

of approximately 2,500 cubic meters of soil containing 15% concrete and metal debris contaminated with low concentrations of naturally occurring radium-226 and uranium-238, which will be generated during remediation and redevelopment of a property located in Toronto, Canada. In its March 19, 2009, letter, USEI stated that this material meets the “unimportant quantity of source material” criteria founded in 10 CFR 40.13(a). As part of their request, USEI included a safety assessment of the shipment from the Toronto property to the USEI disposal facility in Idaho and the resulting potential doses to members of the public during transport and disposal.

As a matter of policy, the U.S. Nuclear Regulatory Commission (NRC) reviews the safety implications of disposing of unimportant quantities of material at sites other than Atomic Energy Act-licensed disposal facilities. USEI is permitted by the Idaho Department of Environmental Quality (IDEQ) to operate a Resource Conservation and Recovery Act (RCRA) Subtitle C facility located near Grand View, Idaho and is not an NRC licensee. Consistent with Commission policy (**Federal Register**: August 28, 2002 [Volume 67, Number 167], Proposed Rules, Pages 55175–55179) such a request for transfer would normally be approved if the dose to a member of the public is unlikely to exceed 0.25 mSv/yr (25 mrem/yr).

### 3.0 Discussion

USEI supplied information on the source term of the waste and a proposed scenario to evaluate different possible exposures for members of the public. These scenarios include dose to the transportation workers, USEI workers, and post-closure dose to the general public. The State of Idaho RCRA permit allows the disposal of exempted radioactive material including uranium as either naturally occurring radioactive material or unimportant quantities of source material provided they meet the requirements outlined in 10 CFR 40.13(a) and can demonstrate that no individual would receive a dose in excess of 0.15 mSv/yr (15 mrem/yr) for a period of 100 years after closure of the facility.

Based on sampling results provided, the NRC confirmed that this waste material qualifies as “unimportant quantities of source material” (i.e., containing less than 0.05 weight percent of source material) under 10 CFR 40.13(a). As indicated in the Safety Evaluation Report (ML092380115), the staff verified that the expected dose to a member of the public due to transfer

and disposal of the Toronto waste will be well below 25 mrem/yr.

### 4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 110.10(a), an exemption from the requirements of 10 CFR 110.27 is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Therefore, the Commission hereby grants USEI an exemption from the requirement of 10 CFR 110.27 for a specific license to import the approximately 2,500 cubic meters of contaminated soil.

This exemption is effective upon issuance.

For The Nuclear Regulatory Commission.

Dated this 9th day of September 2009 at Rockville, Maryland.

**Scott W. Moore,**

*Deputy Director, Office of International Programs.*

[FR Doc. E9–22559 Filed 9–17–09; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

[NRC–2009–0294]

### Notice of Issuance of Regulatory Guide

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of issuance and availability of Regulatory Guide 1.100, Revision 3.

**FOR FURTHER INFORMATION CONTACT:** John Burke, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 251–7628 or e-mail to [John.Burke@nrc.gov](mailto:John.Burke@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 3 of Regulatory Guide 1.100, “Seismic Qualification of Electrical and Active Mechanical Equipment and Functional Qualification of Active

Mechanical Equipment for Nuclear Power Plants,” was issued with a temporary identification as Draft Regulatory Guide, DG–1175. This guide describes methods that the staff of the NRC considers acceptable for use in the seismic qualification of electrical and active mechanical equipment and the functional qualification of active mechanical equipment for nuclear power plants (NPPs).

The general requirements for the seismic qualification of electrical and active mechanical equipment appear in Title 10 of the *Code of Federal Regulations* (10 CFR) part 50, “Domestic Licensing of Production and Utilization Facilities,” and 10 CFR part 52, “Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants.” Particular sections include General Design Criterion (GDC) 1, “Quality Standards and Records”; GDC 2, “Design Bases for Protection Against Natural Phenomena”; and GDC 4, “Environmental and Dynamic Effects Design Basis,” of Appendix A, “General Design Criteria for Nuclear Power Plants,” to 10 CFR part 50; Criterion III, “Design Control”; Criterion XI, “Test Control”; and Criterion XVII, “Quality Assurance Records,” of Appendix B, “Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants,” to 10 CFR part 50; and Appendix S, “Earthquake Engineering Criteria for Nuclear Power Plants,” to 10 CFR part 50.

#### II. Further Information

In May 2008, DG–1175 was published with a public comment period of 60 days from the issuance of the guide. The public comment period closed on July 11, 2008. The staff’s responses to the public comments are located in NRC’s Agencywide Documents Access and Management System under accession number ML091320489. Electronic copies of Regulatory Guide 1.100, Revision 3 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) 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](mailto:pdr.resource@nrc.gov).

