That petition has now been ruled on, and the Commission's rulemaking decision is reflected in the discussion of the scope of the hearing addressed in Section III.D, above.[7]

Finally, the third issue Nevada raises in its September 9 Petition concerns the status of security clearances and access to classified information in the Yucca Mountain construction authorization application. Nevada argues that its representatives have not been informed of decisions on their security clearances and on access to classified information, ''notwithstanding timely applications,'' so no contentions based on classified information can be prepared.[8] To remedy this, Nevada again asks for a bifurcation of contention-filing deadlines.

It is the Commission's understanding that, as of the end of July, one of Nevada's security clearance applications was complete and was being processed, another application was incomplete, and two applications had been withdrawn.[9] From this, the Commission concludes that the timeliness of Nevada's security clearance applications is factually ambiguous. Moreover, it is not immediately clear that the perceived problem could not be remedied by the provision of redacted versions of classified documents that could provide a basis for the formulation of contentions before the security clearance application reviews are completed. The Commission directs the PAPO Board to resolve both of these questions.

It is so ordered.

Dated at Rockville, Maryland, this 17th day of October, 2008.

For the Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. E8–25293 Filed 10–21–08; 8:45 am]

BILLING CODE 7590–01–P

[7] *See* State of Nevada; Denial of Petition for Rulemaking, Docket No. PRM–2–14, available at ADAMS accession number ML082900618.

[8] September 9 Petition at 6.

[9] *See* Letter from Aby Mohseni, Deputy Director, Licensing and Inspection Directorate, Division of High-Level Waste Repository Safety, Office of Nuclear Material Safety and Safeguards to Robert R. Loux, Executive Director, Agency for Nuclear Projects, Office of the Governor, State of Nevada (July 31, 2008), available at ADAMS accession number ML081910097.

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Economic Simplified Boiling Water Reactor (ESBWR); Corrected Notice of Meeting (Corrected To Note New Meeting Times)

The ACRS Subcommittee on the ESBWR will hold a meeting on October 21–22, 2008, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance, with the exception of a portion that may be closed to protect information that is proprietary to General Electric-Hitachi (GEH) Nuclear Energy and its contractors pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Tuesday, October 21, 2008—1 p.m.–5 p.m

Wednesday, October 22, 2008—8:30 a.m.–12 noon.

The Subcommittee will review Chapter 14 of the Safety Evaluation Report with Open Items associated with the ESBWR Design Certification Application. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, GEH, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Dr. Harold J. Vandermolen, (Telephone: 301–415–6236) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 26, 2007 (72 FR 54695).

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 8:30 a.m. and 5 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: October 14, 2008.

Cayetano Santos,

Branch Chief.

[FR Doc. E8–25141 Filed 10–21–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7001, 70–7002]

Notice of Renewal of Certificates of Compliance GDP–1 and GDP–2 for the U.S. Enrichment Corporation, Paducah and Portsmouth Gaseous Diffusion Plants, Paducah, KY and Portsmouth, OH

ACTION: Notice and issuance of a Director's Decision renewing the Certificates of Compliance for the United States Enrichment Corporation (USEC) allowing continued operation of the gaseous diffusion plants (GDPs), at Paducah, KY, and Portsmouth, OH.

FOR FURTHER INFORMATION CONTACT: Michael Raddatz, Enrichment and Conversion Branch, 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) 492–3108; Fax: (301) 492–3363; or by e-mail: *Michael.Raddatz@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is hereby issuing a director's decision authorizing the renewal of the certificates of compliance for the two GDPs located near Paducah, KY, and Portsmouth, OH, for the USEC, allowing continued operation of these plants. The renewal of these certificates for the GDPs covers a 5-year period. USEC submitted individual renewal requests for both the Paducah and Portsmouth GDPs on April 10, 2008, pursuant to Title 10 of the Code of Federal Regulations (10 CFR), Section 76.31.

