

certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

The application received follows:

### 1. Permit Application No. 2009-025

#### *Applicant*

Cindy Lee Van Dover, Duke University Marine Lab, 135 Marine Lab Road, Beaufort, NC 28516.

#### *Activity for Which Permit Is Requested*

Take, Introduce Non-Indigenous Species into Antarctica, and Import into the USA. The applicant plans to collect sediment cores and seep invertebrates from the Larsen B embayment in order to (1) Characterize trophic relations between sediment bacteria, clams and other macro-invertebrates present in newly-discovered cold seeps; (2) provide a preliminary assessment of the genetic population structure of Larsen B cold seep clams; and (3) characterize the evolutionary relationship between Larsen B cold seep clams and other members of the family *Vesicomysidae*. In addition, the applicant will deploy North Atlantic Right Whale vertebrae bones and pine wood substrate on eight moorings scattered through the Larsen B embayment. If time permits, invertebrates will be collected from the whale bone and wood substrates. During their second season, additional sediment cores will be collected as well as invertebrates, and the bone and wood moorings will be recovered.

#### *Location*

Larsen B Embayment, Antarctica.

#### *Dates*

January 1, 2010 to March 31, 2012.

#### **Nadene G. Kennedy,**

*Permit Officer, Office of Polar Programs.*

[FR Doc. E9-5291 Filed 3-12-09; 8:45 am]

BILLING CODE 7555-01-P

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## NUCLEAR REGULATORY COMMISSION

### **Advisory Committee on Reactor Safeguards, Meeting of the ACRS Subcommittee on Reliability and Probabilistic Risk Assessment; Notice of Meeting**

The ACRS Subcommittee on Reliability and Probabilistic Risk Assessment (PRA) will hold a meeting on March 27, 2009, Room T-2-B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, March 27, 2009—1 p.m. until the conclusion of business.

The Subcommittee will review example uses of the guidance on performance of sensitivity and uncertainty analyses described in NUREG-1855. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee. Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Harold VanderMolen (*Telephone*: 301-415-6236) 5 days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 6, 2008, (73FR 58268-58269).

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 8:30 a.m. and 4:30 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: March 6, 2009.

#### **Cayetano Santos,**

*Chief, Reactor Safety Branch A, Advisory Committee on Reactor Safeguards.*

[FR Doc. E9-5450 Filed 3-12-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-438 and 50-439; NRC-2009-0093]

### **In the Matter of Tennessee Valley Authority (Bellefonte Nuclear Plant Units 1 and 2); Order**

The U.S. Atomic Energy Commission (predecessor to the U.S. Nuclear Regulatory Commission (NRC or the Commission)) issued construction permit (CP) Nos. CPPR-122 and CPPR-123 to the Tennessee Valley Authority (TVA or the applicant) on December 24, 1974, authorizing construction of the Bellefonte Nuclear Plant (Bellefonte or

BLN) Units 1 and 2, respectively, at the applicant's site in Jackson County, AL, on a peninsula at Tennessee River Mile 392 on the west shore of Gunter'sville Reservoir, about 6 miles east northeast of Scottsboro, AL. On March 4, 2003, the NRC issued an Order amending CP Nos. CPPR-122 and CPPR-123 by revising the latest dates for completion of construction to October 1, 2011, for BLN Unit 1, and October 1, 2014, for BLN Unit 2.

On September 14, 2006, the NRC granted TVA its request to withdraw the CPs. Until the time of withdrawal, these facilities were in a deferred plant status as described in the Commission's Policy Statement on Deferred Plants, as published in the **Federal Register** on October 14, 1987 (52 FR 38077).

In a letter dated August 26, 2008, as supplemented on September 25, 2008, and on November 24, 2008, TVA has requested these CPs be reinstated.

The NRC staff has prepared an "Environmental Assessment and Finding of No Significant Impact," which was published in the **Federal Register** on March 3, 2009 (74 FR 9308). Under Title 10, Section 51.32, "Finding of No Significant Impact," of the *Code of Federal Regulations* (10 CFR 51.32), the Commission has determined that reinstating the CPs and placing the facility in a terminated plant status will not have a significant impact on the environment.

