

Day	Event/activity
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/Intervener reply to answers.
B .....	Decision on contention admission.

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## NUCLEAR REGULATORY COMMISSION

[NRC-2008-0419]

### Security and Continued Use of Cesium-137 Chloride Sources: Granting Extension of Comment Period

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

**ACTION:** Notice of Granting of Request to Extend the Comment Period on the Issues described in the Notice on the Security and Continued Use of Cesium-137 Chloride Sources.

**FOR FURTHER INFORMATION CONTACT:** Dr. John P. Jankovich, Office of Federal and State Materials and Environmental Management Programs, telephone (301) 415-7904, e-mail [john.jankovich@nrc.gov](mailto:john.jankovich@nrc.gov), or Dr. Cynthia Jones, Office of Nuclear Security and Incident Response, telephone (301) 415-0298, e-mail [cynthia.jones@nrc.gov](mailto:cynthia.jones@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

On July 31, 2008, the NRC issued a notice in the **Federal Register** which requested, in part, public comments on the issues presented in the notice on the security and continued use of cesium-137 chloride sources (73 FR 44780). The notice requested early public input on

major issues associated with the use of certain forms of cesium-137 chloride currently used by NRC- and Agreement State-licensees. While the NRC has not initiated rulemaking on this subject, NRC used the conventionally established rulemaking comment channels for obtaining comments.

#### II. Further Information

The NRC staff requested receipt of comments on the notice by September 30, 2008. By this action, the NRC staff is extending the comment period until October 15, 2008. Comments received after October 15, 2008, will be considered if practical to do so, but the NRC is unable to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with the use of cesium-137 chloride sources are encouraged at any time.

In addition to inviting public comments on the issues presented in section III of the July 31, 2008 notice, the NRC also solicited specific comments related to: (1) Quantitative information on the costs and benefits resulting from consideration of the factors described in the Issues Paper; (2) operational data on radiation exposures (increased or reduced) that might result from implementing any of the options described in the Issues Paper; (3) whether the presented issues are addressed comprehensively; and (4) whether other options should be considered, including quantitative

information on the costs and benefits for these other options. The Commission believes that stakeholder comments help to quantify the potential impact of these proposed changes and will assist the NRC as potential regulatory action(s) are developed.

#### III. Request To Extend the Comment Period

##### *Basis for the Request*

The NRC received the following extension request:

On behalf of industry, the Nuclear Energy Institute (NEI) respectfully requests an extension of the comment period identified in the subject **Federal Register** notice (FRN) entitled, "Request for Comments on the Security and Continued Use of Cesium-137 Chloride Sources and Notice of Public Meeting" dated July 31, 2008. Specifically, the FRN states that stakeholder comments on the Cesium-137 Chloride source issues raised therein should be submitted to NRC no later than September 30, 2008. This date coincides with the last day of the scheduled public meeting, which industry fully supports. We believe that industry, the public and other stakeholder comments on these complex matters would be greatly informed by the deliberations that will inevitably occur during the two day meeting which commences on September 29, 2008. Therefore, we request that the comment period be extended, at a minimum, 30 days so as to close no earlier than October 30, 2008.

The NRC received similar requests from the Conference of Radiation Control Program Directors, Inc., (CRCPD), and from the International

Source Suppliers and Producers Association (ISSPA), both dated September 19, 2008, for extension of the comment period from September 30 to October 30, 2008.

#### Response to Request

The request for an extension to the comment period is approved for 15 days.

The staff understands that NEI, CRCPD and ISSPA requested an extension of 30 days. However, NRC can not grant the full extension because the comments are needed by mid-October for development of future NRC actions for Commission consideration by November 2008. Therefore, the staff is approving a 15-day extension to the original public comment period, with the public comment period to end on October 15, 2008. The staff recognizes that the public and other stakeholder comments may be impacted by the discussions that will occur during the two-day public meeting which concludes on September 30, 2008, and therefore agrees to extend the comment period an additional 15 days.