Pursuant to 10 CFR 76.53, the NRC consulted with and requested written comments on the renewal application from the U.S. Environmental Protection Agency (EPA) and the Department of Energy (DOE). EPA responded in a letter dated September 15, 2008, (ML082840196) stating that it had thoroughly reviewed the USEC application to ensure that USEC had provided an accurate environmental compliance overview. The EPA found that both the local and regional EPA regulators had adequately inspected the

facilities and took appropriate action when identifying violations, and supported the recertification of the GDPs. In an e-mail dated September 23, 2008, (ML082840080) DOE reported that its Portsmouth and Paducah Project Office continued to discharge its regulatory and oversight responsibilities at the PGDP and PORTS. DOE conducted its activities in a manner to enhance and improve the environmental health and safety conditions, and achieve compliance with all applicable Federal and State laws and regulations. In those instances where potential violations of these laws and regulations were identified, actions were taken to notify appropriate authorities, identify the cause, and institute corrective measures.

The NRC staff reviewed the certificate renewal applications for the GDPs located near Paducah, KY, and Portsmouth, OH. USEC's applications for certificate renewal, received April 10, 2008, did not propose any changes to the current safety basis or requirements. As required by 10 CFR 76.36, ''Annual Renewals,'' USEC has incorporated, into the renewal application by reference, previous applications, statements, and reports. The documents that USEC is relying upon as the basis for recertification include the previously approved Technical Safety Requirements, Safety Analysis Report, Compliance Plan, Quality Assurance Program, Emergency Plan, Security and Safeguards Plans, Waste Management Program, and Decommissioning Funding Program, as well as changes made pursuant to 10 CFR 76.68, ''Plant Changes.'' The staff reviews (as part of recertification) all 10 CFR 76.68 changes submitted during the past 5 years to ensure that the cumulative effect of the changes, when taken as a whole, and in consideration of the changes approved by the NRC staff under 10 CFR 76.45, have not degraded the safety basis for the GDPs.

Based on its review of the certificate renewal applications, the NRC staff has concluded that in combination with existing certificate conditions, USEC provides reasonable assurance of adequate safety, safeguards, and security, and compliance with NRC requirements. The NRC staff prepared compliance evaluation reports (CERs) to provide details of the staff's safety evaluations. These CERs (Portsmouth—ML082820425, Paducah—ML082820197) contain reference to the review performed by headquarters staff, in consultation with the regional inspectors, of the 10 CFR 76.68 changes made since issuance of the 2003 certificates.

Because approvals of the certificate renewal applications are covered by a categorical exclusion (10 CFR 51.22(c)(19)), no environmental impact statement or environmental assessment needs to be prepared for these actions.

As a result of the staff reviews, the NRC finds that USEC has met, and will continue to meet, the 10 CFR 76 certification requirements. Accordingly, the NRC will renew the certificates of compliance for GDP–1 and GDP–2, following submission of the Report to Congress as required by Sec. 1701(b)(1) of the Atomic Energy Act of 1954, as amended (AEA).

II. Opportunity To File a Petition

Under 10 CFR 76.62(c), USEC or any person whose interest may be affected may file a petition requesting the Commission's review of this renewal decision. A petition requesting the Commission's review may not exceed 30 pages and must be filed within 30 days after the publication of this notice in the **Federal Register**. Within 15 days of filing a petition requesting the Commission's review, pursuant to 10 CFR 76.62(c), any other person whose interest may be affected may file a response, not to exceed 30 pages, to the petition for review. Petitions requesting the Commission's review or responses are to be filed and served in accordance with 10 CFR 2.302(a) and (c), and the other procedures referenced in 10 CFR 76.72(a).

Additionally, any petition must be filed in accordance with the NRC E-Filing rule, promulgated in 72 FR 49139 (Aug. 28, 2007). The E-Filing rule requires participants to submit and serve 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 a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the petitioner/requester must contact the Office of the Secretary by e-mail at *HEARINGDOCKET@NRC.GOV*, or by calling (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/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requester (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requester will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site help/e-submittals/install-viewer.html*. 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*.

