address is Executive Office of the President, Office of National Drug Control Policy, Washington, DC 20503. For further information, contact Mr. Reles at (202) 395-6608.

Signed at Washington, DC, on January 9, 2008.

**Edward H. Jurith,**

*General Counsel.*

[FR Doc. E8-452 Filed 1-11-08; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

**SUMMARY:** The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 64, "Travel Voucher" (Part 1); NRC Form 64A, "Travel Voucher" (Part 2); and NRC Form 64B, "Optional Travel Voucher" (Part 2).

2. *Current OMB approval number:* 3150-0192.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* Contractors, consultants and invited NRC travelers who travel in the course of conducting business for the NRC.

5. *The number of annual respondents:* 100.

6. *The number of hours needed annually to complete the requirement or request:* 100 hours (1 hour per form).

7. *Abstract:* Consultants, contractors, and those invited by the NRC to travel (e.g., prospective employees) must file travel vouchers and trip reports in order to be reimbursed for their travel expenses. The information collected includes the name, address, social security number, and the amount to be reimbursed. Travel expenses that are reimbursed are confined to those expenses essential to the transaction of official business for an approved trip.

Submit, by March 14, 2008 comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Margaret A. Janney (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by telephone at 301-415-7245, or by e-mail to [INFOCOLLECTS@NRC.GOV](mailto:INFOCOLLECTS@NRC.GOV).

Dated at Rockville, Maryland, this 8th day of January 2008.

For the Nuclear Regulatory Commission.

**Gregory Trussell,**

*Acting NRC Clearance Officer, Office of Information Services.*

[FR Doc. E8-417 Filed 1-11-08; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Proposed Generic Communication; Implementation of Certificate of Compliance Amendments to Previously Loaded Spent Fuel Storage Casks

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of opportunity for public comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is proposing to issue a regulatory issue summary (RIS) to inform addressees of requirements concerning the implementation of changes authorized by a 10 CFR Part 72 dry storage cask Certificate of Compliance (CoC) amendment to a cask loaded under the original CoC or an earlier amendment thereto (“previously loaded cask”). The NRC will include review of this matter in future inspections to verify compliance with these requirements.

This **Federal Register** notice is available through the NRC’s Agencywide Documents Access and Management System (ADAMS) under accession number ML073541293.

**DATES:** Comment period expires March 31, 2008. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

**ADDRESSEES:** Submit written comments to the Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Mail Stop T6–D59, Washington, DC 20555–0001, and cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to NRC Headquarters, 11545 Rockville Pike (Room T–6D59), Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

**FOR FURTHER INFORMATION CONTACT:** Robert A. Nelson at 301–492–3294 or by e-mail at [ran@nrc.gov](mailto:ran@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**NRC Regulatory Issue Summary 2007–26**

*Implementation of Certificate of Compliance Amendments to Previously Loaded Spent Fuel Storage Casks*

Addressees

All general licensees under the provisions of Subpart K, of Part 72 of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 72, “General License for Storage of Spent Fuel at Power Reactor Sites.”

Intent

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to inform addressees of requirements concerning the implementation of changes authorized by a 10 CFR Part 72

dry storage cask Certificate of Compliance (CoC) amendment to a cask loaded under the original CoC or an earlier amendment thereto (“previously loaded cask”). The NRC will include review of this matter in future inspections to verify compliance with these requirements. No specific action or written response is required.

Background

The NRC initially considered this issue after a general licensee sought clarification about the application of a CoC amendment to a previously loaded cask. Subsequently, during the May 2007 Nuclear Energy Institute Dry Storage Information Forum, NRC staff described agency requirements for the implementation of CoC amendments to previously loaded casks. Staff told forum participants that 10 CFR Part 72 requires licensees to obtain NRC approval if licensees wish to apply any changes of a CoC amendment to a previously loaded cask, if such changes result in a change to the terms or conditions (including the technical specifications) of the CoC under which the cask was loaded.

Some licensees have asserted that 10 CFR 72.48 allows them to apply some or all of the changes of a CoC amendment to a previously loaded cask without obtaining express NRC approval. This essentially, allows an “upgrade” of the CoC. NRC’s position is that such an upgrade, if it involves a change to a term, condition, or specification of the CoC, would be tantamount to amending the design basis of the previously loaded cask, and as such, express NRC approval is required.

Summary of Issue

10 CFR 72.210 grants the authority to store spent fuel in an independent spent fuel storage installation (ISFSI) at power reactor sites to persons authorized to possess or operate nuclear power reactors under the provisions of 10 CFR Part 50. Regulations at 10 CFR 72.212 set forth the conditions of such a general license, including the condition that such spent fuel must be stored in casks, the design of which is approved under the provisions of 10 CFR Part 72. The NRC issues a CoC for each approved cask design.

