

and security based on the continued maintenance of appropriate security requirements for the remaining SNM contained in plant systems as residual contamination. Additionally, special circumstances are present based on the removal of the spent nuclear fuel from the 10 CFR part 50 licensed site. Therefore, the Commission hereby grants MARAD an exemption from the requirements of 10 CFR 50.54(p) for the NSS.

The Commission has also determined that, pursuant to 10 CFR 73.5, an exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest based on the security requirements for the spent fuel containing SNM no longer being the responsibility of the licensee. Therefore, the Commission hereby grants MARAD an exemption from the fixed site physical protection requirements of 10 CFR Part 73 for the NSS. The fixed site physical protection requirements of 10 CFR Part 73 are delineated in §§ 73.20, 73.40, 73.45, 73.46, 73.50, 73.51, 73.54, 73.55, 73.56, 73.57, 73.58, 73.59, 73.60, 73.61, 73.67, Appendix B and Appendix C. The requirements for protection of safeguards information, physical protection of SNM in transit, and records and reports, contained in these or other sections of Part 73 continue to apply. To the extent that the licensee's request for an exemption from 10 CFR part 73 included requirements other than the fixed site physical protection requirements, that request is denied.

Part of this licensing action meets the categorical exclusion provision in 10 CFR 51.22(c)(25), as part of this action is an exemption from the requirements of the Commission's regulations and (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involve safeguard plans. Therefore, this part of the action does not require either an environmental assessment or an environmental impact statement.

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact related to the part of this exemption not dealing with safeguards plans (*i.e.*; transportation of SNM, interaction with

emergency planning, and background checks) was published in the **Federal Register** on September 23, 2011 (76 FR 59174). Based upon the environmental assessment, the Commission has determined that issuance of this exemption will not have a significant effect on the quality of the human environment.

These exemptions are effective immediately.

Dated at Rockville, Maryland, this 7th day of October 2011.

For the U.S. Nuclear Regulatory Commission.

**Keith I. McConnell,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

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## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2009-0323]**

### **Standard Format and Content of License Applications for Mixed Oxide Fuel Fabrication Facilities**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC or Commission) is issuing a revision to regulatory guide (RG) 3.39, "Standard Format and Content of License Applications for Mixed Oxide Fuel Fabrication Facilities." This guide endorses the standard format and content for license applications and integrated safety analysis (ISA) summaries described in the current version of NUREG-1718, "Standard Review Plan for the Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility," as a method that the NRC staff finds acceptable for meeting the regulatory requirements of Title 10 of the Code of Federal Regulations (10 CFR) part 70, "Domestic Licensing of Special Nuclear Material" for mixed oxide fuel fabrication facilities.

**ADDRESSES:** You can access publicly available documents related to this regulatory guide using the following methods:

- *NRC's Public Document Room (PDR):* The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of the NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The regulatory guide is available electronically under ADAMS Accession Number ML100280809. The regulatory analysis may be found in ADAMS under Accession Number ML111780401.

- *Federal Rulemaking Web Site:* Public comments and supporting materials related to this regulatory guide can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2009-0323.

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#### **FOR FURTHER INFORMATION CONTACT:**

Sabrina Attack, Mixed Oxide and Uranium Deconversion Branch, Special Projects and Technical Support Directorate, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-492-3204; or e-mail: [Sabrina.Attack@nrc.gov](mailto:Sabrina.Attack@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

The 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 1 of Regulatory Guide 3.39 was issued with a temporary identification as Draft Regulatory Guide, DG-3038. This guide endorses the standard format and content for license applications and integrated safety analysis (ISA) summaries described in the current version of NUREG-1718, "Standard Review Plan for the Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility," as a

method that the NRC staff finds acceptable for meeting the regulatory requirements of Title 10 of the Code of Federal Regulations (10 CFR) part 70, "Domestic Licensing of Special Nuclear Material" for mixed oxide fuel fabrication facilities.

Subpart H of 10 CFR part 70, "Additional Requirements for Certain Licensees Authorized To Possess a Critical Mass of Special Nuclear Material," identifies risk-informed performance requirements for mixed oxide fuel fabrication facilities. Subpart H requires applicants to establish and maintain a safety program that includes an integrated safety analysis (ISA), process safety information, and management measures and to submit a description of the safety program as part of the license application. Subpart H of 10 CFR part 70 also requires the applicant to submit an ISA summary to the NRC for approval.

This guide directs the reader to documentation regarding the type of information acceptable to the NRC staff for review of a license application and ISA summary for a mixed oxide fuel fabrication facility. Applicants may choose to submit information supporting the license application in the form of a safety analysis report (SAR), which may be a separate report submitted as part of the application or may be integrated into the license application. This documentation also provides guidance for acceptable format and content for licensing documents submitted as part of an application to construct, use, or possess special nuclear material or modify licensing commitments for a mixed oxide fuel fabrication facility.

## II. Further Information

On July 24, 2009, DG-3038 was published in the **Federal Register** with a public comment period of 60 days from the issuance of the guide (74 FR 36780). The comment period closed on September 21, 2009. The staff's responses to the comments received are located in ADAMS under Accession Number ML100280863.

Dated at Rockville, Maryland this 13th day of October, 2011.

For the Nuclear Regulatory Commission.

**Harriet Karagiannis,**

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

[FR Doc. 2011-27343 Filed 10-20-11; 8:45 am]

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## OFFICE OF PERSONNEL MANAGEMENT

### Notice of Revision of Standard Form 1152: Unpaid Compensation of Deceased Civilian Employee

**AGENCY:** U.S. Office of Personnel Management.

**ACTION:** Notice of revision.

**SUMMARY:** The U.S. Office of Personnel Management (OPM) has revised Standard Form (SF) 1152, *Unpaid Compensation of Deceased Civilian Employee*, to update examples of beneficiary designations. The SF 1152 is used by a civilian employee to designate the beneficiary or beneficiaries to receive any unpaid compensation due and payable after the employee's death. The form relates solely to money due as defined in 5 U.S.C. 5581, 5582, and 5583, and has no effect on any benefits which may become payable under the Retirement or Group Life Insurance Acts applicable to the deceased employee's Government service. The revised form is PDF fillable and is located on OPM's Web site at <http://www.opm.gov/forms/html.sf.asp> for agency use. This version supersedes all previous versions. Please destroy any versions you may have in stock.

**DATES:** The revised form is effective October 21, 2011.

**FOR FURTHER INFORMATION CONTACT:** Robert D. Hendler by telephone at (215) 861-3102; by fax at (215) 861-3100; or by e-mail at [robert.hendler@opm.gov](mailto:robert.hendler@opm.gov).

U.S. Office of Personnel Management.

**John Berry,**  
*Director.*

[FR Doc. 2011-27255 Filed 10-20-11; 8:45 am]

**BILLING CODE 6325-38-P**

## POSTAL REGULATORY COMMISSION

[Docket No. A2012-10; Order No. 908]

### Post Office Closing

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** This document informs the public that an appeal of the closing of the Agate, Colorado post office has been filed. It identifies preliminary steps and provides a procedural schedule. Publication of this document will allow the Postal Service, petitioners, and others to take appropriate action.

**DATES:** *Administrative record due (from Postal Service):* October 27, 2011; *deadline for notices to intervene:* November 8, 2011, 4:30 p.m., eastern time. See the Procedural Schedule in

the **SUPPLEMENTARY INFORMATION** section for other dates of interest.

**ADDRESSES:** Submit comments electronically by accessing the "Filing Online" link in the banner at the top of the Commission's Web site (<http://www.prc.gov>) or by directly accessing the Commission's Filing Online system at <https://www.prc.gov/prc-pages/filing-online/login.aspx>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202-789-6820 (case-related information) or [DocketAdmins@prc.gov](mailto:DocketAdmins@prc.gov) (electronic filing assistance).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, pursuant to 39 U.S.C. 404(d), on October 12, 2011, the Commission received a petition for review of the Postal Service's determination to close the Agate post office in Agate, Colorado. The petition for review was filed online on October 12, 2011 by Gail Pitzer (Petitioner). The Commission hereby institutes a proceeding under 39 U.S.C. 404(d)(5) and establishes Docket No. A2012-10 to consider Petitioner's appeal. If Petitioner would like to further explain her position with supplemental information or facts, Petitioner may either file a Participant Statement on PRC Form 61 or file a brief with the Commission no later than November 16, 2011.

### Issue Apparently Raised.

Petitioners contend that the Postal Service failed to consider the effect of the closing on the community. See 39 U.S.C. 404(d)(2)(A)(i).

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than the one set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the applicable administrative record with the Commission is October 27, 2011. See 39 CFR 3001.113. In addition, the due date for any responsive pleading by the Postal Service to this Notice is October 27, 2011.

### Availability; Web Site Posting

The Commission has posted the appeal and supporting material on its Web site at <http://www.prc.gov>. Additional filings in this case and participants' submissions also will be