Members of the public are invited and encouraged to submit comments electronically to <http://www.regulations.gov>. Search on Docket ID: [NRC-2008-0419] and follow the instructions for submitting comments. Comments may also be sent by mail to Michael Lesar, Chief, Rulemaking, Directives and Editing Branch, Office of Administration, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Requests for technical information may be directed to the NRC contacts, Dr. John P. Jankovich, Office of Federal and State Materials and Environmental Management Programs, telephone (301) 415-7904, e-mail [john.jankovich@nrc.gov](mailto:john.jankovich@nrc.gov), or Dr. Cynthia Jones, Office of Nuclear Security and Incident Response, telephone (301) 415-0298, e-mail [cynthia.jones@nrc.gov](mailto:cynthia.jones@nrc.gov).

You can also access publicly available documents related to the July 31, 2008 notice using the following methods:

*Regulations.gov*: Documents related to this notice, including public comments, are accessible at <http://www.regulations.gov>, by searching on docket ID: NRC-2008-0419. Electronic copies of the July 31, 2008 notice and the workshop agenda are also available through NRC's public Web site at <http://www.nrc.gov/materials/miau/licensing.html>.

*NRC's Public Document Room (PDR)*: The public may examine and have copied for a fee, publicly available documents at the NRC's PDR, Public File Area O-1F21, One White Flint

North, 11555 Rockville Pike, Rockville, Maryland.

*NRC's Agency wide Document Access and Management System (ADAMS)*: Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can gain entry into ADAMS, which provides text and image files of 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 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).

Dated at Rockville, Maryland, this 22nd day of September 2008.

For the Nuclear Regulatory Commission.

**John P. Jankovich**,

*Team Leader, Office of Federal and State Materials and Environmental Management Program.*

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## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review, Request for Comments

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) to request an extension without change of a currently approved collection of information: 3220-0038, Medical Reports. Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collection of information to determine (1) The practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if RRB and OIRA receive them within 30 days of publication date.

Under Sections 2(a)(1)(iv), 2(a)(2) and 2(a)(3) of the Railroad Retirement Act (RRA), annuities are payable to qualified railroad employees whose physical or mental condition is such that they are unable to (1) work in their regular occupation (occupational disability); or (2) work at all (permanent total disability). The requirements for establishment of disability and proof of continuance of disability are prescribed in 20 CFR 220.

Under Sections 2(c)(1)(ii)(c) and 2(d)(1)(ii) of the RRA, annuities are also payable to qualified spouses and widow(ers), respectively, who have a qualified child who is under a disability which began before age 22. Annuities are also payable to surviving children on the basis of disability under Section 2(d)(1)(iii)(C) if the child's disability began before age 22 and to widow(ers) on the basis of disability under section 2(d)(1)(i)(B). To meet the disability standard, the RRA provides that individuals must have a permanent physical or mental condition such that they are unable to engage in any regular employment.

Under section 2(d)(1)(v) of the RRA, annuities are also payable to remarried and surviving divorced spouses on the basis of, *inter alia*, disability or having a qualified disabled child in care. However, the disability standard in these cases is that found in the Social Security Act. That is, individuals must be able to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment. The RRB also determines entitlement to a period of early disability and early Medicare entitlement for qualified claimants in accordance with Section 216 of the Social Security Act.

When making disability determinations, the RRB needs evidence from acceptable medical sources. The RRB currently utilizes Forms G-3EMP, Report of Medical Condition by Employer; G-197, Authorization to Release Medical Information, G-250, Medical Assessment; G-250a, Medical Assessment of Residual Functional Capacity; G-260, Report of Seizure Disorder; RL-11b, Disclosure of Hospital Medical Records; RL-11d, Disclosure of Medical Records from a State Agency; and RL-250, Request for Medical Assessment, to obtain the necessary medical evidence. The RRB proposes no changes to the information collection. Completion of the forms is voluntary. One response is requested of each respondent.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (73 FR 22183 on April 24,