

f. Any person who has petitioned or intends to petition for leave to intervene.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has decided to hold public meetings for the CNS license renewal supplement to the GEIS. The scoping meetings will be held on February 25, 2009. There will be two sessions, an afternoon and evening session, to accommodate interested parties. The first session will be held at the Brownville Concert Hall at 126 Atlantic St., Brownville, NE 68321, telephone (402) 825-3331, and will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will be held at the Auburn Senior Center at 1101 J St., Auburn, NE 68305, telephone, (402) 274-3420, and will convene at 7 p.m., with a repeat of the overview portions of the meeting and will continue until 10 p.m., as necessary. Both meetings will be transcribed and will include: (1) An overview by the NRC staff of the NEPA environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the supplement to the GEIS. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the same location. No formal comments on the proposed scope of the supplement to the GEIS will be accepted during the informal discussions.

To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below. Persons may register to attend or present oral comments at the meetings on the scope of the NEPA review by contacting the NRC Project Managers, Mr. Tam Tran, telephone at 1-800-368-5642, extension 3617, or by e-mail to the NRC at [tam.tran@nrc.gov](mailto:tam.tran@nrc.gov) or Mr. Emmanuel Sayoc, by telephone at 1-800-368-5642, extension 1924, or by e-mail to the NRC at [emmanuel.sayoc@nrc.gov](mailto:emmanuel.sayoc@nrc.gov), no later than February 18, 2009. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also

have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. Mr. Tam Tran or Mr. Sayoc will need to be contacted no later than February 18, 2009, if special equipment or accommodations are needed to attend or present information at the public meeting, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the environmental scope of the KPS license renewal review to: Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, Mailstop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. To be considered in the scoping process, written comments should be postmarked by March 23, 2009. Electronic comments may be sent by e-mail to the NRC at [CooperEIS@nrc.gov](mailto:CooperEIS@nrc.gov), and should be sent no later than March 23, 2009, to be considered in the scoping process. Comments will be available electronically and accessible through ADAMS at <http://adamswebsearch.nrc.gov/dologin.htm>.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Notice of opportunity for a hearing regarding the renewal application was previously included in the **Federal Register** dated December 30, 2008 (73 FR 79921). Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions reached, including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection in ADAMS at <http://adamswebsearch.nrc.gov/dologin.htm>. The staff will then prepare and issue for comment the draft supplement to the GEIS, which will be the subject of separate notices and separate public meetings. Copies will be available for public inspection at the above-mentioned addresses, and one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Information about the proposed action, the supplement to the GEIS, and the scoping process may be obtained from the Project Managers Mr. Sayoc and Mr. Tran at the aforementioned telephone number or e-mail addresses.

Dated at Rockville, Maryland, this 15th day of January 2009.

For the Nuclear Regulatory Commission.

**David L. Pelton,**

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

[FR Doc. E9-1563 Filed 1-23-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 63-001-HLW; ASLBP Nos. 09-876-HLW-CAB01, 09-877-HLW-CAB02, 09-878-HLW-CAB03]

### Department of Energy; Establishment of Atomic Safety and Licensing Boards

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and the Commission's regulations, see 10 CFR 2.300 *et seq.*, 2.1000 *et seq.*, notice is hereby given that Atomic Safety and Licensing Boards are being established to preside over the Petitions to Intervene and the Requests to Participate in the following proceeding, and to perform all other duties as the Chief Administrative Judge may assign: U.S. Department of Energy, High-Level Waste Repository, Construction Authorization Application.

This proceeding concerns Petitions to Intervene from (1) Caliente Hot Springs Resort LLC; (2) State of California; (3) Clark County, Nevada; (4) Churchill, Esmeralda, Lander and Mineral Counties, Nevada; (5) Inyo County, California; (6) Native Community Action Council; (7) State of Nevada; (8) Nuclear Energy Institute; (9) Nye County, Nevada; (10) Timbisha Shoshone Tribe; (11) Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit; and (12) White Pine County, Nevada. Additionally, Requests to Participate as an Interested Government Body have been received from: (1) Eureka County, Nevada; and (2) Lincoln County, Nevada. The Petitions and Requests, which were submitted in response to an October 22, 2008 Notice of Hearing and Opportunity To Petition for Leave To Intervene (73 FR 63,029), challenge the June 3, 2008 application filed by the Department of Energy seeking authorization to construct a geologic repository at Yucca Mountain in Nye County, Nevada.

The Licensing Boards, which shall also be referred to as Construction Authorization Boards (CABs), are comprised of the following Administrative Judges:

#### CAB 01

William J. Froehlich, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Thomas S. Moore, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Richard E. Wardwell, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### CAB 02

Michael M. Gibson, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Lawrence G. McDade, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Nicholas G. Trikouros, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### CAB 03

Paul S. Ryerson, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Michael C. Farrar, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Mark O. Barnett, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

The allocation among the CABs of the Petitions to Intervene and/or the proffered contentions, as well as the Requests to Participate, will be announced at a later date. Until further order, all pleadings, correspondence, documents, and other materials shall be filed with all three CABs in accordance with 10 CFR 2.1013(c).

Issued at Rockville, Maryland, this 16th day of January 2009.

#### E. Roy Hawkens,

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. E9-1577 Filed 1-23-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-282-LR and 50-306-LR; ASLBP No. 08-871-01-LR]

### Atomic Safety and Licensing Board; Before Administrative Judges: William J. Froehlich, Chairman, Dr. Gary S. Arnold, Dr. Thomas J. Hiron; In the Matter of: Northern States Power Co. (Formerly Nuclear Management Company, LLC) (Prairie Island Nuclear Generating Plant, Units 1 and 2); Notice of Hearing (Application for 20-Year License Renewal)

January 16, 2009.

This proceeding concerns the application filed April 11, 2008 by Nuclear Management Company, LLC<sup>1</sup> to renew Operating License Nos. DPR-042 and DPR-060 for the Prairie Island Nuclear Generating Plant (PINGP), Units 1 and 2, for an additional 20 years.<sup>2</sup> The PINGP is located near the city of Red Wing, in Goodhue County, Minnesota. The current licenses expire on August 9, 2013 for Unit 1 and on October 29, 2014 for Unit 2.

On June 17, 2008, the Nuclear Regulatory Commission (NRC or Commission) published a notice of opportunity for hearing regarding this license renewal application (Application or LRA).<sup>3</sup> The hearing notice permitted any person whose interest might be affected by the license renewal to file a request for hearing and petition for leave to intervene within 60 days of the hearing notice. On August 18, 2008, PIIC filed a petition to intervene containing eleven proposed contentions and requesting an adjudicatory hearing.<sup>4</sup> The Board heard oral arguments on Petitioner's standing and contentions as well as on a motion to strike on October 29, 2008 in Hastings, Minnesota.<sup>5</sup>

On December 5, 2008, the Licensing Board issued a Memorandum and Order,<sup>6</sup> which granted PIIC party status

<sup>1</sup> Since the Application was filed, the NRC has approved the transfer of operating authority over Prairie Island Nuclear Generating Station, Units 1 and 2, from Nuclear Management Company, LLC (NMC) to Northern States Power Company. Order Approving Transfer of License and Conforming Amendment (Sept. 15, 2008) (ADAMS Accession No. ML082521182).

<sup>2</sup> Application for Renewed Operating Licenses (Apr. 2008) (ADAMS Accession No. ML081130673).

<sup>3</sup> 73 FR 34,335 (June 17, 2008).

<sup>4</sup> Prairie Island Indian Community Notice of Intent to Participate and Petition to Intervene (Aug. 18, 2008).

<sup>5</sup> See Tr. at 1-162.

<sup>6</sup> Northern States Power Co. (Prairie Island Nuclear Generating Plant), LBP-08-26, 68 NRC (Dec. 5, 2008).

and admitted seven contentions. The admitted contentions are as follows:

1. Contention 1—The ER in the LRA does not provide an adequate analysis of historical and archaeological resources that may be affected by the proposed license renewal. The LRA does not include information concerning pitfalls that could adversely affect the plan to avoid damage to Historical and Archaeological Resources.

2. Contention 2—The SAMA analysis in the LRA does not accurately reflect the site restoration costs for the area surrounding the PINGP, including the PIIC and its associated Treasure Island complex. The Site Restoration Study methodology should be used to develop more appropriate input for the analysis.

3. Contention 5—Applicant's environmental report contains a seriously flawed environmental justice analysis that does not adequately assess the impacts of the PINGP on the adjacent minority population.

4. Contention 6—The LRA does not include an adequate plan to monitor and manage the effects of aging for containment coatings, whose integrity is directly related to plant safety and the performance of the emergency core cooling systems.

5. Contention 7—The LRA does not contain an adequate plan to monitor and manage the effects of aging due to embrittlement of the reactor vessel internals.

6. Contention 8—Section B2.1.27 of the LRA does not contain an adequate plan to monitor the effects of primary water stress corrosion cracking of nickel-alloy components.

7. Contention 11—The LRA fails to supply sufficient details of the aging management program for flow accelerated corrosion to demonstrate that its effects will be adequately managed.

The Board also ruled that the procedures of Subpart L shall be used for these admitted contentions.<sup>7</sup> On December 15, 2008, Northern States Power Company (Applicant) filed a motion for reconsideration of LBP-08-26 regarding Contention 5 or in the alternative, for referral to the Commission. The Board denied this motion on January 16, 2009.

In light of the foregoing, please take notice that a hearing will be conducted in this proceeding. The Board may conduct an oral argument,<sup>8</sup> may hold pre-hearing conferences,<sup>9</sup> and may conduct evidentiary hearings.<sup>10</sup> In that

<sup>7</sup> *Id.*, at (slip op. at 61); see also 10 CFR 2.1200-1.213.

<sup>8</sup> 10 CFR 2.331.

<sup>9</sup> *Id.* § 2.329.

<sup>10</sup> *Id.* § 2.1207.