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

Dated at Rockville, Maryland, this 25th day of August 2009.

For the Nuclear Regulatory Commission.

**Andrea D. Valentin,**  
Chief, Regulatory Guide Development Branch,  
Division of Engineering, Office of Nuclear  
Regulatory Research.

[FR Doc. E9-22558 Filed 9-17-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[NRC-2009-0410]

### Proposed Standard Review Plan; Branch Technical Position 18-1 on Guidance for Evaluating Minimum Inventory of Alarms, Controls, and Displays for New Light-Water Reactor Plant Designs

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

**ACTION:** Solicitation of public comment.

**SUMMARY:** The NRC is requesting public comment on NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants," Branch Technical Position (BTP) 18-1, on Guidance for Evaluating Minimum Inventory of Alarms, Controls, and Displays for New Light Water Reactor Plant Designs (Agencywide Documents Access and Management System (ADAMS) Accession No. ML092330826). This BTP is to be cited as the acceptance criteria for the minimum inventory of controls, displays, and alarms in the Standard Review Plan (SRP) Chapter 18, Section II.A.7, item 8 for those standard designs that have not been certified prior to the date of this BTP. When BTP 18-1 is issued as final, Chapter 18, Section II.A.7, item 8, which currently states, "8. A minimum inventory of controls, displays, and alarms," will be revised to read, "8. A minimum inventory of controls, displays, and alarms (See the guidance in BTP 18-1 for designs that the NRC has not previously certified)." (Material in parenthesis is added as a pointer to the BTP.)

The NRC staff issues SRPs and BTPs to facilitate timely implementation of current staff guidance and to facilitate activities associated with the review of applications for design certification (DC) and combined licenses (COLs) by the Office of New Reactors (NRO). The NRC staff will also incorporate the revised SRP section and BTP 18-1 into the next revisions of Regulatory Guide 1.206 and any related guidance documents.

**DATES:** Comments must be filed no later than 60 days from the date of publication of this notice in the **Federal Register**. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** Comments may be submitted to: Mr. Michael T. Lesar, Chief, Rulemaking & Directives Branch, MS: TWB-05-B01M, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

The NRC maintains ADAMS, which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. 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 reference staff at 1-800-397-4209, 301-415-4737, or by e-mail at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael A. Junge, Chief, Operator Licensing and Human Performance Branch, Division of Construction Inspection and Operational Programs, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone 301-415-6855 or e-mail at [Michael.Junge@nrc.gov](mailto:Michael.Junge@nrc.gov).

**SUPPLEMENTARY INFORMATION:** This SRP, NUREG-0800, has been prepared to establish criteria that the NRO staff use to evaluate if DC and COL applications meet the NRC's regulations. The SRP is not a substitute for the NRC's regulations, and compliance with it is not required. However, applicants are required to identify differences in design features, analytical techniques, and procedural measures proposed for a facility and corresponding SRP acceptance criteria, and evaluate how the proposed alternatives to the acceptance criteria provide an acceptable method of complying with the NRC's regulations.

The agency posts its issued staff guidance in the agency external web page (<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800>).

The NRC staff is issuing this notice to solicit public comments on proposed BTP 18-1, which is being issued for the first time. After the NRC staff considers any public comments, it will make a determination regarding proposed BTP 18-1.

Dated at Rockville, Maryland, this 11th day of September 2009.

For the Nuclear Regulatory Commission.

**William F. Burton,**  
Chief, Rulemaking and Guidance  
Development Branch, Division of New Reactor  
Licensing, Office of New Reactors.

[FR Doc. E9-22557 Filed 9-17-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[NRC-2009-0405]

### Request for a License To Export Radioactive Waste

Pursuant to 10 CFR 110.70 (b) "Public Notice of Receipt of an Application," please take notice that the U. S. Nuclear Regulatory Commission (NRC) has received the following request for an export license. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link <http://www.nrc.gov/reading-rm.html> at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within thirty days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

A request for a hearing or petition for leave to intervene may be filed with the NRC electronically in accordance with NRC's E-Filing rule promulgated in the August 28 2007 **Federal Register**, 72 FR 49139. Information about filing electronically is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. To ensure timely electronic filing, at least 5 (five) days prior to the filing deadline, the petitioner/requestor should 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 a digital ID certificate and allow for the creation of an electronic docket.

In addition to a request for hearing or petition for leave to intervene, written comments, in accordance with 10 CFR 110.81, should be submitted within thirty (30) days after publication of this notice in the **Federal Register** to Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington,