NUCLEAR REGULATORY COMMISSION

[Docket No. 04008964, NRC–2012–0214]

Power Resources, Inc., Smith Ranch Highland Uranium Project; License Renewal Request, Opportunity To Request a Hearing and To Petition for Leave To Intervene, and Commission Order Imposing Procedures for Document Access

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of license renewal request; opportunity to request a hearing and to petition for leave to intervene, and Commission order.

DATES: Requests for a hearing or leave to intervene must be filed by November 19, 2012. Any potential party as defined in 10 CFR 2.4 who believes access to Sensitive Unclassified Non-Safeguards Information and/or Safeguards Information is necessary to respond to this notice must request document access by October 1, 2012.

ADDRESSES: Please refer to Docket ID NRC–2012–0214 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using any of the following methods:

- NRC’s Agencywide Documents Access and Management System (ADAMS): You may access publicly available documents online in the NRC Library at http://www.nrc.gov/reading-rm/adams.html. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to prd.resource@nrc.gov. The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The Smith Ranch Highland Uranium Project license renewal request is available electronically in ADAMS: Accession No. ML12234A537 (Smith Ranch Technical Report); Accession No. ML12234A539 (Smith Ranch Environmental Report). In addition to the technical report and environmental report, PRI submitted copies of its Wyoming Department of Environmental Quality (WDEQ) reports. These are available in ADAMS under Accession No. ML12234A545 (Smith Ranch WDEQ Permit); Accession No. ML12234A547 (North Butte WDEQ Permit); Accession No. ML12234A548 (Gas Hills WDEQ Permit); Accession No. ML12234A554 (Ruth WDEQ Permit). Documents related to the application can be found in ADAMS under Docket No. 04008964.
- NRC’s PDR: The public may examine and have copied for a fee publicly available documents at the NRC’s PDR, Room O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.


SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated February 1, 2012, Power Resources Inc. (PRI) submitted a request to renew Source Material License SUA–1548 to continue operation of the Smith Ranch Highland Uranium Project. Requirements for hearing requests and petitions for leave to intervene are found in 10 CFR 2.309. “Hearing requests, petitions to intervene, requirements for standing, and contentions.” Interested persons should consult 10 CFR Part 2, section 2.309, which is available at the NRC’s PDR, located at O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 (or call the PDR at 800–397–4209 or 301–415–4737). The NRC’s regulations are also accessible online in the NRC’s Library at http://www.nrc.gov/reading-rm/doc-collections/cfr/.

III. Petitions for Leave To Intervene

Any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition must provide the name, address, and telephone number of the petitioner and specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner’s right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner’s property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner’s interest.

A petition for leave to intervene must also include a specification of the
contentions that the petitioner seeks to have litigated in the hearing. For each contention, the petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings the NRC must make to support the granting of a license amendment in response to the application. The petition must also include a concise statement of the alleged facts or expert opinions which support the position of the petitioner and on which the petitioner intends to rely at hearing, together with references to the specific sources and documents on which the petitioner intends to rely. Finally, the petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner’s belief. Each contention must be one that, if proven, would entitle the petitioner to relief.

Those permitted to intervene become parties to the proceeding, subject to any limitations, in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person’s admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Requests for hearing, petitions for leave to intervene, and motions for leave to file contentions that are filed after the deadline in 10 CFR 2.309(b) will not be entertained absent a determination by the presiding officer that the new or amended filing demonstrates good cause by satisfying the following three factors in 10 CFR 2.309(c)(1): (i) The information upon which the filing is based was not previously available; (ii) the information upon which the filing is based is materially different from information previously available; and (iii) the filing has been submitted in a timely fashion based on the availability of the subsequent information.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1) and (2). The petition should state the nature and extent of the petitioner’s interest in the proceeding. The petition should be submitted to the Commission by November 19, 2012. The petition must be filed in accordance with the filing instructions in section IV of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that under 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian tribe does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance under 10 CFR 2.315(a), by making an oral or written statement of his or her position on the issues at any session of the hearing or at any pre-hearing conference, within the limits and conditions fixed by the presiding officer. However, that person may not otherwise participate in the proceeding.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory 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 an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to filing any document, the participant should contact the Office of the Secretary by email at hearing.docket@nrc.gov. or by telephone at 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 (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC’s public Web site at http://www.nrc.gov/site-help/e-submittals/apply-certificates.html. System requirements for accessing the E-Submittal server are detailed in NRC’s “Guidance for Electronic Submission,” which is available on the agency’s public Web site at http://www.nrc.gov/site-help/e-submittals.html. Participants may attempt to use other software not listed on the Web site, but should note that the NRC’s E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC’s online, Web-based submission form. In order to serve documents through EIE, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC’s public Web site at http://www.nrc.gov/site-help/e-submittals.html.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at http://www.nrc.gov/site-help/e-submittals.html. A filing is considered complete at the time the documents are submitted through the NRC’s E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system before 11:59 a.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system
Documents submitted in adjudicatory proceedings will appear in NRC’s electronic hearing docket which is available to the public at http://ehd1.nrc.gov/EHD/, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A “potential party” is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff. Part of the letter must include the following information:

