

beginning May 8, 2009, and ending on June 22, 2009.

**ADDRESSES:** Original comments should be sent to the applicant: Craig Foltz, Ph.D., ATST Program Manager, National Science Foundation, Division of Astronomical Sciences, 4201 Wilson Boulevard, Room 1045, Arlington, VA 22230, Telephone: 703-292-4909, Fax: 703-292-9034, E-mail: [cfoltz@nsf.gov](mailto:cfoltz@nsf.gov). Copies of comments should also be sent to:

1. Dept. of Health, Office of Environmental Quality Control, REF: ATST, 235 South Beretania Street, Room 702, Honolulu, HI 96813, Fax: 808-586-4186.

2. Mr. Mike Maberry, Associate Director, University of Hawai'i Institute for Astronomy, 34 Ohia Ku Street, Pukalani, HI 96768, Fax: 808-573-9557.

3. Charlie Fein, Ph.D., KC Environmental, Inc., P.O. Box 1208, Makawao, HI 96768, Fax: 808-573-7837, E-mail: [charlie@kcenv.com](mailto:charlie@kcenv.com).

**FOR FURTHER INFORMATION CONTACT:** Dr. Foltz at the address listed above.

**SUPPLEMENTARY INFORMATION:**

**NEPA SDEIS Public Comment Hearings**

*Public Comment Period:* The NSF welcomes Federal, State, and County agencies, and the public to participate in the 45-day comment period beginning May 8, 2009, and ending on June 22, 2009. Comments must be received or postmarked by June 22, 2009. Public comment hearings will take place, as follows:

1. Cameron Center Auditorium, 95 Mahalani Street, Wailuku, Maui, HI, June 3, 2009, Wednesday, 5 p.m. to 8 p.m.

2. Hannibal Tavares (Pukalani) Community Center, Pukalani Street, Room MHT #1 (downstairs), Pukalani, Maui, HI, June 4, 2009, Thursday, 7 p.m. to 10 p.m.

**NHPA Consultation Meetings**

Consultation meetings to solicit public input under Section 106 of the National Historic Preservation Act (NHPA) will be held on Maui by the National Science Foundation and Haleakalā National Park as follows:

1. June 8, 2009, Monday, 1 to 4 p.m., Kula Community Center, E. Lower Kula Road, Kula, Maui.

2. June 9, 2009, Tuesday, 10 a.m. to 1 p.m., Haiku Community Center, Hana Highway at Piliāloha Street, Haiku, Maui.

3. June 10, 2009, Wednesday, 3 to 6 p.m., Maui Community College, 310 W. Kaahumanu Avenue, Pilina Building—Multi-purpose Room, Kahului, Maui.

You are invited to participate in these meetings to provide feedback and

comments on the area of potential effect, identification and evaluation of cultural, historic and archeological resources, and measures to avoid, minimize, and/or mitigate potential adverse impacts to these resources. For questions or information about the consultation meetings, call Elizabeth Gordon, Haleakalā National Park Cultural Resources Program Manager at (808) 572-4424 or e-mail at [elizabeth\\_gordon@nps.gov](mailto:elizabeth_gordon@nps.gov). Information about the project is online at <http://www.atst.nso.edu/library/36CFR800> and <http://www.nps.gov/hale>.

Dated: April 30, 2009.

**Craig Foltz,**

*ATST Program Manager.*

[FR Doc. E9-10561 Filed 5-7-09; 8:45 am]

**BILLING CODE 7555-01-P**

**NUCLEAR REGULATORY COMMISSION**

**[NRC-2009-0201; DOCKET NO. 03003754]**

**Notice of Consideration of Amendment Request for Decommissioning of ABB Inc.'s CE Windsor Site In Windsor, CT, and Opportunity to Request a Hearing**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of amendment request and opportunity to request a hearing.