Further, 10 CFR 72.212 requires the general licensee to notify the NRC at least 90 days before the first storage of spent fuel under the general license.<sup>1</sup> Thereafter, the licensee must register the use of each cask with the NRC no later than 30 days after using that cask to store spent fuel. In addition, the

licensee must provide certain information, including the cask certificate number, model number, and identification number.<sup>2</sup> Regulations at 10 CFR 72.212 require that licensees “[p]erform written evaluations, prior to use, that establish that: [The] conditions set forth in the Certificate of Compliance have been met.”<sup>3</sup> The NRC’s position is that the phrase “prior to use” means before the cask is loaded with spent nuclear fuel.

Regulations at 10 CFR 72.212 also require that any changes made to the written evaluation required by that section must be made in accordance with 10 CFR 72.48(c), the NRC regulation governing changes, tests, and experiments made by a licensee or a certificate holder to a spent fuel storage cask design.<sup>4</sup> Regulations at 10 CFR 72.48(c) permit a licensee to make changes to a cask design, without obtaining express NRC approval if such changes do not require, “a change in the terms, conditions, or specifications incorporated in the CoC.”<sup>5</sup>

If the CoC holder or a general licensee (through the CoC holder) desires to amend the CoC, such that the amendment results in a change to the terms, conditions, or specifications of the CoC, then the CoC holder must submit a proposed CoC amendment to NRC. Such an amendment must be approved by NRC before it can be effective.<sup>6</sup> Amendments for each approved cask design are listed in 10 CFR 72.214.

The NRC’s practice is to consider each CoC amendment as a new design basis. Thus, each CoC amendment requires an NRC rulemaking before the amendment is effective.<sup>7</sup> Each CoC amendment is considered a separate and distinct CoC, accompanied by its own certificate (setting forth terms, conditions, and specifications) and safety evaluation report. Moreover, an amendment to a CoC may not amend all previous CoC amendments; thus, each succeeding amendment does not necessarily encompass all previous amendments.

Further, a previously loaded cask is bound by the terms, conditions, and specifications of the CoC under which the cask was loaded. The applicable NRC regulation states that the licensee shall:

<sup>2</sup> 10 CFR 72.212(b)(1)(ii).

<sup>3</sup> 10 CFR 72.212(b)(2)(i)(A).

<sup>4</sup> 10 CFR 72.212(b)(ii).

<sup>5</sup> 10 CFR 72.48(c)(1)(ii)(B).

<sup>6</sup> 10 CFR 72.244 and 72.246.

<sup>7</sup> 54 FR 19379, 19380 (May 5, 1989) (“Storage casks certified in the future will be routinely added to the listing in § 72.214 through rulemaking procedures”).

<sup>1</sup> 10 CFR 72.212(b)(1)(i).

“Maintain a copy of the Certificate of Compliance and documents referenced in the certificate for each cask model used for storage of spent fuel, until use of the cask model is discontinued. The licensee shall comply with the terms and conditions of the certificate.”<sup>8</sup>

Therefore, a licensee seeking to implement changes from a later CoC amendment to a previously loaded cask must obtain NRC approval if the changes alter the terms and conditions of the CoC under which the cask was loaded. NRC approval would be in the form of an exemption.<sup>9</sup> Specifically, the licensee would seek an exemption from the requisite provisions of 10 CFR 72.212 and 72.214, namely: (a) 10 CFR 72.212(a)(2) (i.e., general license limited to storage of spent fuel in casks approved under the provisions of this part); (b) 10 CFR 72.212(b)(2)(i)(A) (i.e., perform written evaluations before use establishing that conditions set forth in the CoC have been met); (c) 10 CFR 72.212(b)(7) (i.e., licensee to comply with the terms and conditions of the CoC); and (d) 10 CFR 72.214 (i.e., list of each approved CoC and CoC amendment). As an example, NRC granted an exemption from these regulations to a licensee, allowing the licensee to implement a change approved in Amendment 2 to CoC 1014, for casks loaded under Amendment 1 at the licensee’s ISFSI.<sup>10</sup>

