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NUCLEAR REGULATORY COMMISSION

[NRC-2009-0353]

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance and Availability of Draft Regulatory Guide, DG-5029, “Pressure-Sensitive and Tamper-Indicating Device Seals for Material Control and Accounting Use.”

FOR FURTHER INFORMATION CONTACT: Steven Ward, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 492-3426 or e-mail to *Steven.Ward@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft guide in the agency’s “Regulatory Guide” series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC’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.

The draft regulatory guide (DG), entitled, “Pressure-Sensitive and Tamper-Indicating Device Seals for Material Control and Accounting Use,” is temporarily identified by its task number, DG-5029, which should be mentioned in all related

correspondence. The NRC requires certain licensees to use tamper-indicating devices (TIDs) for material control and accounting (MC&A) and for physical security of special nuclear material (SNM). Title 10, part 70, “Domestic Licensing of Special Nuclear Material,” of the *Code of Federal Regulations* (10 CFR part 70) requires, in part, that no person subject to the regulations in 10 CFR part 70 may receive title to, own, acquire, deliver, receive, possess, use, or transfer SNM, except as authorized in a license issued by the NRC.

This regulatory guide (RG) replaces the existing RG 5.10, “Selection and Use of Pressure-Sensitive Seals on Containers for Onsite Storage of Special Nuclear Material,” issued July 1973 and the existing RG 5.15, “Tamper-Indicating Seals for the Protection and Control of Special Nuclear Material,” issued March 1997, with a new title, “Pressure-Sensitive and Tamper-Indicating Device Seals for MC&A Use.” RG 5.10 refers to a pressure-sensitive (PS) seal that is no longer in general use and may no longer be commercially available. RG 5.15 refers to tamper-indicating devices (TID) including PS seals. As a replacement, this guide describes a number of improved TIDs and PS seals developed in recent years primarily in response to commercial interests outside the nuclear industry.

II. Further Information

The NRC staff is soliciting comments on DG-5029. Comments may be accompanied by relevant information or supporting data and should mention DG-5029 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC’s Agencywide Documents Access and Management System (ADAMS).

Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed. You may submit comments by any of the following methods:

1. *Mail comments to:* Rulemaking and Directives Branch, Mail Stop: TWB-05-B01M, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.
2. *Federal e-Rulemaking Portal:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID [NRC-2009-0353]. Address questions about NRC dockets to Carol Gallagher, 301-492-3668; e-mail *Carol.Gallagher@nrc.gov*.

3. *Fax comments to:* Rulemaking and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 492-3446.

Requests for technical information about DG-5029 may be directed to the NRC contact, Steven Ward at (301) 492-3426 or e-mail to *Steven.Ward@nrc.gov*.

Comments would be most helpful if received by October 13, 2009. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in

guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG-5029 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML091670070.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR) located at 11555 Rockville Pike, Rockville, Maryland. 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) 397-4205, by fax at (301) 415-3548, and by e-mail to pdr.resource@nrc.gov.

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Dated at Rockville, Maryland, this 6th day of August, 2009.

For the Nuclear Regulatory Commission.

John N. Ridgely,

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

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NUCLEAR REGULATORY COMMISSION

[NRC-2009-0352; Docket No. 40-9083]

Notice of License Application Request of U.S. Army Installation Command for Schofield Barracks, Oahu, HI, and Pohakuloa Training Area, Island of Hawaii, HI; and Notice of Opportunity for Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of license application and opportunity to request a hearing.

DATES: A request for a hearing must be filed by October 13, 2009.

FOR FURTHER INFORMATION CONTACT: John Hayes, Senior Project Manager, Materials Decommissioning Branch, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. *Telephone:* (301) 415-5928; *fax number:* (301) 415-5369; *e-mail:* John.Hayes@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

By letters dated November 6, 2008, and July 8, 2009, the U.S. Army Installation Command submitted a Source Material License application to the Nuclear Regulatory Commission (NRC), for the Schofield Barracks and Pohakuloa Training Area (PTA) sites in Oahu and the Island of Hawaii, Hawaii. This license application is for possession of depleted uranium (DU) due to the potential for residual DU to be at various Army Installations where testing of the M101 Spotting Round has occurred.

An NRC administrative review, documented in a letter to the U.S. Army Installation Command dated August 3, 2009, found the generic and site specific security and environmental radiation monitoring plans submitted by the applicant acceptable to begin a technical and environmental review. Before approving the license application, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and the NRC's regulations. These findings will be documented in a Safety Evaluation Report (SER) and a site-specific Environmental Review consistent with the provisions of 10 CFR Part 51.

II. Opportunity To Request a Hearing

The NRC hereby provides notice that this is a proceeding on an application for a source material license submitted by the U.S. Army Installation Command to possess depleted uranium at the Schofield Barracks and PTA sites in Oahu and the Island of Hawaii, Hawaii. Any person whose interest may be affected by this proceeding and who desires to participate as a party must file a request for a hearing and a specification of the contentions which the person seeks to have litigated in the hearing in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). All documents filed in NRC adjudicatory proceedings, including documents filed by interested governmental entities participating under 10 CFR 2.315(c) and any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, must be filed in accordance with the E-Filing rule. The E-Filing rule 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 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/requestor should contact the Office of the Secretary by e-mail at HEARING.DOCKET@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/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor 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/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it 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 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 hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory e-filing system