

cause a statutory or court ordered deadline to be missed.

(b) The agency shall state the time period within which OMB should approve or disapprove the collection of information.

**Statutory Authority:** Title IV, H.R. 1 American Recovery and Reinvestment Act of 2009.

Issued in Washington, DC, on March 23, 2010.

**Patrick Davis,**

*Program Manager, Office of Vehicles Technology, Office of Energy Efficiency and Renewable Energy.*

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**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### U.S. Nuclear Regulatory Commission Technical Evaluation Report for the Phase 1 Decommissioning Plan for the West Valley Demonstration Project, West Valley, NY

**AGENCY:** Department of Energy.

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Department of Energy (DOE) announces the availability of the U.S. Nuclear Regulatory Commission (NRC) Technical Evaluation Report (TER) for the *Phase 1 Decommissioning Plan for the West Valley Demonstration Project, West Valley, NY*. The Phase 1 Decommissioning Plan describes the Phase 1 decommissioning actions for the West Valley Demonstration Project (WVDP) and is consistent with DOE's preferred alternative in the *Final Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center (DOE/EIS-0226)*.

**ADDRESSES:** Copies of the U.S. Nuclear Regulatory Commission Technical Evaluation Report for the Phase 1 Decommissioning Plan for the West Valley Demonstration Project are available for public inspection at the following locations:

U.S. Department of Energy, FOIA Reading Room, Room 1G-033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0001, (202) 586-5955.

Concord Public Library, DOE-WVDP Public Reading Room, 18 Chapel Street, Springville, NY 14141, 716-592-7742.

Ashford Office Complex Public Reading Room, 9030 Route 219, West Valley, NY 14171-0191, (716) 942-4679.

U.S. Department of Energy West Valley Demonstration Project Web site: <http://www.wv.doe.gov>.

U.S. Nuclear Regulatory Commission Electronic Reading Room Web site: <http://www.nrc.gov/reading-rm/adams.html>.

#### FOR FURTHER INFORMATION CONTACT:

Ms. Moira N. Maloney, Decommissioning Plan Project Manager, West Valley Demonstration Project, U.S. Department of Energy, 10282 Rock Springs Road, West Valley, New York 14171-0191 or via electronic mail at [Moira.N.Maloney@wv.doe.gov](mailto:Moira.N.Maloney@wv.doe.gov).

Mr. Bryan C. Bower, Director, West Valley Demonstration Project, U.S. Department of Energy, 10282 Rock Springs Road, West Valley, New York 14171-0191, or via electronic mail at [Bryan.Bower@wv.doe.gov](mailto:Bryan.Bower@wv.doe.gov).

#### SUPPLEMENTARY INFORMATION:

The West Valley Demonstration Project Act (the Act), Public Law 96-368 of October 1, 1980, directed DOE to carry out a high-level radioactive waste management demonstration project at the Western New York Nuclear Service Center in West Valley, New York. The purpose of the project was to demonstrate the solidification of high-level radioactive waste for disposal in a Federal repository for permanent disposal. The Act also requires the Department to decontaminate and decommission the underground waste storage tanks and other facilities where the solidified high-level radioactive waste was stored, the facilities used in the solidification of the waste, and any material and hardware used in connection with the project in accordance with such requirements as the NRC may prescribe.

In accordance with the Act, DOE entered into an agreement with the NRC to establish arrangement for review and consultation by the NRC for the Project. The procedures for NRC review and consultation were established in the September 23, 1981, Memorandum of Understanding between DOE and NRC and section 2(c)(1) of the Act. The Act and Memorandum of Understanding require the DOE to submit to the NRC, for its review and comment, a Project Decommissioning Plan for the facilities that were used in solidifying the waste, which includes a description of engineering and operating activities to be performed. The plan was reviewed by the NRC and comments provided to DOE. DOE will review and consider the comments provided prior to the initiation of decontamination and decommissioning operations.

The decommissioning activities described in the Phase 1

Decommissioning Plan for the WVDP are consistent with the Phased Decisionmaking Alternative, the preferred alternative for project closure described in the *Final Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center (DOE/EIS-0226)*. Under the Phased Decisionmaking Alternative, the decommissioning of the Project and Western New York Nuclear Service Center (WNYNSC) would be completed in two phases. Phase 1 decommissioning activities within the project premises, which are described in the Phase 1 Decommissioning Plan, are near-term removal actions that include removal of the Main Plant Process Building, Vitrification Facility, source area of the North Plateau Groundwater Plume, wastewater treatment facility lagoons, and certain ancillary buildings, foundations, slabs, and pads on the WVDP project premises. The Phase 2 decisions on the decommissioning of the remainder of the Project and WNYNSC, or its long-term management, would be made in the future and are not part of the Phase 1 Decommissioning Plan.

The TER for the Phase 1 Decommissioning Plan presents NRC's technical evaluation and view of the Phase 1 decommissioning approach for the WVDP and is based on its technical review of both the Phase 1 Decommissioning Plan and DOE responses to NRC. As prescribed in section 2(c)(1) of the West Valley Demonstration Project Act, Public Law 96-368 of October 1, 1980, and the September 23, 1981, Memorandum of Understanding between DOE and NRC, the NRC review of the DOE's Phase 1 Decommissioning Plan is an informal process, as the NRC does not have a licensing role with regard to DOE's involvement at WVDP and may not require formal procedures or actions.