**DATES:** A request for a hearing must be filed by July 7, 2009.

**FOR FURTHER INFORMATION CONTACT:** James Schmidt, Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406; telephone (610) 337-5276; fax number (610) 337-5269; or by e-mail: [jim.schmidt@nrc.gov](mailto:jim.schmidt@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to Materials License No. 06-00217-06 issued to ABB Inc. (the Licensee), to authorize remediation and decommissioning of several Formally Utilized Sites Remedial Action Program (FUSRAP) areas of its CE Windsor Site (the Facility) in Windsor, Connecticut. The clean-up work for the FUSRAP areas will be performed under a proposed revision to the Licensee's previously approved Decommissioning Plan (DP), under which decommissioning work has been performed at the Facility's non-FUSRAP areas. Authorization for the Licensee to conduct decommissioning activities for

the FUSRAP areas—which ordinarily would be done by the U.S. Army Corps of Engineers (USACE)—was established between NRC and USACE by agreement dated August 15, 2007. The Licensee requested the action to initiate the FUSRAP area decommissioning activities by a filing dated December 31, 2008. Revision I to the DP is currently under technical review by the NRC staff.

If the NRC approves the revised DP, the approval will be documented in an amendment to NRC License No. 06-00217-06. However, before approving the proposed amendment, the NRC will need to make the safety findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report. The NRC will separately evaluate the environmental aspects of the proposed action, pursuant to its 10 CFR part 51 requirements. The Licensee's revised DP continues to propose eventual release of the Facility for unrestricted use. This would occur following completion of all decommissioning activities and verification by the NRC that the radiological criteria for license termination have been met.

**II. Opportunity to Request a Hearing**

The NRC hereby provides notice that this is a proceeding on the Licensee's application dated December 31, 2008. In accordance with the general requirements in subpart C of 10 CFR part 2, as amended on January 14, 2004 (69 FR 2182), 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.

A request for hearing or a petition for leave to intervene must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). The E-Filing process 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/requestor must contact the Office of the Secretary by e-mail at [HEARINGDOCKET@NRC.GOV](mailto: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/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 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 electronic filing Help Desk can be contacted by telephone at 1-866-672-

7640 or by e-mail at [MHSD.Resource@nrc.gov](mailto:MHSD.Resource@nrc.gov). 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.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at [http://ehd.nrc.gov/EHD\\_Proceeding/home.asp](http://ehd.nrc.gov/EHD_Proceeding/home.asp), unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a 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. 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 submissions.

In accordance with 10 CFR 2.309(b), a request for a hearing must be filed by July 7, 2009.

In addition to meeting the above requirements, a request for a hearing filed by a person other than an applicant must state:

1. The name, address, and telephone number of the requester;
2. The nature of the requester's right under the Act to be made a party to the proceeding;
3. The nature and extent of the requester's property, financial, or other interest in the proceeding;
4. The possible effect of any decision or order that may be issued in the proceeding on the requester's interest; and

5. The circumstances establishing that the request for a hearing is timely in accordance with 10 CFR 2.309(b).

In accordance with 10 CFR 2.309(f)(1), a request for hearing or petitions for leave to intervene must set forth with particularity the contentions sought to be raised. For each contention, the request or petition must:

1. Provide a specific statement of the issue of law or fact to be raised or controverted;
2. Provide a brief explanation of the basis for the contention;
3. Demonstrate that the issue raised in the contention is within the scope of the proceeding;
4. Demonstrate that the issue raised in the contention is material to the findings that the NRC must make to support the action that is involved in the proceeding;
5. Provide a concise statement of the alleged facts or expert opinions which support the requester's/petitioner's position on the issue and on which the requester/petitioner intends to rely to support its position on the issue; and
6. Provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. This information must include references to specific portions of the application that the requester/petitioner disputes and the supporting reasons for each dispute, or, if the requester/petitioner believes the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the requester's/petitioner's belief.

In addition, in accordance with 10 CFR 2.309(f)(2), contentions must be based on documents or other information available at the time the hearing request is filed.

Requesters/petitioners should, when possible, consult with each other in preparing contentions and combine similar subject matter concerns into a joint contention, for which one of the co-sponsoring requesters/petitioners is designated the lead representative. Further, in accordance with 10 CFR 2.309(f)(3), any requester/petitioner that wishes to adopt a contention proposed by another requester/petitioner must do so in writing within ten days of the date the contention is filed, and designate a representative who shall have the authority to act for the requester/petitioner.

In accordance with 10 CFR 2.309(g), a request for hearing and/or petition for leave to intervene may also address the selection of the hearing procedures, taking into account the provisions of 10 CFR 2.310.

### III. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The documents related to this action are listed below, along with their ADAMS accession numbers.