OGCmailcenter@nrc.gov, respectively.¹ The request must include the following information:

(1) A description of the licensing action with a citation to this Federal Register notice;

(2) The name and address of the potential party and a description of the potential party’s particularized interest that could be harmed by the action identified in C(1);

(3) The identity of the individual or entity requesting access to SUNSI and the requester’s basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention;

D. Based on an evaluation of the information submitted under paragraph C(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requester has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requester satisfies both D(1) and D(2) above, the NRC staff will notify the requester in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requester may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order ² setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request for access to SUNSI must be filed by the requester no later than 25 days after the requester is granted access to that information. However, if more than 25 days remain

¹ While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC “E-Filing Notice,” the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

² Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.
between the date the petitioner is
granted 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
contentions by that later deadline.

(1) If the request for access to SUNSI
is denied by the NRC staff either after
a determination on standing and need
for access, or after a determination on
trustworthiness and reliability, the NRC
staff shall immediately notify the
requestor in writing, briefly stating the
reason or reasons for the denial.
(2) The requestor may challenge the
NRC staff's adverse determination by
filing a challenge within 5 days of
receipt of that determination with: (a)
The presiding officer designated in this
proceeding; (b) if no presiding officer
has been appointed, the Chief
Administrative Judge, or if he or she is
unavailable, another administrative
judge, or an administrative law judge
with jurisdiction pursuant to 10 CFR
2.318(a); or (c) if another officer has
been designated to rule on information
access issues, with that officer.

H. Review of Grants of Access. A
party other than the requestor may
challenge an NRC staff determination
granting access to SUNSI whose release
would harm that party's interest
independent of the proceeding. Such a
challenge must be filed with the Chief
Administrative Judge within 5 days of
the notification by the NRC staff of its
grant of access.

If challenges to the NRC staff
determinations are filed, these
procedures give way to the normal
process for litigating disputes
concerning access to information. The
availability of interlocutory review by
the Commission of orders ruling on
such NRC staff determinations (whether
granting or denying access) is governed
by 10 CFR 2.311.3

I. 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 motions for protective
orders, in a timely fashion in order to
minimize any unnecessary delays in
identifying those 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.

It is so ordered.

Dated at Rockville, Maryland, this 13th
day of September 2012.

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 IN THIS PROCEEDING

<table>
<thead>
<tr>
<th>Day</th>
<th>Event/activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Publication of Federal Register notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.</td>
</tr>
<tr>
<td>10</td>
<td>Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) 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.</td>
</tr>
<tr>
<td>20</td>
<td>Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).</td>
</tr>
<tr>
<td>25</td>
<td>Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need 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).</td>
</tr>
<tr>
<td>30</td>
<td>If NRC staff finds no “need” or no likelihood of standing, the deadline for petitioner/requestor 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).</td>
</tr>
<tr>
<td>40</td>
<td>Deadline for NRC staff reply to motions to reverse NRC staff determination(s).</td>
</tr>
<tr>
<td>40</td>
<td>(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.</td>
</tr>
<tr>
<td>A</td>
<td>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.</td>
</tr>
<tr>
<td>A + 3</td>
<td>Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.</td>
</tr>
<tr>
<td>A + 28</td>
<td>Deadline for submission of contentions whose development depends upon access to SUNSI. 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 contentions by that later deadline.</td>
</tr>
<tr>
<td>A + 53</td>
<td>(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.</td>
</tr>
<tr>
<td>A + 60</td>
<td>(Answer receipt +7) Petitioner/Intervenor reply to answers.</td>
</tr>
<tr>
<td>&gt;A + 60</td>
<td>Decision on contention admission.</td>
</tr>
</tbody>
</table>

3 Requesters should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) 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 request submitted to the NRC staff under these procedures.
NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission, [NRC–2012–0002].

