

## PMFermiCOLPEm Resource

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**From:** Lemont, Stephen  
**Sent:** Wednesday, December 10, 2008 11:35 AM  
**To:** Randall D Westmoreland; Peter W Smith; Molly Luempert-Coy  
**Subject:** FW: Fermi 3 EIS NOI - 73 FR 75144 121008.pdf  
**Attachments:** Fermi 3 EIS NOI - 73 FR 75144 121008.pdf

See attached Fermi 3 Federal Register (FR) Notice Of Intent (NOI) to Prepare an Environmental Impact Statement and Conduct Scoping Process, published in 73 FR 75144, December 10, 2008.

*Stephen Lemont, Ph.D.*

Environmental Project Manager  
United States Nuclear Regulatory Commission  
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**Hearing Identifier:** Fermi\_COL\_Public  
**Email Number:** 640

**Mail Envelope Properties** (Stephen.Lemont@nrc.gov20081210113500)

**Subject:** FW: Fermi 3 EIS NOI - 73 FR 75144 121008.pdf  
**Sent Date:** 12/10/2008 11:35:09 AM  
**Received Date:** 12/10/2008 11:35:00 AM  
**From:** Lemont, Stephen

**Created By:** Stephen.Lemont@nrc.gov

**Recipients:**

"Randall D Westmoreland" <westmorelandr@dteenergy.com>  
Tracking Status: None  
"Peter W Smith" <smithpw@dteenergy.com>  
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Tracking Status: None

**Post Office:**

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	477	12/10/2008 11:35:00 AM
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**Options**

**Priority:** Standard  
**Return Notification:** No  
**Reply Requested:** No  
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**Expiration Date:**  
**Recipients Received:**

F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and will be accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site <http://www.nrc.gov/reading-rm/adams.html>. The application is also available at <http://www.nrc.gov/reactors/new-reactors/col/comanche-peak.html>. Persons who do not have access to ADAMS or who encounter problems in accessing documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or via e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland this 2nd day of December 2008.

For the Nuclear Regulatory Commission,

**Stephen Raul Monarque,**

*Project Manager, US-APWR Projects Branch, Division of New Reactor Licensing, Office of New Reactors.*

[FR Doc. E8-29184 Filed 12-9-08; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. NRC-2008-0621]

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

**SUMMARY:** The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 30—Rules of General Applicability to Domestic Licensing of Byproduct Material.

2. *Current OMB approval number:* 3150-0017.

3. *How often the collection is required:* Required reports are collected and evaluated on a continuing basis as events occur. There is a one-time submittal of information to receive a license. Renewal applications are submitted every 10 years. Information

submitted in previous applications may be referenced without being resubmitted. In addition, recordkeeping must be performed on an on-going basis.

4. *Who is required or asked to report:* All persons applying for or holding a license to manufacture, produce, transfer, receive, acquire, own, possess, or use radioactive byproduct material.

5. *The number of annual respondents:* 20,669 (3,869 NRC licensees and 16,800 Agreement State licensees).

6. *The number of hours needed annually to complete the requirement or request:* 283,891 (NRC licensees 52,450 hours [22,833 reporting + 29,617 recordkeeping] and Agreement State licensees 231,441 hours [100,081 reporting + 131,360 recordkeeping]).

7. *Abstract:* 10 CFR Part 30 establishes requirements that are applicable to all persons in the United States governing domestic licensing of radioactive byproduct material. The application, reporting and recordkeeping requirements are necessary to permit the NRC to make a determination whether the possession, use, and transfer of byproduct material is in conformance with the Commission's regulations for protection of the public health and safety.

Submit, by February 9, 2009, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference

Docket No. NRC-2008-0621. You may submit your comments by any of the following methods. Electronic comments: Go to <http://www.regulations.gov> and search for Docket No. NRC-2008-0621. Mail comments to NRC Clearance Officer, Gregory Trussell (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Questions about the information collection requirements may be directed to the NRC Clearance Officer, Gregory Trussell (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by telephone at 301-415-6445, or by e-mail to [INFOCOLLECTS.Resource@NRC.GOV](mailto:INFOCOLLECTS.Resource@NRC.GOV).

Dated at Rockville, Maryland, this 3rd day of December 2008.

For the Nuclear Regulatory Commission,

**Gregory Trussell,**

*NRC Clearance Officer, Office of Information Services.*

[FR Doc. E8-29186 Filed 12-9-08; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 52-033]

### Detroit Edison Company Fermi Nuclear Power Plant, Unit 3 Combined License Application Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process

Detroit Edison Company (Detroit Edison) has submitted an application for a combined license (COL) to build the Fermi Nuclear Power Plant, Unit #3 (Fermi 3) at its Enrico Fermi Atomic Power Plant (Fermi) site, located on approximately 1,260 acres in Monroe County, Michigan, on Lake Erie, approximately 25 miles northeast of Toledo, Ohio and 30 miles southwest of Detroit, Michigan. Detroit Edison submitted the application for the COL to the U.S. Nuclear Regulatory Commission (NRC) by letter dated September 18, 2008, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52. A notice of receipt and availability of the application, which included an environmental report (ER), was published in the **Federal Register** on Friday, October 17, 2008 (73 FR 61916). A notice of acceptance for docketing of the application for the COL was published in the **Federal Register** on December 2, 2008, 73 FR 73350. The purposes of this notice are (1) to inform the public that the NRC will be preparing an environmental impact statement (EIS) in support of the review of the COL application, and (2) to

provide the public with an opportunity to participate in the environmental scoping process, as described in 10 CFR 51.29.

