

already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42–46 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–46 and 210.50).

Issued: January 30, 2009.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–2401 Filed 2–4–09; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Judgment Pursuant to Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on January 29, 2009, a proposed settlement agreement in *In re Interstate Bakeries Corporation, et al.*, Case No. 04–45814, was lodged with the United States Bankruptcy Court for the Western District of Missouri.

The settlement agreement resolves the United States' proof of claim in the Chapter 11 reorganization of Interstate Bakeries Corporation and its affiliates ("Debtors"). The United States' proof of claim sought recovery of cleanup costs under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9607(a), at the Hows Corner Superfund Site in Plymouth, Maine ("Site"). The proposed settlement agreement provides for EPA to have an allowed general unsecured nonpriority claim in the total amount of \$84,020. The claim will be paid in the ordinary course of the bankruptcy proceeding.

The Department of Justice will receive for a period of 30 days from the date of this publication comments regarding the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, and either e-mailed to pubcommentees.enrd@usdoj.gov or mailed to P.O.

Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *In re Interstate Bakeries Corporation, et al.*, Case No. 04–45814, D.J. Ref. No. 90–11–3–1733/9.

The proposed settlement agreement may be examined at the Region I Office of the U.S. Environmental Protection Agency, One Congress Street, Suite 1100, Boston, MA 02114. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. If requesting a copy of the proposed Consent Decree, please enclose a check in the amount of \$1.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Ronald Gluck,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E9–2407 Filed 2–4–09; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–034 and 52–035; NRC–2008–0594]

Luminant Generation Company LLC; Application for the Comanche Peak Nuclear Power Plant Units 3 and 4; Notice of Order, Hearing, and Opportunity To Petition for Leave To Intervene

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities," and 10 CFR part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," notice is hereby given that a hearing will be held, at a time and place to be set in the future by the U.S. Nuclear Regulatory Commission (NRC, the Commission) or designated by the Atomic Safety and Licensing Board (Board). The hearing

will consider the application dated September 19, 2008, as supplemented by letters dated November 4, 5, 6, and 10, and December 18, 2008, filed by Luminant Generation Company LLC (Luminant), pursuant to subpart C of 10 CFR part 52, for a combined license (COL). The application requests approval of a COL for Comanche Peak Nuclear Power Plant, Units 3 and 4 to be located at the existing Comanche Peak Nuclear Power Plant site in Somervell County, Texas. The application was accepted for docketing on December 2, 2008 (73 FR 75141; December 10, 2008). The docket numbers established for Units 3 and 4 are 52–034 and 52–035, respectively. The Comanche Peak Nuclear Power Plant COL application incorporates by reference, the U.S. Advanced Pressurized Water Reactor (US-APWR) Design Control Document (DCD), currently under NRC staff review. By letter dated February 29, 2008, the NRC staff accepted the US-APWR DCD for docketing.

The hearing will be conducted by a Board that will be designated by the Chairman of the Atomic Safety and Licensing Board Panel or will be conducted by the Commission. Notice as to the membership of the Board will be published in the **Federal Register** at a later date. The NRC staff will complete a detailed technical review of the application and will document its findings in a safety evaluation report. The Commission will refer a copy of the application to the Advisory Committee on Reactor Safeguards (ACRS) in accordance with 10 CFR 52.87, "Referral to the ACRS," and the ACRS will report on those portions of the application that concern safety. The NRC staff will also prepare an Environmental Impact Statement, as required by 10 CFR 51.20(b)(2).

Any person whose interest may be affected by this proceeding and who desires to participate as a party to this proceeding must file a written petition for leave to intervene in accordance with 10 CFR 2.309. 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.

A petition for leave to intervene must be filed no later than 60 days from the date of publication of this notice in the **Federal Register**. Non-timely filings will not be entertained absent a determination by the Commission or presiding officer designated to rule on the petition, pursuant to the requirements of 10 CFR 2.309(c)(i)–(viii).