10. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI and/or SGI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those intervenors/petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR Part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

Dated at Rockville, Maryland, this 3rd day of November 2008.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION (SUNSI) AND SAFEGUARDS INFORMATION (SGI) IN THIS PROCEEDING

Day	Event/activity
0	Publication of **Federal Register** notice/other notice of proposed action and opportunity for hearing, including order with instructions for access requests.
10	Deadline for submitting requests for access to SUNSI and/or SGI with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding; demonstrating that access should be granted (e.g., showing technical competence for access to SGI); and, for SGI, including application fee for fingerprint/background check.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI and/or SGI (+25 answers to petition for intervention; +7 petitioner/requestor reply).
20	NRC staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows (1) need for SUNSI or (2) need to know for SGI. (For SUNSI, NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents). If NRC staff makes the finding of need to know for SGI and likelihood of standing, NRC staff begins background check (including fingerprinting for a criminal history records check), information processing (preparation of redactions or review of redacted documents), and readiness inspections.
25	If NRC staff finds no ''need,'' ''need to know,'' or likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
190	(Receipt +180) If NRC staff finds standing, need to know for SGI, and trustworthiness and reliability, deadline for NRC staff to file motion for Protective Order and draft Non-disclosure Affidavit (or to make a determination that the proposed recipient of SGI is not trustworthy or reliable). **Note:** Before the Office of Administration makes an adverse determination regarding access, the proposed recipient must be provided an opportunity to correct or explain information.
205	Deadline for petitioner to seek reversal of a final adverse NRC staff determination either before the presiding officer or another designated officer.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI and/or SGI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI and/or SGI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI or SGI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI and/or SGI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
B	Decision on contention admission.

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NUCLEAR REGULATORY COMMISSION

Notice of Availability of an Updated Version of the Guidance for Electronic Submissions to the NRC

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of availability.

SUMMARY: The latest revision of the Guidance for Electronic Submissions to the NRC (Revision 4) is now available for review. The document can be found under Submittal Instructions at *http://www.nrc.gov/site-help/e-submittals.html.* There are two significant changes to this document that are of interest to stakeholders. The first change covers the recommended file size for documents submitted to the NRC via the Electronic Information Exchange (EIE). In the past, the NRC suggested that the file size be limited to no more than 50 megabytes (MB). Based on operational experience, the NRC is modifying that recommendation and now suggests that files sent electronically to the NRC be no more than 15 MB. This revised guidance is intended to address issues that have arisen because of file size limitations

filing requirements of that rule apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI/SGI requests submitted to the NRC staff under these procedures.

and time-out problems associated with submitter's internet service providers. The second major change is to provide information regarding a new Meta-System Help Desk, which is being established to handle specific questions about electronic filing and portable document format (PDF) creation associated with general or adjudicatory (E-Filing) submissions, as well as to provide information regarding the various components of the agency's adjudicatory information technology/information management infrastructure, including the Licensing Support Network, the Electronic Hearing Docket, and the Digital Data Management System. The new Meta-System Help Desk, which will open on November 10, 2008, will operate on weekdays (excluding Federal Holidays) between 8 a.m. and 8 p.m. Eastern Time. The Meta-System Help Desk can be contacted by telephone at 1–866–672–7640 or by e-mail at *MSHD.Resource@nrc.gov.* The Public Document Room staff, which previously responded to EIE questions, is still available to answer general questions about accessing agency documents within ADAMS or on the NRC's public Web site.

FOR FURTHER INFORMATION CONTACT: For questions about the Guidance document: Thomas Smith, Information Management Specialist, Information and Records Services Division, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: 301–415–7043; *e-mail: thomas.smith@nrc.gov.* For questions about the *Meta-System Help Desk:* Ron Deavers, Project Manager, Business Process and Project Management Branch, Business Process Improvement and Applications Division, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *Telephone:* 301–415–7301; *e-mail: ron.deavers@nrc.gov.*

SUPPLEMENTARY INFORMATION: Documents related to this guidance, are available electronically at the NRC's Electronic Submittals Web page at *http://www.nrc.gov/site-help/e-submittals.html.*

Dated at Rockville, MD this 5th day of November 2008.