In addition, as outlined in 36 CFR 800.8(c), "Coordination with the National Environmental Policy Act," the NRC staff plans to coordinate compliance with Section 106 of the National Historic Preservation Act (NHPA) with steps taken to meet the requirements of the National Environmental Policy Act of 1969, as amended (NEPA). Pursuant to 36 CFR 800.8(c), the NRC staff intends to use the process and documentation for the preparation of the EIS on the proposed action to comply with Section 106 of the NHPA in lieu of the procedures set forth on 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.45 and 51.50, Detroit Edison submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR parts 51 and 52 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. The accession number in ADAMS for the ER included in the application is ML082730660. 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 1-800-397-4209/301-415-4737 or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The application may also be viewed on the Internet at <http://www.nrc.gov/reactors/new-reactors/col/fermi.html>. In addition, the Ellis Reference & Information Center, Monroe County Libraries, located at 3700 South Custer Road, Monroe, Michigan 48161-9716 has agreed to make the ER available for public inspection.

The following key reference documents related to the application and the NRC staff's review processes are available through the NRC's Web site at <http://www.nrc.gov>:

- 10 CFR part 51, Environmental Protection Regulations for Domestic Licensing and Related Regulatory Function;
- 10 CFR part 52, Licenses, Certifications, and Approvals for Nuclear Power Plants;
- 10 CFR part 100, Reactor Site Criteria;

- NUREG-1555, Standard Review Plans for Environmental Reviews for Nuclear Power Plants;
- NUREG/BR-0298, Brochure on Nuclear Power Plant Licensing Process;
- Regulatory Guide 4.2, Preparation of Environmental Reports for Nuclear Power Stations;
- Regulatory Guide 4.7, General Site Suitability Criteria for Nuclear Power Stations;
- Fact Sheet on Nuclear Power Plant Licensing Process;
- Regulatory Guide 1.206, Combined License Applications for Nuclear Power Plants; and
- Nuclear Regulatory Commission Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions.

The regulations, NUREG-series documents, regulatory guides, and fact sheet can be found under Document Collections in the Electronic Reading Room on the NRC webpage. The environmental justice policy statement can be found in the **Federal Register**, 69 FR 52040, August 24, 2004.

This notice advises the public that the NRC intends to gather the information necessary to prepare an EIS as part of the review of the application for a COL at the Fermi 3 site. Possible alternatives to the proposed action (issuance of the COL for Fermi 3) include no action, reasonable alternative energy sources, and alternate sites. As set forth in 10 CFR 51.20(b)(2), issuance of a full power license to operate a nuclear power reactor is an action that requires an EIS. This notice is being published in accordance with NEPA and the NRC's regulations in 10 CFR part 51.

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

- a. Define the proposed action that is to be the subject of the EIS;
- b. Determine the scope of the EIS and identify the significant issues to be analyzed in depth;
- c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant;
- d. 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 EIS being considered;
- e. Identify other environmental review and consultation requirements related to the proposed action;

f. Identify parties consulting with the NRC under the NHPA, as set forth in 36 CFR 800.8(c)(1)(i);

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

h. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the EIS to the NRC and any cooperating agencies; and

i. Describe how the EIS will be prepared, including any contractor assistance to be used.

The NRC invites the following entities to participate in the scoping process:

- a. The applicant, Detroit Edison;
- b. 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;
- c. Any affected Indian tribe;
- d. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards;
- e. Any person who requests or has requested an opportunity to participate in the scoping process; and
- f. Any person who intends to petition for leave to intervene in the proceeding, or who has submitted such a petition, or who is admitted as a party.

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 will hold two identical public scoping meetings for the EIS regarding the Fermi 3 COL application. The scoping meetings will be held at the Monroe County Community College's La-Z-Boy Center Meyer Theater, located at 1555 South Raisinville Road, Monroe, Michigan 48161, on Wednesday, January 14, 2009. The first meeting will convene at 1 p.m. and will continue until approximately 4 p.m. The second meeting will convene at 7 p.m., with a repetition of the overview portions of the first meeting, and will continue until approximately 10 p.m. Additionally, the NRC staff will host informal discussions during an open house for one hour prior to the start of each public meeting. In the event that the La-Z-Boy Center Meyer Theater is closed due to weather conditions on January 14, 2009, the open houses and scoping meetings would be held on Thursday, January 15, 2009, during the same hours as listed above. The meetings will be transcribed and will

include the following: (1) An overview by the NRC staff of the NEPA environmental review process, the proposed scope of the EIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the EIS. No formal comments on the proposed scope of the EIS will be accepted during the open house informal discussions. To be considered, comments must be provided either at the transcribed public meeting or in writing, as discussed below.

