

that can house up to 2,500 sentenced or un-sentenced criminal aliens.

Proposals received by the BOP from private contractors include a proposed expansion of an existing facility in Baldwin, Michigan and/or new construction at a site in Lake City, Florida. The BOP has preliminarily evaluated these sites and determined that the prospective sites appear to be of sufficient size to provide space for housing, programs, administrative services and other support facilities associated with the correctional facility. The DEIS to be prepared by the BOP will analyze the potential impacts of correctional facility construction/renovation and operation at these sites.

### The Process

In the process of evaluating the sites, several aspects will receive detailed examination including, but not limited to: Topography, geology/soils, hydrology, biological resources, utility services, transportation services, cultural resources, land uses, socio-economics, hazardous materials, and air and noise quality, among others.

### Alternatives

In developing the DEIS, the options of "no action" and "alternative sites" for the proposed facility will be fully and thoroughly examined.

### Scoping Process

During the preparation of the DEIS, there will be opportunities for public involvement in order to determine the issues to be examined in the DEIS. A Public Scoping Meeting will be held at 6 p.m. June 30, 2009 at the Columbia County Public Library located at 308 NW Columbia Avenue, Lake City, Florida.

In addition, a Public Scoping meeting will be held at 6 p.m., July 7, 2009 at the Webber Township Hall located at 2286 West Springtime Street, Baldwin, Michigan. The meeting locations, dates, and times will be well publicized and have been arranged to allow for public involvement, as well as interested agencies and organizations to attend. The meetings are being held to allow interested persons to formally express their views on the scope and significant issues to be studied as part of the DEIS process. The meetings will provide for timely public comments and understanding of federal plans and programs with possible environmental consequences as required by the NEPA of 1969, as amended, and the National Historic Preservation Act of 1966, as amended.

### DEIS Preparation

Public notice will be given concerning the availability of the DEIS for public review and comment at a later date.

**ADDRESSES:** All are encouraged to provide comments on the proposed action and alternatives at any Public Scoping Meetings and anytime during the 30-day comment review period, which ends July 20, 2009. There are two ways in which comments may be submitted: (1) by attending one of the meetings or (2) by mail. All written comments on the DEIS should be submitted and postmarked no later than July 20, 2009.

Comments submitted by mail or questions concerning the proposed action and the DEIS may be directed to: Richard A. Cohn, Chief or Issac Gaston, Site Selection Specialist, Capacity Planning and Site Selection Branch, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534, Tel: 202-514-6470/Fax: 202-616-6024/E-mail: [racohn@bop.gov](mailto:racohn@bop.gov).

Dated: June 10, 2009.

**Richard A. Cohn,**  
Chief, Capacity Planning and Site Selection Branch.

[FR Doc. E9-14179 Filed 6-18-09; 8:45 am]

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### OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

#### Office of the Chief Human Capital Officer; Information Collection; Ancestry and Ethnicity Data Elements; Correction

**AGENCY:** Office of the Director of National Intelligence.

**ACTION:** Notice; correction.

**SUMMARY:** The Office of the Director of National Intelligence published a document in the *Federal Register* of May 11, 2009, concerning request for comments by the general public and Federal Agencies on the standard data elements being reviewed under regular review procedures for use by the Intelligence Community. The document contained an incorrect mailing address.

**FOR FURTHER INFORMATION CONTACT:** Office of the Chief Human Capital Officer, 703-275-3365.

#### Correction

In the *Federal Register* of May 11, 2009, in FR Doc. E9-10475, on page 21834, in the **SUMMARY**, correct the last sentence to read:

These data elements can be viewed on the Web site <http://www.intelligence.gov>. Click on Careers,

A Place For You, which will direct you to <http://www.intelligence.gov/3place.shtml>. Click on the Federal Register—Data Elements link.

In the *Federal Register* of May 11, 2009, in FR Doc. E9-10475, on page 21834, in the last paragraph, correct the **FOR FURTHER INFORMATION CONTACT** caption to read:

The Office of the Chief Human Capital Officer, ODNI, Washington, DC 20511, 703-275-3365. Please cite OMB Control No. 3440—NEW, Ancestry and Ethnicity Data Elements. The form can be downloaded from <http://www.intelligence.gov>. Click on Careers, A Place for You, which will direct you to <http://www.intelligence.gov/3place.shtml>. Click on the Federal Register—Data Elements link.