A. NRC to USACE letter dated August 15, 2007, "Proposed Process to Decommission and Cleanup the ABB Windsor Site" (ML072210979),

B. ABB to NRC letter, with attachments, dated December 31, 2008, "Application for Amendment of Materials License No. 06-00217-06" (ML090160123, ML090160128, ML090160370, and ML090160378),

C. ABB report "CE Windsor Decommissioning Plan, Revision 1 (Previously Identified FUSRAP Areas Except Debris Piles and Site Brook)" dated December 2008 (ML090160381, ML090160388, and ML090160396), and

D. ABB report "CE Windsor Site Development of Building DCGs" dated December 2008 (ML090160458, ML090160469, ML090160478, and ML090160487).

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (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). These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Region I, 475 Allendale Road, King of Prussia, PA, this 1st day of May, 2009.

For The Nuclear Regulatory Commission.

**Randolph C. Ragland, Jr.,**

*Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region I.*

[FR Doc. E9-10720 Filed 5-7-09; 8:45 am]

BILLING CODE 7590-01-P

### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-391; NRC-2008-0369]

#### **Tennessee Valley Authority Notice of Receipt of Update to Application for Facility Operating License and Notice of Opportunity for Hearing for the Watts Bar Nuclear Plant, Unit 2 and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation**

In accordance with the Commission's direction in its Staff Requirements Memorandum SECY-07-0096, "Staff Requirements—Possible Reactivation of Construction and Licensing Activities for the Watts Bar Nuclear Plant Unit 2," dated July 25, 2007, and pursuant to the Atomic Energy Act of 1954 (the Act), as amended, and the regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," and 10 CFR Part 50, "Domestic Licensing of production and Utilization Facilities," notice is hereby given that, on March 4, 2009, the U.S. Nuclear Regulatory Commission (NRC, the Commission) has received an update to the application for a facility operating license (OL) from the Tennessee Valley Authority (TVA or the applicant) that would authorize TVA to possess, use, and operate a second light-water nuclear reactor (the facility), Watts Bar Nuclear Plant (WBN) Unit 2, located on the applicant's site in Rhea County, Tennessee. The unit would operate at a steady-state power level of 3411 megawatts thermal. The original application dated June 30, 1976, was found acceptable for docketing on September 15, 1976, and "Notice of Receipt of Application for Facility Operating Licenses; Notice of Consideration of Issuance of Facility Operating Licenses; and Notice of Opportunity for Hearing" for WBN Units 1 and 2 was published in the **Federal Register** on December 27, 1976 (41 FR 56244). On February 7, 1996, the NRC issued a full-power OL to TVA to operate WBN Unit 1 at this site. However, TVA has not completed construction of WBN Unit 2. Construction of the facility was authorized by Construction Permit No. CPPR-92, issued by the Commission on January 23, 1973. TVA has stated that it expects to complete construction prior to April 1, 2012.

Pursuant to the National Environmental Policy Act, as amended, and the Commission's regulations in 10 CFR Part 51, on February 15, 2008, TVA

submitted to the NRC "Watts Bar Nuclear Plant (WBN)—Unit 2—Final Supplemental Environmental Impact Statement [FSEIS] for the Completion and Operation of Unit 2," to the NRC in support of its OL application for WBN Unit 2. By letter dated January 27, 2009, TVA submitted its "Final Supplemental Environmental Impact Statement—Severe Accident Management Alternatives [SAMA]," to supplement its FSEIS. After the staff has completed its review of TVA's FSEIS, the NRC will prepare a draft supplement to environmental impact statement related to the operation of WBN Unit 2 (SEIS-OL). Upon preparation of the draft SEIS-OL, the Commission will, among other things, cause to be published in the **Federal Register**, a notice of availability of the draft supplement, requesting comments from interested persons on the draft SEIS-OL. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft SEIS-OL will focus on matters that differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permits and the WBN Unit 1 OL. Upon consideration of comments submitted with respect to the draft SEIS-OL, the Commission's staff will prepare a final SEIS-OL, the availability of which will be published in the **Federal Register**.

The NRC staff will complete a detailed technical review of the application and will document its findings in Supplements to NUREG-0847, "Safety Evaluation Report Related to the Operation of Watts Bar Nuclear Plant, Unit 2."

The Commission will consider the issuance of the facility OL to TVA, which would authorize the applicant to possess, use and operate the WBN Unit 2 in accordance with the provisions of the license and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicants application for the facility OL by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I.

The OL will not be issued until the Commission has made the findings