Persons may register to attend or present oral comments at the meeting on the scope of the NEPA review by contacting Mr. Stephen Lemont or Ms. Michelle Moser by telephone at 1-800-368-5642, extension 5163 or 6509, or by e-mail to the NRC at [Fermi3.COLEIS@nrc.gov](mailto:Fermi3.COLEIS@nrc.gov) no later than 5 p.m. EST on January 6, 2009. Members of the public may also register to speak at the meeting prior to the start of the session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the EIS. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Stephen Lemont's attention no later than 5 p.m. EST on December 30, 2008, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the scope of the Fermi 3 COL EIS to the Chief, Rulemaking, Directives, and Editing Branch, Division of Administrative Services, Office of Administration, Mailstop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. To ensure that comments will be considered in the scoping process, written comments must be postmarked or delivered by February 9, 2009. Electronic comments may be sent by e-mail to the NRC at [Fermi3.COLEIS@nrc.gov](mailto:Fermi3.COLEIS@nrc.gov). Electronic submissions must be sent no later than February 9, 2009, to ensure that they will be considered in the scoping process. Comments will be made available electronically and will be accessible through the NRC's Electronic Reading Room link <http://www.nrc.gov/reading-rm/adams.html>. The NRC staff may, at its discretion, consider

comments submitted after the end of the comment period.

Participation in the scoping process for the EIS does not entitle participants to become parties to the proceeding to which the EIS relates. A Notice of a hearing and opportunity to petition for leave to intervene in the proceeding on the application for a COL will be published in a future **Federal Register** notice.

At the conclusion of the scoping process, the NRC staff will prepare a concise summary of the determination and conclusions reached on the scope of the environmental review, including the significant issues identified, and will send this summary to each participant in the scoping process for whom the staff has an address. The staff will then prepare and issue for comment the draft EIS, which will be the subject of a separate **Federal Register** notice and a separate public meeting. Copies of the draft EIS will be available for public inspection at the PDR through the above-mentioned address and one copy per request will be provided free of charge. After receipt and consideration of comments on the draft EIS, the NRC will prepare a final EIS, which will also be available to the public.

Information about the proposed action, the EIS, and the scoping process may be obtained from Mr. Stephen Lemont at 301-415-5163 or by e-mail at [Stephen.Lemont@nrc.gov](mailto:Stephen.Lemont@nrc.gov).

Dated at Rockville, Maryland, this 3rd day of December 2008.

For the Nuclear Regulatory Commission.

**Scott Flanders,**

*Director, Division of Site and Environmental Reviews, Office of New Reactors.*

[FR Doc. E8-29178 Filed 12-9-08; 8:45 am]

BILLING CODE 7590-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 59056]

### Order Granting Registration of Egan-Jones Rating Company To Add Two Additional Classes of Credit Ratings

December 4, 2008.

Egan-Jones Rating Company, a nationally recognized statistical rating organization ("NRSRO"), furnished to the Securities and Exchange Commission ("Commission") an application under Section 15E of the Securities Exchange Act of 1934 ("Exchange Act") to register for the two classes of credit ratings described in clauses (iv) and (v) of Section 3(a)(62)(B) of the Exchange Act. The Commission finds that the application furnished by

Egan-Jones Rating Company is in the form required by Exchange Act Section 15E, Exchange Act Rule 17g-1 (17 CFR 240.17g-1), and Form NRSRO (17 CFR 249b.300).

Based on the application, the Commission finds that the requirements of Section 15E of the Exchange Act are satisfied.

Accordingly,

*It Is Ordered*, under paragraph (a)(2) of Section 15E of the Exchange Act, that the registration of Egan-Jones Rating Company with the Commission for the classes of credit ratings described in clauses (iv) and (v) of Section 3(a)(62)(B) of the Exchange Act is granted.

By the Commission.

**Florence E. Harmon,**

*Acting Secretary.*

[FR Doc. E8-29157 Filed 12-9-08; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-59050; File No. SR-Amex-2008-70]

### Self-Regulatory Organizations; American Stock Exchange LLC; Order Approving Proposed Rule Change as Modified by Amendment No. 1 Thereto, To Revise Its Initial Listing Process To Eliminate the Current Appeal Process for Initial Listing Decisions, Add a New Confidential Pre-Application Eligibility Review Process, and Upgrade Its Listing Requirements by Eliminating the Alternative Listing Standards

December 3, 2008.

#### I. Introduction

On September 4, 2008, the American Stock Exchange LLC ("Amex," or the "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend the procedures for initial listing of securities on Amex. On September 17, 2008, Amex filed Amendment No. 1 to the proposed rule change. The proposed rule change was published for comment in the **Federal Register** on September 24, 2008.<sup>3</sup> Initially one comment was received opposing the proposed rule change.<sup>4</sup> NYSE Alternext

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 58570 (September 17, 2008), 73 FR 55185 ("Notice").

<sup>4</sup> See letter from Brendan E. Cryan, Managing Member Brendan E. Cryan & Company, LLC, and Jonathan Q. Frey, Chief Operating Officer of J.