In the *Federal Register* of May 11, 2009, in FR Doc. E9-10475, on page 21835, in the last paragraph, correct the Obtaining Copies of Proposals caption to read:

Requesters may obtain a copy of the information collection documents from the Office of the Chief Human Capital Officer, ODNI, at Washington, DC 20511, or call 703-275-3365. Please cite Ancestry and Ethnicity Data Elements in all correspondence.

Dated: June 9, 2009.

**Deatri L. Brewer,**  
DNI PRA Clearance Officer.  
[FR Doc. E9-14443 Filed 6-18-09; 8:45 am]

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### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-400; NRC-2009-0247]

#### Carolina Power & Light Company; Shearon Harris Nuclear Power Plant, Unit 1; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission, NRC) is considering issuance of an amendment to Renewed Facility Operating License No. NPF-63, issued to the Carolina Power & Light Company (the licensee), for operation of the Shearon Harris Nuclear Power Plant, Unit 1, located in Wake and Chatham Counties, North Carolina.

The proposed amendment would transition the current fire protection program to a risk-informed, performance-based program based on the National Fire Protection Association Standard 805 (NFPA-805), "Performance-Based Standard for Fire Protection for Light Water Reactor

Generating Plants,” 2001 Edition, in accordance with Title 10 of the Code of Federal Regulations (10 CFR), Section 50.48(c). NFPA-805 allows the use of performance-based methods, such as fire modeling, and risk-informed methods, such as Fire Probabilistic Risk Assessment, to demonstrate compliance with the nuclear safety performance criteria.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission’s regulations.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission’s “Rules of Practice for Domestic Licensing Proceedings” in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission’s Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System’s (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

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 with particular reference to the following general requirements: (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 those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant 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/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

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.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC 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 of E-Filing, at least ten

(10) days prior to the filing deadline, the petitioner/requestor must 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 ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), 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 applying for a digital ID certificate is available on NRC’s public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. 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 its documents through EIE. To be timely, an electronic filing 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 documents 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/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically 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 electronic filing Help Desk can be contacted by telephone at 1-866-672-7640 or by e-mail at [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov).

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, 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 by: (1) 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) 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 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 or the presiding officer of 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).

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 excluded pursuant to an order of the Commission, an 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 phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. 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 submissions.

For further details with respect to this license amendment application, see the licensee's application for amendment dated May 29, 2008 (ADAMS Accession No. ML081560641), as supplemented by letter dated November 14, 2008 (ADAMS Accession No. ML083240593), which are available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in 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.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, MD, this 11th day of June 2009.

For the Nuclear Regulatory Commission.

**Marlayna Vaaler,**

*Project Manager, Plant Licensing Branch II-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E9-14420 Filed 6-18-09; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 55-62335-SP; ASLBP No. 09-891-01-SP-BD01]

### **David B. Kuhl, II; Establishment of Atomic Safety and Licensing Board**

#### **Establishment of Atomic Safety and Licensing Board**

Pursuant to delegation by the Commission dated December 29, 1972 (37 FR 28,710), and the Commission's regulations, *see* 10 CFR 2.103(b), 2.309, 2.313(a), and 2.318, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

#### **David B. Kuhl, II (Denial of Senior Reactor Operator License)**

This proceeding concerns a request for hearing from David B. Kuhl, II, dated May 28, 2009. His request is in response to a denial letter from the Office of Nuclear Reactor Regulation (NRR) dated May 13, 2009 notifying him that, following an administrative review, NRR was in agreement with Region I's decision of February 20, 2009 not to issue him a Senior Reactor Operator

License for the Beaver Valley Power Station.

The Board is comprised of the following administrative judges: Paul S. Ryerson, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Alan S. Rosenthal, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Michael F. Kennedy, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

As provided in 10 CFR 2.302, all correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 2007 (72 FR 49,139).

Issued at Rockville, Maryland, this 15th day of June 2009.

**E. Roy Hawkens,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. E9-14435 Filed 6-18-09; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[NRC-2008-0588]

### **Final Regulatory Guide: Issuance, Availability**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Issuance and Availability of Regulatory Guide (RG) 1.21, Revision 2.

#### **FOR FURTHER INFORMATION CONTACT:**

Steven Garry, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 415-2766 or e-mail [Steven.Garry@nrc.gov](mailto:Steven.Garry@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is issuing a guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

RG 1.21, Rev. 2, "Measuring, Evaluating, and Reporting Radioactive Material in Liquid and Gaseous