

not have a significant effect on the quality of the human environment.

#### *Environmental Impacts of the Alternatives to the Proposed Action*

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. This no-action alternative is not feasible because it conflicts with the requirement in 10 CFR 40.42(d), that decommissioning of source material facilities be completed and approved by the NRC after licensed activities cease. The NRC's analysis of the Licensee's final status survey data confirmed that the Facility meets the requirements of 10 CFR 20.1402 for unrestricted release. Additionally, denying the amendment request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are therefore similar, and the no-action alternative is accordingly not further considered.

#### *Conclusion*

The NRC staff has concluded that the proposed action is consistent with the NRC's unrestricted release criteria specified in 10 CFR 20.1402. Because the proposed action will not significantly impact the quality of the human environment, the NRC staff concludes that the proposed action is the preferred alternative.

#### *Agencies and Persons Consulted*

NRC provided a draft of this EA to the Indiana State Department of Health, Indoor Air & Radiological Health Division for review on October 21, 2009. On November 2, 2009, the Indiana State Department of Health, Indoor Air & Radiological Health Division responded by electronic mail. The State agreed with the conclusions of the EA, and otherwise had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

### **III. Finding of No Significant Impact**

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

### **IV. Further Information**

Documents related to this action, including the application for license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The documents related to this action are listed below, along with their ADAMS accession numbers, where available.

1. Letter dated February 3, 2006 (ML060580094) with attachments "Historical Site Assessment \* \* \*," August 2005 (ML060580605); "Radiological Scoping Survey \* \* \*," December 2005 (ML060580608); "Preliminary Site-Specific Derived Concentration Guideline Levels \* \* \*," January 2006 (ML060580629); and "Environmental Assessment, Disposition of Thorium Nitrate" October 2003 (ML060580592);
2. Letters dated July 5, 2006 (ML061870578), July 19, 2006 (ML062070231), September 19, 2006 (ML062710160) and September 29, 2006 (ML062760618);
3. Letter dated September 29, 2006, with the Decommissioning Plan dated September 2006 (ML062710179);
4. Letter dated January 12, 2007 (ML070160372);
5. Letter dated July 19, 2007 with the Final Status Survey Plan dated July 2007 (ML072010230);
6. Test America Lab Sample Survey Results received January 24, 2008 (ML080240408);
7. Letter dated April 21, 2008 [ML081200814] with the Final Status Survey Report dated April 2008 (ML081210688);
8. NUREG-1757, "Consolidated NMSS Decommissioning Guidance";
9. Title 10, Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination";
10. Title 10, Code of Federal Regulations, Part 51, "Environmental

Protection Regulations for Domestic Licensing and Related Regulatory Functions"; and

11. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities."

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Region I, 475 Allendale Road, King of Prussia, this 30th day of November 2009.

For the Nuclear Regulatory Commission.

**James Dwyer,**

*Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I.*

[FR Doc. E9-29197 Filed 12-7-09; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Sunshine Act; Meeting Notice**

**AGENCY HOLDING THE MEETINGS:** Nuclear Regulatory Commission.

**DATES:** Weeks of December 7, 14, 21, 28, 2009, January 4, 11, 2010.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and closed.

#### **Week of December 7, 2009**

*Tuesday, December 8, 2009*

9:30 a.m. Briefing on the Proposed Rule: Enhancements to Emergency Preparedness Regulations (Public Meeting) (Contact: Lauren Quiñones, 301-415-2007)

This meeting will be webcast live at the Web address—<http://www.nrc.gov>

#### **Week of December 14, 2009—Tentative**

There are no meetings scheduled for the week of December 14, 2009.

#### **Week of December 21, 2009—Tentative**

There are no meetings scheduled for the week of December 21, 2009.

#### **Week of December 28, 2009—Tentative**

There are no meetings scheduled for the week of December 28, 2009.

**Week of January 4, 2010—Tentative**

There are no meetings scheduled for the week of January 4, 2010.

**Week of January 11, 2010—Tentative**

*Tuesday, January 12, 2010*

9:30 a.m. Briefing on Office of Nuclear Security and Incident Response—Programs, Performance, and Future Plans (Public Meeting) (Contact: John Biddison, 301-415-6795)

This meeting will be webcast live at the Web address—<http://www.nrc.gov>.

1:30 p.m. Briefing on Threat Environment Assessment (Closed—Ex. 1)

\* \* \* \* \*

\*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415-1292. Contact person for more information: Rochelle Baval, (301) 415-1651.

\* \* \* \* \*

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

\* \* \* \* \*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301-492-2279, TDD: 301-415-2100, or by e-mail at [rohn.brown@nrc.gov](mailto:rohn.brown@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

\* \* \* \* \*

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969), or send an e-mail to [darlene.wright@nrc.gov](mailto:darlene.wright@nrc.gov).

Dated: December 3, 2009.

**Rochelle C. Baval,**

*Office of the Secretary.*

[FR Doc. E9-29311 Filed 12-4-09; 11:15 am]

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**NUCLEAR REGULATORY COMMISSION**

[Docket No. 70-36; NRC-2009-0524]

**Notice of License Amendment Request of Westinghouse Electric Company, LLC for Approval of Hematite Decommissioning Plan, Festus, Missouri and Opportunity To Request a Hearing**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of license amendment request and opportunity to request a hearing.

**DATES:** A request for a hearing must be filed by February 8, 2010.

**FOR FURTHER INFORMATION CONTACT:** John J. Hayes, Project Manager, Materials Decommissioning Branch, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission (NRC), Two White Flint North, Mail Stop T8 F5, 11545 Rockville Pike, Rockville, Maryland 20852-2738 Telephone: (301) 415-5928; fax number: (301) 415-5928; e-mail: [john.hayes@nrc.gov](mailto:john.hayes@nrc.gov).

**SUPPLEMENTARY INFORMATION:****I. Introduction**

By application dated August 12, 2009, Westinghouse Electric Company, LLC (WEC or the licensee) submitted the Decommissioning Plan (DP) for its Hematite facility in Missouri to the U.S. Nuclear Regulatory Commission for approval. The DP and supporting documents for the Hematite Decommissioning Project (HDP) are located in ADAMS (ML092330136). WEC previously submitted a Decommissioning Funding Plan (ML091950063) on July 10, 2009, and a Physical Security Plan (PSP) and Contingency Procedures and the Fundamental Nuclear Material Control Program on August 5, 2009. All three documents will be evaluated as part of the NRC staff's detailed technical review of the DP. Public access to these documents is limited. The Fundamental Decommissioning Funding Plan and the Nuclear Material Control Program contain financial or commercial information which may be withheld from disclosure in accordance with 10 CFR 2.390(d). The PSP contains Safeguards Information (SGI).

The NRC performed an acceptance review of the DP and found it acceptable for the staff to begin its detailed technical review, as documented in a letter to WEC dated November 2, 2009

(ML093000418). If the NRC approves WEC's DP, the approval will be documented in an amendment to NRC License No. SNM-0033. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and the National Environmental Policy Act. These findings will be documented, respectively, in a Safety Evaluation Report (SER), and in a separate environmental analysis performed by the NRC.

**III. Opportunity To Request a Hearing**

By February 8, 2010, any person(s) seeking an NRC adjudicatory hearing whose interest may be affected by the proposed action must 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, and state the following: (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 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 all documents of which the petitioner is aware and on which the petitioner intends to rely in support of those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with WEC on a material issue of law or fact. 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/