

that are classified. The Commission notes that, since the entire application becomes part of the record of the proceeding, the NRC staff has found it impracticable for it to avoid the introduction of Restricted Data or National Security Information into the proceeding.

*It is so ordered.*

Dated at Rockville, Maryland, this 30th day of January, 2004.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-03754]

### Notice of Consideration of Amendment Request for Decommissioning the ABB Prospects, Inc. Site in Windsor, Connecticut and Opportunity for a Hearing

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of consideration of amendment request for decommissioning and opportunity to request a hearing.

#### FOR FURTHER INFORMATION CONTACT:

Randolph C. Ragland, Jr., Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406; telephone (610) 337-5083; by facsimile transmission to (610) 337-5269; or by e-mail to [rcr1@nrc.gov](mailto:rcr1@nrc.gov).

**DATES:** The agency must receive requests for a hearing on or before March 8, 2004.

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to Materials License No. 06-00217-06, to authorize the decommissioning of the ABB Prospects, Inc. site in Windsor, Connecticut, for unrestricted use. The current license expires April 30, 2011.

By letter dated October 15, 2003, ABB Prospects, Inc. submitted an application for a license amendment, specifically the CE Windsor Site Decommissioning Plan (DP), which included a report entitled, "Derivation of the Site-Specific Soil DCGLs." The licensee has been performing limited decommissioning of Building Complexes 2, 5, and 17 at the CE Windsor site in accordance with the

conditions described in License No. 06-00217-06. Although certain buildings and areas on the site are being addressed by the U.S. Army Corps of Engineers (USACE) under the Formerly Utilized Sites Remedial Action Program (FUSRAP), the proposed DP is intended to provide the decommissioning information necessary for site-wide license termination and unrestricted release.

The NRC staff has completed its initial expanded acceptance review and has determined that the licensee's submission is sufficiently complete for the NRC staff to initiate a detailed technical review of the DP.

If the NRC approves the DP, the approval will be documented in an amendment to License No. 06-00217-06. However, before approving the DP, the NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment.

#### II. Opportunity for a Hearing

The NRC hereby provides notice that this is a proceeding on an application for amendment of a license falling within the scope of Subpart L "Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings," of NRC's rules and practice for domestic licensing proceedings in 10 CFR part 2. Any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with 10 CFR 2.1205(e). A request for hearing must be filed within thirty (30) days of the date of publication of this **Federal Register** Notice.

The request for the hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Rulemaking and Adjudications Staff of the Office of the Secretary of the Commission at One White Flint North, 11555 Rockville Pike, MD 20852-2738, between the hours of 7:45 a.m. and 4:15 p.m., Federal workdays; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Attention: Rulemaking and Adjudications Staff. Because of continuing disruptions in the delivery of mail to United States Government Offices, hearing requests should also be transmitted to the Secretary of the Commission either by means of facsimile transmission to (301)415-1101, or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov).

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, ABB Prospects, Inc., CEP 880-1403, 2000 Day Hill Road, Windsor, CT 06095-0500, Attention: John Conant; and

(2) The NRC staff, by delivery to the Office of the General Counsel, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, between the hours of 7:45 a.m. and 4:15 p.m., Federal workdays, or by mail, addressed to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Because of continuing disruptions in the delivery of mail to United States Government Offices, hearing requests should also be transmitted to the Office of General Counsel, either by means of facsimile transmission to (301) 415-3725, or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov).

In addition to meeting other applicable requirements of 10 CFR part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

- (1) The interest of the requestor;
- (2) How the interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in 10 CFR 2.1205(h);
- (3) The requestor's areas of concern about the licensing activity that is subject matter of the proceedings; and
- (4) The circumstances establishing that the request for a hearing is timely in accordance with 10 CFR 2.1205(d).

#### III. Further Information

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," details with respect to this action, including the application for amendment, the proposed DP, and supporting documentation, are available for inspection at NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html> (Accession Number ML040300149). These documents are also available for inspection and copying for a fee at the Region I Office, 475 Allendale Road, King of Prussia, Pennsylvania, 19406. Persons who do not have access to ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or (301) 415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at King of Prussia, Pennsylvania, this 30th day of January, 2004.

For the Nuclear Regulatory Commission.  
**Ronald R. Bellamy,**  
*Chief, Decommissioning & Laboratory*  
*Branch, Division of Nuclear Materials Safety,*  
*RI.*  
 [FR Doc. 04-2619 Filed 2-5-04; 8:45 am]  
 BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-315 and 50-316]

### Indiana Michigan Power Company, Donald C. Cook Nuclear Plant; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process

Indiana Michigan Power Company (I&M) has submitted an application for renewal of Facility Operating Licenses, DPR-58 and DPR-74 for an additional 20 years of operation at the Donald C. Cook Nuclear Plant (Cook), Units 1 and 2 (CNP). CNP is located in Berrien County, Michigan, about 55 miles east of Chicago, Illinois. The operating licenses for Cook Nuclear Plant, Units 1 and 2, expire on October 25, 2014, and December 23, 2017, respectively. The application for renewal was received on November 3, 2003, pursuant to 10 CFR part 54. A notice of receipt and availability of the application, which included the environmental report (ER), was published in the **Federal Register** on November 10, 2003 (68 FR 63824). A notice of acceptance for docketing of the application for renewal of the facility operating license was published in the **Federal Register** on December 10, 2003 (68 FR 68956). The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement (EIS) in support of the review of the license renewal application and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29. In addition, as outlined in 36 CFR 800.8, "Coordination with the National Environmental Policy Act," the NRC plans to coordinate compliance with section 106 of the National Historic Preservation Act in meeting the requirements of the National Environmental Policy Act of 1969 (NEPA).

In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, I&M submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR part 51 and is available for public inspection at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, or from the

Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at <http://www.nrc.gov/reading-rm/adams.html>, which provides access through the NRC's Electronic Reading Room link. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1-800-397-4209, or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). The application may also be viewed on the Internet at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications/cook.html>. In addition, the Bridgman Public Library, 4460 Lake Street, Bridgman, Michigan and the Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan have agreed to make the ER available for public inspection.

This notice advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the Commission's "Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants," (NUREG-1437) in support of the review of the application for renewal of the CNP operating licenses for an additional 20 years. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. The NRC is required by 10 CFR 51.95 to prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with the National Environmental Policy Act of 1969 (NEPA) and the NRC's regulations found in 10 CFR part 51.

The NRC will first conduct a scoping process for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in the scoping process by members of the public and local, State, tribal, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

- Define the proposed action which is to be the subject of the supplement to the GEIS.
- Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth.
- Identify and eliminate from detailed study those issues that are peripheral or that are not significant.
- Identify any environmental assessments and other EISs that are being or will be prepared that are

related to, but are not part of the scope of the supplement to the GEIS being considered.

e. Identify other environmental review and consultation requirements related to the proposed action.

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule.

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies.

h. Describe how the supplement to the GEIS will be prepared, and include any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

- The applicant, Indiana Michigan Power Company.
- Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards.
- Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards.
- Any affected Indian tribe.
- Any person who requests or has requested an opportunity to participate in the scoping process.
- 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 CNP license renewal supplement to the GEIS. The scoping meetings will be held at the Lake Charter Township Hall, 3220 Shawnee Road, Bridgman, Michigan, on Monday, March 8, 2004. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session 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,