

recordkeeping burden associated with this collection. The NRC estimates there will be 3,482 report submissions amounting to 25,462 burden hours annually. The annual recordkeeping burden is estimated to be 633 hours for 65 respondents. This amounts to an overall annual burden of 26,095 hours.

7. *Abstract:* The mandatory requirements of the NRCAR implement and supplement the government-wide Federal Acquisition Regulation (FAR), and ensure that the regulations governing the procurement of goods and services within the NRC satisfy the particular needs of the agency. Because of differing statutory authorities among Federal agencies, the FAR authorizes agencies to issue regulations to implement FAR policies and procedures internally and to include additional policies and procedures, solicitation provisions or contract clauses to satisfy the specific need of the agency.

Submit, by May 16, 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 email to [INFOCOLLECTS@NRC.GOV](mailto:INFOCOLLECTS@NRC.GOV).

Dated at Rockville, Maryland, this 11th day of March, 2008.

For the Nuclear Regulatory Commission;  
**Gregory Trussell,**

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

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## NUCLEAR REGULATORY COMMISSION

### Criteria for Nominating Materials Licensees for the U. S. Nuclear Regulatory Commission's Agency Action Review Meeting

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Request for comment.

**SUMMARY:** It is the policy of the U.S. Nuclear Regulatory Commission (NRC) to have its senior managers conduct an annual Agency Action Review Meeting (AARM). The AARM is an integral part of the evaluative process used by the agency to ensure the operational safety performance of nuclear licensees. As a part of the AARM process, the NRC reviews the actions concerning fuel cycle facilities and other materials licensees (including Agreement State licensees) with significant performance problems. In 2002, the NRC developed criteria for determining materials licensees that will be discussed at the AARM. These criteria may be found in Table 1 of SECY-02-0216 (ADAMS Accession Number: ML022410435).

The NRC is preparing to revise the criteria in Table 1 of SECY-02-0216. The revised criteria (which can be found in ADAMS at Accession Number: ML080600165 or in the supplementary information below) provides additional definition of the criteria requirements to incorporate NRC's current policies and procedures. This notice provides the revised criteria for public comment.

**DATES:** Please submit comments regarding the proposed criteria, by May 1, 2008. Comments received after this date will be considered if practical to do so, but the NRC staff is able to ensure consideration only for those comments received on or before this date.

**ADDRESSES:** Members of the public are invited and encouraged to submit written comments to Michael Lesar, Chief, Rulemaking, Directives, and Editing Branch, Office of Administration, Mail Stop T6-D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. You may hand-deliver comments attention to Michael Lesar, 11545 Rockville Pike, Rockville, MD between 7:30 a.m. and 4:15 p.m. on Federal workdays. Comments may also be sent electronically to [NRCREP@nrc.gov](mailto:NRCREP@nrc.gov).

Publicly available documents related to this notice, including public comments received, are available electronically through the NRC's Electronic Reading Room at <http://www.nrc.gov/NRC/reading-rm/adams.html>. From this site, the public

can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If there are problems in accessing the documents located in ADAMS, contact the (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or be e-mail to [PDR@nrc.gov](mailto:PDR@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Duane White by telephone at 301-415-6272, e-mail: [dew2@nrc.gov](mailto:dew2@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

In 2002, NRC developed a process for providing information on significant nuclear materials issues and adverse licensee performance. This process was provided in SECY-02-0216, "Proposed Process for Providing Information on Significant Nuclear Materials Issues and Adverse Licensee Performance," dated December 11, 2002. As part of this process, criteria were developed to determine nuclear material licensees with significant performance problems that will be discussed at the AARM.

The AARM is an agency meeting that allows senior NRC managers (1) to review agency actions resulting from the performance of nuclear reactor licensees for those nuclear power plants with significant performance problems as determined by the reactor oversight process (ROP) action matrix, (2) to review results of the staff's assessment of ROP effectiveness, (3) to review industry performance trends, and (4) to review agency actions concerning fuel cycle facilities and other materials licensees (including Agreement State licensees) with significant performance problems.

##### Discussion

NRC is preparing to revise the current criteria used to determine nuclear material licensees that will be discussed at the AARM. The agency currently identifies nuclear material licensees for AARM discussion based on operating performance, inspection results, and judgment of the severity of problems of safety performance. The proposed changes to the criteria will continue to be based on the same principles of the existing criteria. However, the new criteria provide additional definition of the criteria requirements and incorporate NRC's current policy and procedures.

##### *Current Criteria for Determining Materials Licensees for the AARM*

The current criteria for determining materials licensees for the AARM, as described in Table 1 of SECY-02-0216, is as follows: (1) Licensee has an event

that results in the failure to meet a safety measure (e.g., a death, release with significant impact on the environment, etc.); (2) licensee has an event that results in an abnormal occurrence, or an event that qualifies for a severity level I or II violation, or multiple events that meet the agency strategic plan performance measure (e.g., reportable loss of material, breakdown of physical protection, etc.), and technical staff believes that there are unique or unusual aspects of the cases that are not adequately or appropriately handled within the normal inspection and enforcement process; or (3) licensee has significant breakdowns in its licensed program, where the breakdowns involve more than one compliance item (e.g., a dose monitoring breakdown and a widespread failure to implement and maintain required procedures), and technical staff believe that there are unique or unusual aspects of the cases that are not adequately or appropriately handled within the normal inspection and enforcement processes.

*Proposed Criteria for Determining Materials Licensees for the AARM*

The NRC is proposing the following revision to the existing criteria for determining materials licensees with significant performance issues: (1) *Strategic Plan*—Licensee has an event that results in the failure to meet a strategic outcome for safety and security in the NRC strategic plan, which may be found in NUREG-1614; (2) *Significant Issue*—Licensee has an issue or event that results in an abnormal occurrence report to Congress, as described in NRC Management Directive 8.1, or a severity level I or II violation, as described in the NRC Enforcement Policy, or a level 3 or higher International Nuclear Scale Report to the International Atomic Energy Agency, as described in NRC Management Directive 5.12, and there are unique or unusual aspects of the licensee's performance that warrant additional NRC oversight (e.g., a significant event, which requires an incident investigation team (IIT) or augmented inspection team (AIT)); or (3) *Performance Trend*—Licensee has multiple and/or repetitive significant program issues identified over more than one inspection, or inspection period, and the issues are supported by escalated enforcement, which includes the Alternate Dispute Resolution (ADR) process, and there are unique or unusual aspects of the licensee's performance that warrant additional NRC oversight (e.g., oversight panel formed for order implementation).

You can find NRC's strategic plan (NUREG-1614) and the referenced management directives and enforcement policy on NRC's public document collections Web page at <http://www.nrc.gov/reading-rm/doc-collections/>.

Dated at Rockville, Maryland, this 11th day of March 2008.

For the Nuclear Regulatory Commission.

**George Pangburn,**

*Deputy Director, Office of Federal and State Materials, and Environmental Management Programs.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 040-08502]

### Notice of License Amendment Request To Revert to Operating Status From Restoration and Decommissioning Status, COGEMA Mining, Inc., Christensen and Irigaray Ranch Facilities, Johnson and Campbell Counties, WY, and Opportunity To Request a Hearing

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

**ACTION:** Notice of license amendment request and opportunity to request a hearing.

**DATES:** A request for a hearing must be filed by May 16, 2008.

**FOR FURTHER INFORMATION CONTACT:** Ron C. Linton, Project Manager, Uranium Recovery Licensing 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) 415-7777; fax number: (301) 415-5369; e-mail: [rcl1@nrc.gov](mailto:rcl1@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

By letter dated April 3, 2007, COGEMA Mining, Inc. (COGEMA), submitted a Source Materials License Amendment request to its license SUA-1341 to the U.S. Nuclear Regulatory Commission (NRC) to revert to operating (uranium production) status from restoration and decommissioning status at the Christensen and Irigaray Ranch Facilities in Johnson and Campbell Counties, Wyoming. The change in status request would involve restarting uranium production operations and the recovery of uranium by in situ leach (ISL) extraction techniques as

previously licensed by the NRC. An NRC administrative review, documented in a letter to COGEMA dated June 28, 2007, found the amendment request acceptable to begin a technical review (Adams Accession No. ML071790033). Before approving the license amendment, the NRC findings required by the Atomic Energy Act of 1954, the National Environmental Policy Act and NRC's regulations, will have been made. These findings will be documented in a Technical Evaluation Report and a site-specific environmental review consistent with the provisions in 10 CFR part 51.

##### II. Opportunity To Request a Hearing

The April 3, 2007 amendment request pertains to COGEMA's 10 CFR 40 source materials license, and is COGEMA's proposal to restart uranium production operations at its facilities in Johnson and Campbell Counties, Wyoming. Any person whose interest may be affected by this proposal, and who desires to participate as a party in an NRC adjudicatory proceeding, must file a request for a hearing. The hearing request must include a specification of the contentions which the person seeks to have litigated, and must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 2007, 72 FR 49139 (August 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/requester 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 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/requester 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>.