Some general licensees have asserted that 10 CFR 72.48 provides a basis to apply CoC amendment changes to a previously loaded cask, without express NRC approval, even if such changes result in a change to the terms, conditions, or specifications of the CoC under which the cask was loaded. The NRC does not interpret 10 CFR 72.48 (nor 10 CFR 72.212) to allow for such a cask upgrade without express NRC approval. The only reference to 10 CFR 72.48 in 10 CFR 72.212 is that the licensee “shall evaluate any changes to written evaluations required by [10 CFR 72.212(b)(2)(i)] using the requirements of § 72.48(c).”<sup>11</sup> Section 72.48(c) does

not expressly refer to previously loaded casks. It also does not appear to contemplate a licensee’s application of a newer CoC amendment’s changes, either in whole or in part, to a previously loaded cask without NRC approval. Section 72.48(c) refers only to “cask design as described in the [final safety analysis report] FSAR.”<sup>12</sup>

The October 4, 1999, Statement of Consideration to the rule that revised 10 CFR 72.48 explained the purpose of 10 CFR 72.48(c) as establishing the conditions that a licensee must meet to: (a) Make changes to cask design as described in the FSAR; (b) make changes to the procedures as described in the FSAR; or (c) conduct tests or experiments not described in the FSAR, without prior NRC approval.<sup>13</sup> Specifically, those conditions are that the change, test, or experiment will not require a change in the technical specifications, terms, conditions or specifications incorporated in the CoC, or will not meet any of the criteria in 10 CFR 72.48 paragraph (c)(2).<sup>14</sup> Failure to meet these conditions will require the licensee to seek NRC approval. By these criteria, any “upgrade” to the design basis of a previously loaded cask that requires a change to the terms, conditions, or specifications of that cask’s CoC will require express NRC approval before the “upgrade” can be implemented.

Certainly, upon NRC approval of a new CoC amendment for a particular cask model, a licensee can load an empty cask of that model under that amendment, provided the loading is otherwise in accordance with 10 CFR 72.212. A previously loaded cask, however, relies upon an earlier design basis, and the licensee’s use of that previously loaded cask is bounded by the terms, conditions, and specifications of the CoC under which that cask was loaded.

#### Backfit Discussion

This RIS only provides clarification of 10 CFR part 72, subparts L and K requirements. This RIS does not impose a regulatory staff position or interpretation of the Commission’s rules that is either new or different from a previously applicable position. Further,

CFR 72.104 concerns limiting radiation exposure from ISFSI operations).

<sup>12</sup> 10 CFR 72.48(c)(1).

<sup>13</sup> 64 FR 53582, 53609 (October 4, 1999).

<sup>14</sup> Paragraph (c)(2) of 10 CFR 72.48 lists additional criteria which, if triggered, require a licensee or certificate holder to obtain NRC approval for the desired change, test, or experiment, e.g., the change, test, or experiment results “in more than a minimal increase in the frequency of occurrence of an accident previously evaluated in the FSAR (as updated).” 10 CFR 72.48(c)(2)(i).

this RIS requires no action or written response. Any addressee action in accordance with the information contained in this RIS is strictly voluntary. Thus, under the provisions of 10 CFR 50.109 and 72.62 this RIS does not constitute a backfit. Consequently, the staff did not perform a backfit analysis.

#### Federal Register Notification

A notice of opportunity for public comment on this RIS was published in the **Federal Register** (xx FR xxxxx), on {January xx, 2008}. Comments were received from {indicate the number of commentors by type}. The staff considered all comments. The staff’s evaluation of the comments is publicly available through NRC’s Agencywide Documents Access and Management System under Accession No. ML #####.

#### Congressional Review Act

This RIS is not a rule as designated by the Congressional Review Act (5 U.S.C. 801–808), and therefore it is not subject to the Act.

#### Paperwork Reduction Act Statement

This RIS does not contain new or amended information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Existing requirements were approved by the Office of Management and Budget (OMB), approval number 3150–0011, which expires on June 30, 2010, and 3150–0132, which expires on April 30, 2008.

#### Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

#### Contact

Please direct any questions about this matter to the technical contact listed below or to the appropriate regional office.

Michael J. Case, Director, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

E. William Brach, Director, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards.

*Technical Contact:* Robert A. Nelson, NMSS, (301) 492–3294.

*Enclosure:* “Recently Issued FSME/ NMSS Generic Communications.”

End of Draft Regulatory Issue Summary.

<sup>8</sup> 10 CFR 72.212(b)(7).

<sup>9</sup> 10 CFR 72.7 (“The Commission may, upon application by any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest”).

<sup>10</sup> 71 FR 70551 (December 5, 2006).

