Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to *Nathan_J._Frey@omb.eop.gov* or submitted by telephone at (202) 395–7345.

The NRC Clearance Officer is Russell Nichols, (301) 415–6874.

Dated at Rockville, Maryland, this 18th day of September, 2008.

For the Nuclear Regulatory Commission.

Gregory Trussell,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. E8–22531 Filed 9–24–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Issuance of Regulatory Guide

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance and Availability of Regulatory Guide 10.7, Revision 2.

FOR FURTHER INFORMATION CONTACT: Mark Orr, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6373 or e-mail to *Mark.Orr@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 10.7, ''Guide for the Preparation of Applications for Licenses for Laboratory and Industrial Use of Small Quantities of Byproduct Material,'' was issued with a temporary identification as Draft Regulatory Guide, DG–0017. This guide directs the reader to the type of information needed by the NRC staff to evaluate an application for a specific license for laboratories and industries to use megabecquerel (MBq) (millicurie (mCi)) quantities of byproduct material (reactor- or accelerator-produced radionuclides).

The regulatory framework that the NRC has established for laboratory and industrial use of small quantities of byproduct material is in Title 10, Part 30, ''Rules of General Applicability to Domestic Licensing of Byproduct Material,'' of the *Code of Federal Regulations* (10 CFR part 30).

This regulatory guide endorses the methods and procedures for applying for a license for laboratory and industrial use of small quantities of byproduct material contained in the current revisions of NUREG–1556, Volume 7, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Academic, Research and Development, and Other Licenses of Limited Scope'' and NUREG–1556, Volume 12, ''Consolidated Guidance about Material Licenses: Program-Specific Guidance About Possession and Licenses for Manufacturing and Distribution,'' as a process that the NRC staff finds acceptable.

II. Further Information

In April 2008, DG–0017 was published with a public comment period of 60 days from the issuance of the guide. No comments were received and the public comment period closed on June 30, 2008. Electronic copies of Regulatory Guide 10.7, 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), which is 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.*

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

Dated at Rockville, Maryland, this 18th day of September, 2008.

For the Nuclear Regulatory Commission.

Stephen C. O'Connor,

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

[FR Doc. E8–22532 Filed 9–24–08; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Notice of Issuance of Regulatory Guide

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance and Availability of Regulatory Guide 10.9, Revision 2.

FOR FURTHER INFORMATION CONTACT: Mark Orr, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6373 or e-mail to *Mark.Orr@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 10.9, ''Guide for the Preparation of Applications for the Use of Self-Contained Dry Source-Storage Gamma Irradiators,'' was issued with a temporary identification as Draft Regulatory Guide, DG–0019. This regulatory guide directs the reader to the type of information acceptable to the NRC staff for review of an application for the use of a self-contained dry source-storage gamma irradiator. Title 10, Part 36, ''Licenses and Radiation Safety Requirements for Irradiators,'' of the *Code of Federal Regulations* (10 CFR Part 36) contains the licensing, design, and radiation safety requirements for irradiators. In addition, licensees and applicants may be subject to portions of the requirements in 10 CFR Part 30, ''Rules of General Applicability to Domestic Licensing of Byproduct Material,'' and 10 CFR Part 20, ''Standards for Protection Against Radiation.''

This regulatory guide endorses the methods and procedures describing how to apply for a license to use a self-contained dry source-storage gamma irradiator contained in the current revision of NUREG 1556, Volume 5, ''Consolidated Guidance about Material Licenses: Program-Specific Guidance

about Self-Shielded Irradiator Licenses,'' as a process that the NRC staff finds acceptable for meeting the regulatory requirements.

II. Further Information

In April 2008, DG–0019 was published with a public comment period of 60 days from the issuance of the guide. No comments were received and the public comment period closed on June 30, 2008. Electronic copies of Regulatory Guide 10.9, 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), which is 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.*

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

Dated at Rockville, Maryland, this 18th day of September 2008.

For the Nuclear Regulatory Commission.

Stephen C. O'Connor,

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

[FR Doc. E8–22534 Filed 9–24–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–022]

Notice of License Termination CBS Test Reactor Located at Waltz Mill Site, Madison, PA

Introduction

The U.S. Nuclear Regulatory Commission (NRC) is noticing the granting of an exemption from 10 CFR 50.82(b)(6)(ii), and the related termination of Facility Operating License No. TR–02, held by CBS for the test reactor (TR) located on the Waltz Mill Site in Madison, PA. CBS requested this action in a letter to NRC dated December 6, 2007 (ML073440024). As discussed below, Westinghouse Electric Company, LLC (Westinghouse) held NRC materials license SNM–770, a license covering the entire Waltz Mill site on which the former TR was located. The granting of this exemption and the termination of the TR–02 license is administrative in nature.

Background

The initial license for the TR was issued on June 19, 1959. Reactor operation permanently ceased following an accident in 1960. On March 25, 1963, the license was amended to allow only possession of special nuclear material but not reactor operation. A Decommissioning Plan (DP) for the TR was submitted on July 27, 1997, and was approved on September 30, 1998.

In the context of facilitating the resolution of a then-pending arbitration dispute regarding the Waltz Mill site between CBS and Westinghouse, the NRC, by letter dated March 17, 2006 (ML060750730), advised the parties that a request for an exemption from 10 CFR 50.82(b)(6)(ii) should be submitted jointly by CBS and Westinghouse, or by CBS with concurrence or an affidavit from Westinghouse, stating Westinghouse's willingness to accept the TR facility in the condition it was left in by CBS. This guidance further stated that the NRC would terminate the TR–2 license when: (1) The SNM–770 license was amended to accept the transfer of all residual radioactive materials, equipment and structures associated with the TR–2 license; and, (2) the NRC's requirements for terminating non-power reactor licenses had been satisfied. The arbitration case between CBS and Westinghouse resulted in a final arbitration opinion and award (American Arbitration Association Case No. 16Y 192 00937 02 dated July 20, 2007). In August 2007, CBS reached a monetary settlement with Westinghouse regarding the completion of decommissioning activities at TR–2.

In a letter dated December 6, 2007, Westinghouse requested that its SNM–770 license be amended to accept the TR–2 radioactive materials, structures, and equipment (ML073620136). In this letter, Westinghouse acknowledged that it will have the sole responsibility for satisfying the NRC's decommissioning requirements applicable to the Waltz Mill site, including requirements applicable to the radioactive materials, structures, and equipment associated with the former TR.

On March 20, 2008, NRC conducted an inspection of the Waltz Mill site for the purpose of assessing the transfer of all residual radioactive material, equipment, and structures from the TR–2 license to Westinghouse's SNM–770 license. No violations were identified during the course of the inspection. On March 26, 2008, the requested amendment was issued authorizing Westinghouse under its license to take possession of all remaining radioactive material, structures and equipment associated with the TR–2 facility. With this amendment to the SNM–770 license, the need for the separate TR–2 license ended. With the termination of the TR–2 license, the SNM–770 license was the only NRC license in effect for radioactive materials on the Waltz Mill Site. On March 31, 2008, the State of Pennsylvania became an NRC Agreement State. Subsequently, the SNM–770 license was re-issued by Pennsylvania as license PA 1053S.

Discussion

A. Requirements for Terminating Non-Power Reactor Licenses

The NRC's regulations in 10 CFR 50.82(b)(6) provide that the Commission will terminate a non-power reactor license if it determines that the decommissioning has been performed in accordance with the approved decommissioning plan, and the terminal radiation survey and associated documentation demonstrate that the facility and site are suitable for release in accordance with Subpart E of 10 CFR part 20.

(1) Compliance with the Decommissioning Plan (10 CFR 50.82(b)(6)(i)) As stated above, the NRC approved the TR–2 DP in 1998. DP Revision 1 (the only revision) revised the method for removing the pressure vessel from the TR–2 containment building. The reactor component and equipment removal actions required by the TR–2 DP have been successfully completed. In its March 2006 guidance letter, the NRC advised CBS that the only actions then needed to complete implementation of the TR–2 DP were: (1) Provide documentation showing that the remaining radioactive materials associated with the TR–2 facility would be transferred to the SNM–770 License; and (2) issuance of a license amendment to the SNM–770 License authorizing the transfer of this material. Those actions have now been taken and implementation of the TR–2 DP is thus complete. Accordingly, the NRC finds that the requirements of 10 CFR 50.82(b)(6)(i) have been met.

(2) Terminal Radiation Survey and Associated Documentation (10 CFR 50.82(b)(6)(ii))

In addition to showing that decommissioning has been performed in accordance with the approved DP, a radiation survey and associated documentation must show that the facility and site are suitable for release in accordance with Subpart E of 10 CFR Part 20 before a non-power reactor license may be terminated. This is the