For the Nuclear Regulatory Commission.

Joseph J. Holonich,

Director, Information and Records Services Division, Office of Information Services.

[FR Doc. E8–26805 Filed 11–10–08; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 040–01957 (Terminated)]

Notice of Completion of Remediation at the Homer Laughlin China Co. Site In Newell, WV

AGENCY: United States Nuclear Regulatory Commission (NRC).

ACTION: Notice of Completion of Remediation at the Homer Laughlin China Co. site in Newell, West Virginia.

FOR FURTHER INFORMATION CONTACT: John Nicholson, Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, PA 19406; telephone 610–337–5236; fax number 610–337–5269 or by *e-mail: john.nicholson@nrc.gov.*

Background

The Homer Laughlin China Company (HLC) operates on the banks of the Ohio River in Newell, West Virginia, located in the state's northern panhandle. HLC's 37-acre site contains a number of plant buildings and structures used in the production of commercial and retail tableware.

In 1959, the NRC's Predecessor agency, the Atomic Energy Commission (AEC) issued License No. SUB–81 authorizing possession at the site of 100,000 pounds of source material for use as a glazing agent (up to 20% uranium) in the production of ceramic tableware. The finished glazed ceramic tableware products were exempt from licensing requirements. The AEC license was terminated in 1972, based upon an HLC letter stating that all remaining licensed materials had been returned to their supplier. A routine review of the terminated license file by the Oak Ridge National Laboratory (ORNL), under contract to the NRC, later determined that there was no record of a licensee closeout survey or any confirmatory survey. Based on the terminated license's possession limit and the results of the ORNL review, the NRC determined that a further assessment of HLC's site for residual radioactivity was needed.

Thus, in 1994, it was found that approximately 500 pounds of depleted uranium oxide (U_3O_8) sand was still on HLC's site. A contractor was hired to survey areas where licensed materials were used and stored, and to provide a radiological characterization of the site. Several additional areas of fixed and removable contamination exceeding NRC guidelines for unrestricted use were identified during the characterization survey. The HLC committed to package and dispose of the bulk source material, limit access to contaminated areas, and submit a decommissioning plan (DP). The NRC approved the DP in 1995, and HLC and its contractor began implementing the DP.

Discussion

The HLC did not complete decommissioning in some of the production areas because it was unable to remove fixed contamination (which exceeded NRC unrestricted release guidelines) from surfaces of equipment and structures using conventional remediation techniques. After consultation with NRC, HLC developed a risk assessment to demonstrate that the residual fixed contamination would meet the NRC release criteria. At various times during the period 1996–2004, HLC provided additional information to NRC refining its computer-based risk analysis, to demonstrate that the regulatory standard of 25 mrem/yr for unrestricted release (established in 10 CFR Part 20, Subpart E in 1997) would be met.

In March 2005, the NRC accepted HLC's revised risk assessment (ML043090164). The NRC determined that this analysis would be acceptable, pending removal of all radioactive waste from the site and review of the final survey results from the waste storage area. The uranium oxide sand and the waste material from decommissioning activities remained on site until final disposal options could be assessed. The materials were packaged and were stored in a posted and infrequently-used area of the plant. After further characterization of the waste was performed and cost estimates for disposal were obtained, HLC arranged for disposal of the waste. The waste was removed in July 2008, and sent to Waste Control Specialists, Inc. (WCS) in Texas. The waste storage area was surveyed after the waste was removed. An NRC inspector observed the waste removal and radiological survey activities. The survey results were forwarded to the NRC in September 2008. NRC staff reviewed the survey results and performed independent, bounding calculations that demonstrated that the dose rate to a worker from potential residual activity would be less than the 25 millirem/year unrestricted release standard.

Conclusion

Based on the above, the NRC staff finds that a reasonable effort had been made by HLC to eliminate residual radioactive contamination at its site and that NRC regulatory requirements are