DATES: Week of September 24, 2012.

PLACE: Commissioners’ Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

ADDITIONAL ITEMS TO BE CONSIDERED:

Week of September 24, 2012—Tentative

Tuesday, September 25, 2012

9:25 a.m.—Affirmation Session (Public Meeting) (Tentative)

a. Virginia Electric and Power Company db/a Dominion Virginia Power and Old Dominion Electric Cooperative (North Anna Power Station, Unit 3); Blue Ridge Environmental Defense League’s (BREDL) Petition for Review of CLI–21, 2012 (Tentative)

This meeting will be webcast live at the Web address—www.nrc.gov.

* * * * *

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording) (301) 415–1292. Contact person for more information: Rochelle Bavol, (301) 415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: www.nrc.gov/about-nrc/policy-making/schedule.html.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Bill Dosch, Chief, Work Life and Benefits Branch, at 301–415–6200, TDD: 301–415–2100, or by email at william.dosch@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to darlene.wright@nrc.gov.

Dated: September 14, 2012.

Richard J. Laufer,
Technical Coordinator, Office of the Secretary.

POSTAL REGULATORY COMMISSION

[Docket No. CP2012–56; Order No. 1464]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add a Global Expedited Package Services contract to the competitive product list. This notice addresses procedural steps associated with the filing.

DATES: Comments are due: September 21, 2012.

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/pre-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. Sharrow, General Counsel, at 202–789–6820 (case-related information) or DocketAdmins@prc.gov (for electronic filing assistance).

SUPPLEMENTARY INFORMATION:

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III. Ordering Paragraphs

I. Introduction

Notice of filing. On September 11, 2012, the Postal Service filed a notice announcing that it is entering into an additional Global Expedited Package Services (GEPS) 3 contract. The Notice was filed in accordance with 39 CFR 3015.5. Notice at 1.

Background. Customers for GEPS contracts are small- or medium-size businesses that mail products directly to foreign destinations using Express Mail International, Priority Mail International, or both. Id. at 4.

Governors’ Decision No. 08–7 (as GEPS 1) established prices and classifications not of general applicability for GEPS contracts. Id. at 1. A grouping for GEPS 3 contracts was later added to the competitive product list as an outcome of Docket Nos. MC2010–28 and CP2010–71. The contract filed in Docket No. CP2010–71 is the baseline agreement for purposes of establishing whether subsequent agreements proposed for inclusion within the GEPS 3 grouping are functionally equivalent. Id. at 1–2.

Contents of filing. The filing includes a Notice, along with the following attachments:

• Attachment 1—redacted copy of the instant contract;

• Attachment 2—the redacted certification required under 39 CFR 3015.5(c)(2);

• Attachment 3—redacted copy of Governors’ Decision No. 08–7 (including attachments thereto); and

• Attachment 4—application for non-public treatment of the materials filed under seal.

It also includes material filed under seal (consisting of the contract and supporting documents); and Excel spreadsheets as to supporting financial data and information.

In the Notice, the Postal Service asserts that the instant contract and the baseline contract are functionally equivalent because they share similar cost and market characteristics. Id. at 3. It notes that the pricing formula and classification established in the Governors’ Decision No. 08–7 ensure that each GEPS contract meets the criteria of 39 U.S.C. 3633 and related regulations. Id. The Postal Service identifies differences between the instant contract and the baseline contract, but asserts that the differences do not affect either the fundamental service being offered or the fundamental structure of the contract. Id. at 3–6.

The Postal Service also addresses pertinent Mail Classification Schedule matters. Id. at 3. It states that, based on the discussion in its Notice and the financial data provided under seal, the instant GEPS 3 contract is in compliance with the requirements of 39 U.S.C. 3633 and is functionally equivalent to the baseline contract, and therefore should be added to the GEPS 3 product grouping.