Once a petitioner/requester has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a petition. 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 filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a petition is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397–4209 or locally, (301) 415–4737.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited

delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely petitions will not be entertained absent a determination by the Commission that the petition should be granted. To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Participants are requested not to include social security numbers or copyrighted materials in their filings. The formal requirements for documents contained in 10 CFR 2.304(c)–(e) must be met. If the NRC grants an electronic document exemption in accordance with 10 CFR 2.302(g)(3), then the requirements for paper documents, set forth in 10 CFR 2.304(b) must be met.

III. Further Information

In accordance with 10 CFR 2.390 of the NRC's ''Rules of Practice,'' details with respect to this action, including the applications for renewal Portsmouth and Paducah GDPs (ML081070220 and ML081070229, respectively) are available electronically for public inspection and copying from the Publicly Available Records (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html*. These documents (except for classified and proprietary portions which are withheld in accordance with 10 CFR 2.390, ''Availability of Public Records'') are also available for public inspection at the Commission's Public Document Room, at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852.

Dated at Rockville, MD, this 10th day of October 2008.

For the Nuclear Regulatory Commission.

Michael F. Weber,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. E8–25151 Filed 10–21–08; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Extension:

Rule 12d2–1; OMB Control No. 3235–0081; SEC File No. 270–98.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

• Rule 12d2–1 (17 CFR 240.12d2–1) Suspension of Trading.

On February 12, 1935, the Commission adopted Rule 12d2–1,[1] under the Securities Exchange Act of 1934 (15 U.S.C. 78b *et seq.*) (''Act''), to establish the procedures by which a national securities exchange may suspend from trading a security that is listed and registered on the exchange under section 12(d) of the Act.[2] Under Rule 12d2–1, an exchange is permitted to suspend from trading a listed security in accordance with its rules, and must promptly notify the Commission of any such suspension, along with the effective date and the reasons for the suspension.

Any such suspension may be continued until such time as the Commission may determine that the suspension is designed to evade the provisions of section 12(d) of the Act and Rule 12d2–2 thereunder.[3] During the continuance of such suspension under Rule 12d2–1, the exchange is required to notify the Commission promptly of any change in the reasons for the suspension. Upon the restoration to trading of any security suspended under Rule 12d2–1, the exchange must notify the Commission promptly of the effective date of such restoration.

The trading suspension notices serve a number of purposes. First, they inform the Commission that an exchange has suspended from trading a listed security or reintroduced trading in a previously suspended security. They also provide the Commission with information necessary for it to determine that the suspension has been accomplished in accordance with the rules of the exchange, and to verify that the exchange has not evaded the requirements of section 12(d) of the Act and Rule 12d2–2 thereunder by improperly employing a trading suspension. Without Rule 12d2–1, the Commission would be unable to fully implement these statutory responsibilities.

There are ten national securities exchanges that are subject to Rule 12d2–1. The burden of complying with Rule 12d2–1 is not evenly distributed among the exchanges, however, since there are many more securities listed on the New York Stock Exchange, Inc., the NASDAQ Stock Market, and the American Stock Exchange LLC than on the other exchanges.[4] However, for purposes of this filing, the Commission staff has assumed that the number of responses is evenly divided among the exchanges. There are approximately 1,500 responses under Rule 12d2–1 for the purpose of suspension of trading from the national securities exchanges each year, the resultant aggregate annual reporting hour burden would be, assuming on average one-half reporting hour per response, 750 annual burden hours for all exchanges. The related costs associated with these burden hours are $41,625.00.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Comments should be directed to: Lewis W. Walker, Acting Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: *PRA_Mailbox@sec.gov*.

[1] *See* Securities Exchange Act Release No. 98 (February 12, 1935).

[2] *See* Securities Exchange Act Release No. 7011 (February 5, 1963), 28 FR 1506 (February 16, 1963).

[3] Rule 12d2–2 prescribes the circumstances under which a security may be delisted from an exchange and withdrawn from registration under section 12(b) of the Act, and provides the procedures for taking such action.

[4] In fact, some exchanges do not file any trading suspension reports in a given year.