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A person filing electronically using the agency's adjudicatory e-filing system 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 electronic filing Help Desk, which is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays. The toll-free help line number is (866) 672-7640. A person filing electronically may also seek assistance by sending an e-mail to the NRC electronic filing Help Desk at [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov).

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, 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.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a

balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

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, unless an NRC regulation or other law requires submission of such information. 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.

Detailed guidance which the NRC uses to review applications for the renewal of non-power reactor licenses can be found in the document NUREG-1537, entitled "Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors," which can be obtained from the Commission's PDR. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The detailed review guidance (NUREG-1537) may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS Accession No. ML041230055 for part one and ML041230048 for part two. Copies of the application to renew the facility license for the licensee are available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852-2738. The initial application and other related documents may be accessed through the NRC's Public Electronic Reading Room, at the address mentioned above, under ADAMS Accession No. ML080840445 (Redacted Version). Persons who do not have access to ADAMS, or have problems accessing the documents located in ADAMS, may contact the NRC PDR Reference staff at (800) 397-4209, or locally, (301) 415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, Maryland, the 1st day of June, 2009.

For the Nuclear Regulatory Commission.

**Kathryn M. Brock,**

*Chief, Research and Test Reactors Branch  
A, Division of Policy and Rulemaking, Office  
of Nuclear Reactor Regulation.*

[FR Doc. E9-13296 Filed 6-5-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-247 and 50-286; NRC-2008-0455; License Nos. DPR-26 and DPR-64]

### **Entergy Nuclear Operations, Inc.; Entergy Nuclear Indian Point 2, LLC; Entergy Nuclear Indian Point 3, LLC; Notice of Issuance of Director's Decision Under 10 CFR 2.206**

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC or Commission) has issued a Director's Decision with regard to petitions filed by Mr. Sherwood Martinelli, hereinafter referred to as the "Petitioner." The original petition, dated September 28, 2007, was amended by petition dated January 24, 2008. The NRC subsequently combined the above two petitions with a third petition dated March 30, 2008. The petitions were supplemented on December 21, 2007, and August 14, 2008, with transcripts of meetings between the NRC and the Petitioner. The petitions concern the operation of the Indian Point Nuclear Generating Unit Nos. 2 and 3 (Indian Point) owned by Entergy Nuclear Indian Point 2, LLC and Entergy Nuclear Indian Point 3, LLC, respectively, and operated by Entergy Nuclear Operations, Inc. (Entergy).

The petitions requested immediate suspension of the operating licenses for Indian Point Unit Nos. 2 and 3 and the imposition of daily civil penalties until the licensee implements a new emergency siren system with backup electrical power as required by the Energy Policy Act of 2005.

As the basis for the September 28, 2007, request, the Petitioner expressed his belief that the emergency siren system is the first and best chance that citizens will have in protecting themselves and their families in the event of a terrorist attack and/or a significant radiological event at the Indian Point facility. The Petitioner noted that the Energy Policy Act of 2005 required that a backup electrical power supply be provided for the emergency siren system at Indian Point and that the licensee failed to meet successive implementation deadlines imposed by

the NRC for January 30, April 15, and August 24, 2007. The Petitioner requested that (1) the Indian Point facilities be shut down until such time as the new emergency siren system with backup electrical power is fully operational and has met all Federal Emergency Management Agency (FEMA) and NRC requirements and (2) Entergy be fined \$130,000 per day from the date of his petition until Entergy complies with the NRC's Confirmatory Order dated January 31, 2006.

As the basis for the January 24, 2008, request that amended the original petition, the Petitioner cited Entergy's lack of adequate maintenance and aging management procedures leading to the discovery of significant corrosion on components of the new emergency siren system. The Petitioner requested that (1) the Indian Point facilities be shut down, (2) the operating licenses for the Indian Point facilities be suspended until they are in full compliance with their design basis threat, current licensing basis, and all NRC rules and regulations, and (3) Entergy be fined \$500,000 per day until the new siren system has been fully approved by all levels of government.

As the basis for the March 30, 2008, request, the Petitioner citing numerous discharges of radiological and chemical carcinogens, both legal and illegal, over an extended period of time that continue to expose the Petitioner, his family, and pets to contaminants. The Petitioner again requested that the Indian Point facilities be shut down and remain shut down until a large number of actions are completed including implementation of the new emergency siren system that has received all government approvals.

On December 21, 2007, and August 14, 2008, the Petitioner and the licensee met with the staff's Petition Review Board. The meetings gave the Petitioner and the licensee an opportunity to provide additional information and to clarify issues cited in the petition.

The NRC sent a copy of the proposed Director's Decision to the Petitioner and to Entergy for comment on March 23, 2009. The staff did not receive any comments on the proposed Director's Decision.

The Director of the Office of Nuclear Reactor Regulation denied the Petitioner's request to suspend the operating licenses of the Indian Point Nuclear Generating Unit Nos. 2 and 3 and the Petitioner's request to impose daily civil penalties for the untimely implementation of the new siren system. In addition, the Petitioner's request to place Indian Point Unit Nos. 2 and 3 in cold shutdown, and to suspend the licenses of Indian Point

Unit Nos. 2 and 3 until the licensee comes into full compliance with the design basis threat, the current licensing basis and all NRC rules, because of corrosion in siren components, was also denied. The reasons for this decision are explained in the Director's Decision pursuant to Title 10 of Code of Federal Regulations (10 CFR) Section 2.206 [DD-09-01], the complete text of which is available in Agencywide documents Access and Management System (ADAMS) Accession No. ML091210629 for inspection at the Commission's Public Document Room, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the ADAMS Public Library component on the NRC's Web site, <http://www.nrc.gov/reading-rm.html> (the Public Electronic Reading Room).

A copy of the Director's Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206 of the Commission's regulations. As provided for by this regulation, the Director's Decision will constitute the final action of the Commission 25 days after the date of the decision, unless the Commission, on its own motion, institutes a review of the director's decision in that time.

Dated at Rockville, Maryland, this 29th day of May 2009.

For the Nuclear Regulatory Commission.

**Eric J. Leeds,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E9-13297 Filed 6-5-09; 8:45 am]

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## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2008-0497]**

### **NRC Enforcement Policy Revision**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability of revised draft supplements and request for comments.

**SUMMARY:** On September 15, 2008 (73 FR 53286), the Nuclear Regulatory Commission (NRC) published a notice of availability and request for comments on its draft proposed revised Enforcement Policy (Enforcement Policy). A corrected proposed revised Enforcement Policy was published on October 16, 2008 (73 FR 61442). The public comment period for the revised Enforcement Policy ended on November 14, 2008. The NRC is now soliciting

written comments from interested parties including public interest groups, States, members of the public and the regulated industry (*i.e.*, reactor and materials licensees, vendors, and contractors), on additional proposed revisions to Section 6.0, Supplements-Violation Examples, of the proposed revised Enforcement Policy. This Notice of Availability and request for comments apply only to new proposed revisions to Section 6.0 of the proposed revised Enforcement Policy.

**DATES:** Submit comments on or before July 8, 2009. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Comments will be made available to the public in their entirety; personal information, such as your name, address, telephone number, e-mail address, etc. will not be removed from your submission. You may submit comments by any one of the following methods:

*Federal e-Rulemaking Portal:* <http://www.regulations.gov>; search on docket ID: NRC-2008-0497.

*Mail Comments to:* Michael T. Lesar, Chief, Rulemaking and Directives Branch, Mail Stop: TWB-05-B01M, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

You can access publicly available documents related to this notice using the following methods:

*Federal e-Rulemaking Portal:* Documents related to this notice, including public comments, are accessible at <http://www.regulations.gov>, by searching on docket ID: NRC-2008-0497.

*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 Agencywide Document Access and Management System (ADAMS):* The revised draft Supplements of the proposed revised Enforcement Policy are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS Accession Number (ML091520156). From this site, the public can gain entry into ADAMS, which provides text and image files of the NRC's public documents. In addition, revised draft Supplements of the proposed revised Enforcement