DOE submitted Revision 0 of the Phase 1 Decommissioning Plan to NRC for technical review on December 3, 2008, and submitted Revision 1, which incorporated additional information, on March 16, 2009. NRC notified DOE on March 20, 2009, that it had finished its completeness review of the Phase 1 Decommissioning Plan and that it was suitable for NRC technical review. After its technical review, NRC submitted a total of 44 requests for additional information (RAI) for the Phase 1 Decommissioning Plan to the DOE on May 15, 2009. DOE responded to the NRC RAI in three separate submittals on August 13, 2009, September 16, 2009, and November 5, 2009. Revision 2 of the

Phase 1 Decommissioning Plan, which incorporated the changes resulting from the responses to the NRC RAIs was submitted to the NRC on December 18, 2009.

The Department will consider NRC views on the Decommissioning Plan expressed in the TER prior to the initiation of decontamination and decommissioning operations.

As indicated by NRC, "Should the EIS process result in the selection of a different preferred alternative from that considered in the Phase 1 DP, the DP would need to be revised and resubmitted for review."

Signed in Washington, DC on March 23, 2010.

**Frank Marcinowski,**

*Acting Chief Technical Officer for Environmental Management.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. IC10-538-001, IC10-539-001, IC10-577-001, IC10-606-001, and IC10-607-001]

#### Commission Information Collection Activities (FERC-538, FERC-539, FERC-577, FERC-606, and FERC-607); Comment Request; Submitted for OMB Review

March 22, 2010.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirements of section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, the Federal Energy Regulatory Commission (Commission or FERC) has submitted the information collections described below to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission issued a Notice in the **Federal Register** (75 FR 2124, 1/14/2010) requesting public comments. FERC received no comments and has made this notation in its submission to OMB.

**DATES:** Comments on the collections of information are due by April 28, 2010.

**ADDRESSES:** Address comments on the collections of information to the Office of Management and Budget, Office of

Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission Desk Officer. Comments to OMB should be filed electronically, *c/o oira\_submission@omb.eop.gov* and include the appropriate OMB Control Number(s) and collection number(s) as a point of reference. The Desk Officer may be reached by telephone at 202-395-4638.

A copy of the comments should also be sent to the Federal Energy Regulatory Commission and should refer to Docket Nos. IC10-538-001, IC10-539-001, IC10-577-001, IC10-606-001, and IC10-607-001. (For comments that only pertain to some of the collections, specify the appropriate collection(s) and related docket number(s).) Comments may be filed either electronically or in paper format. Those persons filing electronically do not need to make a paper filing. Documents filed electronically via the Internet must be prepared in an acceptable filing format and in compliance with the Federal Energy Regulatory Commission submission guidelines. Complete filing instructions and acceptable filing formats are available at <http://www.ferc.gov/help/submission-guide/electronic-media.asp>. To file the document electronically, access the Commission's Web site and click on Documents & Filing, E-Filing (<http://www.ferc.gov/docs-filing/efiling.asp>), and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments.

For paper filings, the comments should be submitted to the Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426, and should refer to Docket Nos. IC10-538-001, IC10-539-001, IC10-577-001, IC10-606-001, and IC10-607-001 (or the appropriate docket number(s), if the comments only pertain to some of the collections).

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the "eLibrary" link. For user assistance, contact [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or call toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659.

#### FOR FURTHER INFORMATION CONTACT:

Ellen Brown may be reached by telephone at (202) 502-8663, by fax at (202) 273-0873, and by e-mail at [DataClearance@FERC.gov](mailto:DataClearance@FERC.gov).

**SUPPLEMENTARY INFORMATION:** For the purpose of publishing this notice and seeking public comment, FERC requests

comments on the following information collections:

- FERC-538, Gas Pipeline Certificate: Section 7(a) Mandatory Initial Service, contained in 18 CFR part 156; OMB Control No. 1902-0061;

- FERC-539, Gas Pipeline Certificates: Import/Export Related, contained in 18 CFR parts 153 and 157; OMB Control No. 1902-0062;

- FERC-577, Gas Pipeline Certificates: Environmental Impact Statement, identifies FERC's information collections relating to 18 CFR part 380 implementing NEPA and includes the environmental compliance conditions of 18 CFR 157.206(b); OMB Control No. 1902-0128;

- FERC-606, Notification of Request for Federal Authorization and Requests for Further Information, contained in 18 CFR part 385; OMB Control No. 1902-0241; and

- FERC-607, Report on Decision or Action on Request for Federal Authorization, contained in 18 CFR part 385; OMB Control No. 1902-0240.

The associated regulations, information collections, burdens, and OMB clearance numbers will continue to remain separate and distinct.

**FERC-538.** Under the Natural Gas Act (NGA) (Pub. L. 75-688) (15 U.S.C. 717-717w), upon application by a local distribution company or municipality, a natural gas pipeline company may be ordered by the Commission to extend or improve transportation facilities, to establish physical connections to serve, and to sell natural gas to the applicant. Filings pursuant to the provisions of section 7(a) of the NGA are to contain all information necessary to advise the Commission fully concerning the service which the applicant has requested the Commission to direct the natural gas pipeline company to render (such as a request to direct a natural gas company to extend or improve its transportation facilities, and to sell natural gas to the municipality or person and, for such purpose, to extend its transportation facilities to communities immediately adjacent to such facilities or to territories served by the natural gas pipeline company).

**FERC-539.** Section 3 of the Natural Gas Act (NGA) (Pub. L. 75-688) (15 U.S.C. 717-717w) provides, in part, that "\* \* \* no person shall export any natural gas from the United States to a foreign country or import any natural gas from a foreign country without first having secured an order from the Commission authorizing it to do so." The 1992 amendments to section 3 of the NGA concern importation or exportation from/to a nation which has a free trade agreement with the United