

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION (SUNSI) AND SAFEGUARDS INFORMATION (SGI) IN THIS PROCEEDING—Continued

Day	Event/activity
A + 53 .....	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI and/or SGI.
A + 60 .....	(Answer receipt +7) Petitioner/Intervenor reply to answers.
B .....	Decision on contention admission.

[FR Doc. E9-3282 Filed 2-13-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[NRC-2008-0472]

### Office of New Reactors; Notice of Availability of the Final Interim Staff Guidance COL/ESP-ISG-04 on the Definition of Construction and on Limited Work Authorizations

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

**ACTION:** Notice of availability.

**SUMMARY:** The NRC is issuing its Final Interim Staff Guidance (ISG) COL/ESP-ISG-004 (ML090060897). This ISG provides guidance regarding the definition of construction and the delineation of preconstruction activities and those activities requiring prior approval of the U.S. Nuclear Regulatory Commission (NRC or the Commission). In addition, this ISG provides guidance regarding the information to be submitted by any applicant for a limited work authorization (LWA).

The NRC staff issues ISGs to facilitate timely implementation of the current staff guidance and to facilitate activities associated with review of applications for early site permits and combined licenses for the Office of New Reactors. The NRC staff will also incorporate COL/ESP-ISG-004 into the next revisions of the Regulatory Guide 1.206, "Combined License Applications for Nuclear Power Plants," and related guidance documents.

**ADDRESSES:** The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC Public Document Room reference staff at 1-800-397-4209, 301-

415-4737, or by e-mail at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Ms. Nanette V. Gilles, Division of New Reactor Licensing, Office of the New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone 301-415-1180 or e-mail at [Nanette.Gilles@nrc.gov](mailto:Nanette.Gilles@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The NRC posts its issued staff guidance on the NRC external Web page (<http://www.nrc.gov/reading-rm/doc-collections/isp/>).

Dated at Rockville, Maryland, this 9th day of February 2009.

For the Nuclear Regulatory Commission.

**Patrick M. Madden,**

*Deputy Director, Division of New Reactor Licensing, Office of New Reactors.*

[FR Doc. E9-3397 Filed 2-13-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289; NRC-2008-0645]

### Exelon Generation Company, LLC; Exelon Generation Company, LLC, Three Mile Island Nuclear Station, Unit 1; Notice of Availability of the Draft Supplement 37 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, and Public Meeting for the License Renewal of Three Mile Island Nuclear Station, Unit 1

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Availability; Correction.

**SUMMARY:** This document corrects a notice appearing in the **Federal Register** on December 9, 2008 (73 FR 74766), that announces a public meeting for the license renewal of Three Mile Island Nuclear Station, Unit 1. This action is necessary to update the date and location of the meeting.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sarah Lopas, Environmental Project Manager, Office of Nuclear Reactor Regulation, telephone (301) 415-1147, e-mail: [sarah.lopas@nrc.gov](mailto:sarah.lopas@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On page 74766, in the third column, fifteenth line, the meeting date is corrected to read from "January 28, 2009" to "February 24, 2009." As previously stated in corrected **Federal Register** notice 74 FR 470, the location of the meeting is "The Sheraton Harrisburg Hershey Hotel, 4650 Lindle Road, Harrisburg, PA 17111."

Dated at Rockville, Maryland, this 9th day of February, 2009.

For the Nuclear Regulatory Commission.

**David L. Pelton,**

*Chief, Reactor Projects Branch 1, Division of License Renewal, Office of Nuclear Reactor Regulation.*

[FR Doc. E9-3285 Filed 2-13-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 52-038; NRC-2008-0581]

### Nine Mile Point 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, LLC; Nine Mile Point 3 Nuclear Power Plant Combined License Application; Notice of Cancellation of Environmental Scoping Process and Public Scoping Meeting

Nine Mile Point 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, LLC have submitted an application for a combined license (COL) to build Nine Mile Point Unit 3 (NMP3), located on approximately 921 acres in Oswego County, New York on Lake Ontario, approximately five miles north-northeast of Oswego, New York. Nine Mile Point 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, LLC submitted the application for the COL to the U.S. Nuclear Regulatory Commission (NRC) on September 30, 2008, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52.

A notice of intent to prepare an environmental impact statement and conduct scoping process was published in the **Federal Register** on January 30, 2009 (74 FR 5688-5689). On February 9, 2009, Unistar submitted a letter to the NRC requesting that the NRC consider Unistar's interest in maintaining some

schedule spacing between the NRC's review of the Calvert Cliffs Unit 3 and NMP3 COL applications. Specifically, Unistar requested that portions of the NMP3 COL review be sequenced to occur in September 2009.

In considering Unistar's request, the NRC believes that a shift in the NMP3 environmental scoping period will preserve the NRC's overall environmental review process and sequencing of activities. Therefore, the NRC has chosen to cancel the current environmental scoping process and the associated February 25, 2009 scoping meetings for this application. Both activities will be rescheduled to start in mid-2009. The purpose of this notice is to inform the public that the NRC has cancelled the current scoping process and the associated scoping meetings for this application.

Questions about this cancellation should be directed to Mr. Paul Michalak at 301-415-7612 or via e-mail at [Paul.Michalak@nrc.gov](mailto:Paul.Michalak@nrc.gov).

Dated at Rockville, Maryland, this 11th day of February 2009.

For the Nuclear Regulatory Commission.

**Andrew C. Campbell,**

*Acting Division Director, Division of Site and Environmental Reviews, Office of New Reactors.*

[FR Doc. E9-3394 Filed 2-13-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-331; NRC-2008-0618]

### Notice of Acceptance for Docketing of the Application and Notice of Opportunity for Hearing Regarding Renewal of Facility Operating License No. DPR-49 for an Additional 20-Year Period for FPL Energy Duane Arnold, LLC Duane Arnold Energy Center

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering an application for the renewal of operating license DPR-49, which authorizes FPL Energy Duane Arnold, LLC, to operate the Duane Arnold Energy Center (DAEC), at 1912 megawatts thermal. The renewed license would authorize the applicant to operate DAEC for an additional 20 years beyond the period specified in the current license. DAEC is located near Cedar Rapids, IA, and its current operating license expires on February 21, 2014.

FPL Energy Duane Arnold, LLC submitted the application dated September 30, 2008, and Supplement 1 dated January 23, 2009, pursuant to

Title 10, Part 54, of the *Code of Federal Regulations* (10 CFR Part 54), to renew operating license DPR-49 for DAEC. A notice of receipt and availability of the license renewal application (LRA) was published in the **Federal Register** on November 17, 2008 (73 FR 67895).

The Commission's staff has determined that FPL Energy Duane Arnold, LLC has submitted sufficient information in accordance with 10 CFR Sections 54.19, 54.21, 54.22, 54.23, 51.45, and 51.53(c), to enable the staff to undertake a review of the application, and the application is therefore acceptable for docketing. The current Docket No. 50-331, for operating license DPR-49, will be retained. The determination to accept the license renewal application for docketing does not constitute a determination that a renewed license should be issued, and does not preclude the NRC staff from requesting additional information as the review proceeds.

Before issuance of the requested renewed license, the NRC will have made the findings required by the Atomic Energy Act of 1954 (the Act), as amended, and the Commission's rules and regulations. In accordance with 10 CFR 54.29, the NRC may issue a renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to: (1) Managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review; and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB), and that any changes made to the plant's CLB will comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement that is a supplement to the Commission's NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants," dated May 1996. In considering the LRA, the Commission must find that the applicable requirements of Subpart A of 10 CFR Part 51 have been satisfied, and that matters raised under 10 CFR 2.335 have been addressed. Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding the environmental scoping meeting will

be the subject of a separate **Federal Register** notice.

Within 60 days of this notice, any person(s) whose interest may be affected may file a request for hearing/petition 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/requestor in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or the expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.<sup>1</sup>

Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

The Commission requests that each contention be given a separate numeric

<sup>1</sup> To the extent that the application contains attachments and supporting documents that are not publicly available because they are asserted to contain safeguards or proprietary information, petitioners desiring access to this information should contact the applicant or applicant's counsel to discuss the need for a protective order.