For further details on this action, see the TVA application dated August 26, 2008, as supplemented on September 25, 2008, and on November 24, 2008, and the NRC staff's letter and safety evaluation related to the requested reinstatement of the CPs dated March 9, 2009. Documents may be examined and/or copied for a fee at the NRC's Public Document Room located at One White Flint North, 11555 Rockville Pike (first floor), and they are accessible through the Agencywide Documents Access and Management System (ADAMS) Electronic Reading Room link at the NRC Web site, <http://www.nrc.gov>.

Any person adversely affected by this Order may request a hearing on this Order within 60 days of its issuance, and the request for a hearing is limited to whether good cause exists for the reinstatement of the CPs. The NRC will consider extending the time to answer or to request a hearing where good cause is shown. A request for an extension of time must be directed to the Director of the Office of Nuclear Reactor Regulation (NRR), U.S. Nuclear Regulatory Commission, and must include a statement of good cause for the extension. Requirements for hearing requests are found in 10 CFR 2.309,

“Hearing requests, Petitions to Intervene, Requirements for Standing, and Contentions.”

All documents filed in NRC adjudicatory proceedings, including a request for hearing, any motion or other document filed in the proceeding prior to the submission of a request for hearing, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC’s Electronic Maintenance and Submission of Information (E-Filing) rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet or, in some cases, to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements associated with E-Filing, at least 10 days prior to the filing deadline, the requestor should contact the Office of the Secretary by e-mail at [hearing.docket@nrc.gov](mailto:hearing.docket@nrc.gov) or by calling (301) 415-1677, to request (1) a digital identification (ID) certificate that allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any NRC proceeding in which it is participating or (2) the creation of an electronic docket for the proceeding (even in instances when the requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE) viewer, which is a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about how to apply for a digital ID certificate is also available on NRC’s public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, he or she can then submit a request for a hearing through EIE. Submissions should be in portable document format (PDF) in accordance with NRC guidance available on the NRC public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the filer submits the document through EIE. To be timely, electronic filings must be submitted to the EIE system no later than 11:59 p.m.

Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request is filed so that they may obtain access to the document via the E-Filing system.

A person filing electronically using the agency’s adjudicatory e-filing system may seek assistance through the “Contact Us” link located on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html> or by calling the NRC Electronic Filing Help Desk, which is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays. The toll-free help line number is (866) 672-7640. A person filing electronically may also seek assistance by sending an e-mail to the NRC Electronic Filing Help Desk at [MSHD.resource@nrc.gov](mailto:MSHD.resource@nrc.gov). Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted (1) by first-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, *Attention: Rulemaking and Adjudications Staff*, or (2) by courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, *Attention: Rulemaking and Adjudications Staff*. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of the deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board

that the petition and/or request should be granted and/or the contentions should be admitted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Documents submitted in adjudicatory proceedings will appear in NRC’s electronic hearing docket which is available to the public at [http://ehd.nrc.gov/EHD\\_Proceeding/home.asp](http://ehd.nrc.gov/EHD_Proceeding/home.asp), unless they are excluded under an order of the Commission, the Atomic Safety and Licensing Board, or a presiding officer. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or home telephone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a “fair use” application, participants are requested not to include copyrighted materials in their submission.

If a person requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d).

The scope of this Order reinstating the CPs and any proceeding hereunder is limited to direct challenges to the permit holder’s asserted reasons that show good cause justification for the reinstatement of the CPs.

*Attorney for the Permit Holder:*  
Maureen H. Dunn, Executive Vice President and General Counsel,  
Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902.

Accordingly, pursuant to Section 161b of the Atomic Energy Act of 1954, as amended, 42 U.S.C. Section 2201(b), and 10 CFR 50.55(b), *it is hereby ordered that* CP Nos. CPPR-122 and CPPR-123 for the construction of BLN Units 1 and 2, respectively, are reinstated, and the facility returned to a terminated plant status under Section III.B, “Terminated Plant,” of the Commission’s Policy Statement on Deferred Plants dated October 14, 1987 (52 FR 38077). It is also ordered, in accordance with 10 CFR 50.55(b), that the expiration dates defining the latest construction completion dates for CP Nos. CPPR-122 and CPPR-123 are October 1, 2011, and October 1, 2014, respectively. Should TVA choose to pursue placement of the facility in a deferred plant status, it shall ensure to the satisfaction of the NRR Director that it has complied with the guidance and

provisions under Section III.A, "Deferred Plant," of the Commission's Policy Statement on Deferred Plants. When the results of its evaluation and inspection are satisfactory, the NRR Director may then authorize placement of the facility in a deferred plant status. Should TVA decide to reactivate construction, it shall comply with the provisions for notifying the NRR Director and shall provide the information described in the Commission's Policy Statement on Deferred Plants.