<sup>11</sup> 10 CFR 72.212(b)(2)(ii). Section 72.212(b)(2)(i)(A)–(C) requires the licensee to perform written evaluations, before cask use, that: (a) establish that the conditions set forth in the CoC have been met; (b) the cask storage pads and areas have been designed to adequately support static and dynamic loads of the stored casks; and (c) the requirements of 10 CFR 72.104 have been met (10

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/NRC/ADAMS/index.html>. If you do not have access to ADAMS or if you have problems in accessing the documents in ADAMS, contact the NRC Public Document Room (PDR) reference staff at 1-800-397-4209 or 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 21st day of December 2007.

For the Nuclear Regulatory Commission.

**Thomas W. Alexion,**

*Acting Chief, Generic Communications Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.*

[FR Doc. E8-424 Filed 1-11-08; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-151]

### Notice of the Issuance of License Amendment No. 15 for the University of Illinois Nuclear Research Laboratory Triga Research Reactor and the Opportunity To Request a Hearing

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

**ACTION:** Notice of the issuance of license amendment No. 15 and the opportunity to request a hearing.

**DATES:** A request for a hearing must be filed by March 10, 2008.

**FOR FURTHER INFORMATION CONTACT:** Thomas McLaughlin, Project Manager, Materials Decommissioning Branch, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-5869; fax number: (301) 415-5369; e-mail: [tgm@nrc.gov](mailto:tgm@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The Nuclear Regulatory Commission (NRC) has issued a license amendment to Facility Operating License R-115 that allows decommissioning of the University of Illinois's (University's or licensee's) Nuclear Research Laboratory (NRL) Advanced Teaching Research

Isotope General Atomic (TRIGA) Mark II nuclear research reactor located on the campus of the University of Illinois at Champaign-Urbana in the city of Urbana, Illinois.

By letters dated March 28, 2006 (See ADAMS ML060900623), and August 20, 2007 (See ADAMS ML072550089), the licensee submitted a Decommissioning Plan (DP) in accordance with 10 CFR 50.82(b)(1), in order to dismantle the TRIGA Reactor, to dispose of its component parts and radioactive material, and to decontaminate the facilities in accordance with the proposed DP to meet the Commission's unrestricted release criteria. After the Commission verifies that the release criteria have been met, Facility Operating License No. R-115 will be terminated.

The University of Illinois ceased operations of the NRL TRIGA reactor on August 6, 1998, and it was placed in a Safe Storage (SAFSTOR) condition. On August 18, 2004, the reactor fuel was removed and shipped to the U.S. Department of Energy's Idaho National Laboratory.

A "Notice and Solicitation of Comments Pursuant to 10 CFR 20.1405 and 10 CFR 50.82(b)(5) Concerning Proposed Action to Decommission the University of Illinois at Urbana-Champaign Nuclear Reactor Laboratory" was published in the **Federal Register** on August 1, 2006 (71 FR 43528), and in the Champaign County, Illinois daily newspaper, *The News-Gazette*, on August 3, 2006. No comments were received.

The University of Illinois is planning unrestricted use for the area that would be released. The NRC Final Rule on License Termination, 10 CFR 20.1402, provides radiological criteria for release of a site for unrestricted use. Release criteria for unrestricted use is a maximum Total Effective Dose Equivalent (TEDE) of 25 mrem per year from residual radioactivity above background and doses as low as reasonably achievable (ALARA). The results of the final status survey will be used to demonstrate that the predicted dose to a member of the public from any residual radioactivity does not exceed the 25 mrem per year dose limit. The NRC will perform inspections and if necessary a confirmatory survey to verify that the decommissioning activities and the final status survey results are acceptable.

Based on the review of the specific proposed activities associated with the dismantling and decontamination of the NRL, which includes the TRIGA Reactor, the staff has determined that the proposed action will not increase

the probability or consequences of accidents. No changes are being made in the types of any effluents that may be released off site, and there will be no significant increase in occupational or public radiation exposure above those during the operation of the facility. Therefore, the staff concludes that there are no significant radiological environmental impacts associated with the proposed action.

#### II. Opportunity to Request a Hearing

The NRC hereby provides notice that this is a proceeding on an application for a license amendment regarding the decommissioning of the University of Illinois NRL test reactor. Any person whose interest may be affected by this proceeding and who desires to participate as a party must file a request for a hearing and, a specification of the contentions which the person seeks to have litigated in the hearing, in accordance with the NRC E-Filing rule, which the NRC promulgated in August, 2007, 72 FR 49139 (Aug. 28, 2007). The E-Filing rule requires participants to submit and serve documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least five (5) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV), or by calling (301) 415-1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a digital ID certificate is available on NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE