

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 submission.

**Indiana Michigan Power Company,
Docket No. 50–316, Donald C. Cook
Nuclear Plant, Unit 2, Berrien County,
Michigan**

Date of amendment request: January 24, 2010.

Description of amendment request: The amendment revised Technical Specification 3.6.9, “Distributed Ignition System (DIS),” to allow Train B of the DIS to be considered operable with two inoperable ignitors. The current technical specifications permit no more than one inoperable ignitor per train for maintaining operability. The proposed technical specification revision is applicable until the fall 2010 refueling outage, or until the unit enters a mode which allows replacement of the affected ignitors without exposing personnel to significant radiation and safety hazards.

Date of issuance: February 4, 2010.

Effective date: As of the date of issuance, to be implemented within 5 days.

Amendment No.: 294.

Facility Operating License No. DPR–74: Amendment revised the Technical Specifications and License.

Public comments requested as to proposed no significant hazards consideration (NSHC): Yes. Public notice of the proposed amendment was published in *The Herald-Palladium* newspaper, located in the City of St. Joseph, Berrien County, Michigan, on January 29 and 30, 2010. The notice provided an opportunity to submit comments on the Commission’s proposed NSHC determination. No comments have been received.

The Commission’s related evaluation of the amendment, finding of exigent circumstances, state consultation, and final NSHC determination are contained in a safety evaluation dated February 4, 2010.

Attorney for licensee: Mr. James M. Petro, Senior Legal Counsel, American Electric Power, One Cook Place, Bridgman, MI 49106.

NRC Branch Chief: Robert J. Pascarella.

Dated at Rockville, Maryland, this 16th day of February 2010.

For the Nuclear Regulatory Commission.

Joseph G. Güitter,

*Director, Division of Operating Reactor
Licensing, Office of Nuclear Reactor
Regulation.*

[FR Doc. 2010–3357 Filed 2–22–10; 8:45 am]

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**NUCLEAR REGULATORY
COMMISSION**

[Docket No. 030–05154; NRC–2010–0056]

**Notice of Consideration of Amendment
Request for Decommissioning of
Analytical Bio-Chemistry Laboratories,
Inc. Sanitary Lagoon, Columbia,
Missouri, 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 April 26, 2010.

FOR FURTHER INFORMATION CONTACT:

Mike McCann, Senior Health Physicist,
Materials Control, ISFSI, and
Decommissioning Branch, Division of
Nuclear Materials and Safety, Region III,
U.S. Nuclear Regulatory Commission,
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number: (630) 515–1259; or by e-mail at
Mike.Mccann@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Material License No. 24–13365–01 issued to Analytical Bio-Chemistry Laboratories, Inc. (the Licensee) pursuant to 10 CFR part 30. By application dated October 19, 2009, the Licensee requested authorization to decommission a sanitary lagoon, drain field and nearby out-door area (the Facility), which is part of the licensee’s 56 acre site located at 7200 East ABC Lane, Columbia, Missouri. The licensee attached to the application for NRC review a decommissioning plan (DP) that describes the decommissioning actions to be employed (ADAMS Accession No. ML100120325).

The licensee’s business activities include the conduct of research, development, and manufacturing of pharmaceuticals and agricultural chemicals. The licensee began

operations at the site in 1968. The licensee was issued Byproduct Material License No. 24–13365–01 in 1972 for possession and use of sealed sources in electron capture detectors in gas chromatography instruments. The licensee’s research and commercial activities involving the use of unsealed radioactive materials increased over time with the addition of other radionuclides. The facility is located at 7200 East ABC Lane in Columbia, Missouri adjacent to Interstate 70 approximately 3 miles northeast of the city of Columbia. The licensee’s site is approximately 56 acres in size and is zoned as planned office, general industrial, and controlled industrial districts in central Boone County, Missouri.

The Facility was approved by the Missouri Department of Natural Resources on June 6, 1986, to serve the licensee’s site facilities’ sanitary needs. The Facility was a single 13,500 square foot (0.31 acre) surface lagoon. The Facility and its associated application area and drain field were constructed on the west side of the site. Through site operations, small amounts of carbon-14 and hydrogen-3 were discharged to the sanitary lagoon. This lagoon served the sanitary needs of the facility until March 2, 2004, when sewer discharge was diverted to the Boone County Regional Sewer District.

An NRC administrative review, documented in a letter to the Licensee dated January 11, 2010, (ML100120321) found the DP acceptable for detailed technical review.

If the NRC approves the DP, the approval will be documented in an amendment to NRC License No. 24–13365–01. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954 (AEA), as amended, and NRC’s regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment and/or an Environmental Impact Statement. If this amendment is approved, the license will be amended to authorize a partial site release that allows unrestricted use of the Facility following completion of decommissioning activities and verification by the NRC that the radiological criteria for unrestricted use of a building or separate area has been met. The licensee will continue licensed operations within other approved locations at the remainder of the site.

II. Opportunity To Request a Hearing

Requirements for hearing requests and petitions for leave to intervene are found in 10 CFR 2.309, “Hearing

requests, Petitions to Intervene, Requirements for Standing, and Contentions." Interested persons should consult 10 CFR part 2, section 2.309, which is available at the NRC's Public Document Room (PDR), located at O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 (or call the PDR at (800) 397-4209 or (301) 415-4737). NRC regulations are also accessible electronically from the NRC's Electronic Reading Room on the NRC Web site at <http://www.nrc.gov>.

III. Petitions for Leave To Intervene

Any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave 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 in the proceeding and how that interest may be affected by the results of the proceeding. The petition must provide the name, address, and telephone number of the petitioner and specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the AEA to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest.

A petition for leave to intervene must also include a specification of the contentions that the petitioner seeks to have litigated in the hearing. For each contention, the petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings the NRC must make to support the granting of a license amendment in response to the application. The petition must also include a concise statement of the alleged facts or expert opinions which support the position of the petitioner and on which the petitioner intends to rely at hearing, together with references to the specific sources and documents on which the petitioner intends to rely. Finally, the petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes

and the supporting reasons for each dispute, or, if the petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's belief. Each contention must be one that, if proven, would entitle the petitioner to relief.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Non-timely petitions for leave to intervene and contentions, amended petitions, and supplemental petitions will not be entertained absent a determination by the Commission, the Licensing Board or a Presiding Officer that the petition should be granted and/or the contentions should be admitted based upon a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii).

A State, county, municipality, Federally-recognized Indian Tribe, or agencies thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(d)(2). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by April 26, 2010. The petition must be filed in accordance with the filing instructions in section IV of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that State and Federally-recognized Indian tribes do not need to address the standing requirements in 10 CFR 2.309(d)(1) if the Facility is located within its boundaries. The entities listed above could also seek to participate in a hearing as a nonparty pursuant to 10 CFR 2.315(c).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding.

A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to such limits and conditions as may be imposed by the Licensing Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by April 26, 2010.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process 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 an exemption 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 participant should contact the Office of the Secretary by e-mail at hearing.docket@nrc.gov, or by telephone at (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 (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

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>. System requirements for accessing the E-Submittal server are detailed in NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may attempt to use other software not listed on the Web site, but should note

that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through EIE, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant 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 documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing 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 E-Filing 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 may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by e-mail at MShD.Resource@nrc.gov, or by a toll-free call at (866) 672-7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern

Time, Monday through Friday, excluding government holidays.

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. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

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, unless excluded pursuant to an order of the Commission, or the 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 submission.

Petitions for leave to intervene must be filed no later than 60 days from February 23, 2010. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii).

Dated at Lisle, IL, this 9th day of February 2010.

For the Nuclear Regulatory Commission,
Christine A. Lipa,
Chief, Materials Control, ISFSI, and Decommissioning Branch, Division of Nuclear Materials Safety, Region III.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-528, STN 50-529, and STN 50-530; NRC-2010-0058]

Arizona Public Service Company, et al. Palo Verde Nuclear Generating Station, Units 1, 2, and 3 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Appendix G, "Fracture Toughness Requirements," for Facility Operating License Nos. NPF-41, NPF-51, and NPF-74, issued to the Arizona Public Service Company (APS, or the licensee), for operation of the Palo Verde Nuclear Generating Station (PVNGS, the facility), Units 1, 2, and 3, respectively, located in Maricopa County, Arizona. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

By letter dated February 19, 2009, as supplemented by letter dated December 22, 2009, the licensee submitted a license amendment request where, among other changes, the licensee requested the use of an alternate methodology for calculating the stress intensity factor K_{IM} due to internal pressure loading. As specified in the NRC safety evaluation approving Combustion Engineering (CE) Topical Report NPSD-683-A, Revision 6, "Development of a RCS [Reactor Coolant System] Pressure and Temperature Limits Report (PTLR) for the removal of P-T [Pressure Temperature] Limits and LTOP [Low-Temperature Overpressure Protection] Requirements from the Technical Specifications," dated March 16, 2001, the licensee's application included a request for an exemption from the requirements of 10 CFR Part 50, Appendix G for pressure temperature (P-T) limits, since the alternate methodology applies the CE Nuclear Steam Supply System method