Dated at Rockville, Maryland, this 9th day of March 2009.

For the Nuclear Regulatory Commission.

**Eric J. Leeds,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E9-5437 Filed 3-12-09; 8:45 am]

BILLING CODE 7590-01-P

1. *Title and purpose of information collection:* Survivor Questionnaire; OMB 3220-0032.

Under Section 6 of the Railroad Retirement Act (RRA), benefits that may be due on the death of a railroad employee or a survivor annuitant include (1) a lump-sum death benefit (2) a residual lump-sum payment (3) accrued annuities due but unpaid at death, and (4) monthly survivor insurance payments. The requirements for determining the entitlement of possible beneficiaries to these benefits are prescribed in 20 CFR part 234.

When the RRB receives notification of the death of a railroad employee or survivor annuitant, an RRB field office utilizes Form RL-94-F, Survivor Questionnaire, to secure additional information from surviving relatives needed to determine if any further benefits are payable under the RRA. Completion is voluntary. One response is requested of each respondent.

The RRB proposes minor non-burden impacting changes to Form RL-94-F. The completion time for the RL-94-F is estimated at between 5 to 11 minutes. The RRB estimates that approximately 8,000 responses are received annually.

2. *Title and Purpose of Information Collection:* Pension Plan Reports; OMB 3220-0089.

Under Section 2(b) of the Railroad Retirement Act (RRA), the Railroad Retirement Board (RRB) pays supplemental annuities to qualified RRB employee annuitants. A supplemental annuity, which is computed according to Section 3(e) of the RRA, can be paid at age 60 if the employee has at least 30 years of creditable railroad service or at age 65 if the employee has 25-29 years of railroad service. In addition to 25 years of service, a "current connection" with the railroad industry is required. Eligibility is further limited to employees who had at least one month of rail service before October 1981 and were awarded regular annuities after June 1966. Further, if an employee's 65th birthday was prior to September 2, 1981, he or she must not have worked in rail service after certain closing dates

(generally the last day of the month following the month in which age 65 is attained). Under Section 2(h)(2) of the RRA, the amount of the supplemental annuity is reduced if the employees receive monthly pension payments, or lump-sum pension payments, from their former railroad employer, which are based in whole or in part on contributions from that railroad employer. The employees' own contributions to their pension accounts do not cause a reduction. An employer private pension is described in 20 CFR 216.40-216.42.

The RRB requires the following information from railroad employers to calculate supplemental annuities: (a) The current status of railroad employer pension plans and whether such employer pension plans cause reductions to the RRB supplemental annuity; (b) the amount of the employer private pension being paid to the employee; (c) whether or not the employer made contributions to the pension; (d) whether or not the employee was cashed out before attaining retirement age under the employer pension plan or received the pension in a lump-sum payment in lieu of monthly pension payments; and (e) whether the employer pension plan continues when the employer status under the RRA changes. The requirement that railroad employers furnish pension information to the RRB is contained in 20 CFR 209.2.

The RRB currently utilizes Form(s) G-88p (Employer's Supplemental Pension Report), G-88r (Request for Information About New or Revised Pension Plan), and G-88r.1 (Request for Additional Information about Employer Pension Plan in Case of Change of Employer Status or Termination of Pension Plan), to obtain the necessary information from railroad employers. One response is requested of each respondent. Completion is mandatory.

The RRB proposes no changes to Form G-88p, G-88r or G-88r.1

The estimated annual respondent burden is as follows:

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.(s)	Annual responses	Time (min)	Burden (hrs)
G-88p .....	750	8	100
G-88r .....	10	10	2
G-88r.1 .....	5	7	1
Total .....	765	.....	103