

## NUCLEAR REGULATORY COMMISSION

[Docket No. 70–27]

### Notice of License Amendment Request of BWX Technologies, Inc., Lynchburg, VA, and Opportunity To Request a Hearing

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of license amendment, and opportunity to request a hearing.

**DATES:** A request for a hearing must be filed by September 4, 2007.

**FOR FURTHER INFORMATION CONTACT:** Joel Wiebe, Project Manager, Fuel Facility Licensing Directorate, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T–8F42, Washington, DC 20555. Telephone: (301) 415–6606, fax: (301) 415–5955; e-mail: [bcg@nrc.gov](mailto:bcg@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The Nuclear Regulatory Commission (NRC) has received, by letter dated May 2, 2007, a license amendment application from BWX Technologies, Inc. (BWXT), requesting an exemption to the requirements of 10 CFR 70.24, Criticality Accident Requirements, in its materials license, at its Mt. Athos site located in Lynchburg, Virginia. Materials License SNM–42 authorizes the licensee to possess nuclear materials, manufacture nuclear fuel components, fabricate research and university reactor components, fabricate compact reactor fuel elements, perform research on spent fuel performance, and handle the resultant waste streams, including recovery of scrap uranium. Specifically, the exemption request would enable BWXT to implement a security upgrade for protecting special nuclear material (SNM), in particular storage locations, in times of storage. During the times that the SNM, are accessible in their storage locations, BWXT will be required to meet the requirements of 10 CFR 70.24 at those locations.

An NRC administrative review, documented in a communication to BWXT, May 16, 2007, found the application acceptable to begin a technical review. If the NRC grants the exemption request, the basis for doing so will be documented in a safety evaluation report approving an amendment to NRC Docket No. 70–27. The NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC's

regulations. Additionally, under the National Environmental Policy Act, if a finding of no significant impact can be made regarding the proposed exemption, such a finding will be documented in an environmental assessment.

#### II. Opportunity To Request a Hearing

In accordance with the general requirements in Subpart C of 10 CFR Part 2, as amended on January 14, 2004 (69 FR 2182), any person whose interest may be affected by the proposed action and who desires to participate as a party in an NRC adjudicatory proceeding must file a written request for a hearing and a specification of the contentions which the person seeks to have litigated.

In accordance with 10 CFR 2.302(a), a request for a hearing must be filed with the Commission either by:

1. First class mail addressed to: Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications;

2. Courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, Attention: Rulemakings and Adjudications Staff, between 7:45 a.m. and 4:15 p.m., Federal workdays;

3. E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV); or

4. By facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff, at (301) 415–1101; verification number is (301) 415–1966.

In accordance with 10 CFR 2.302(b), all documents offered for filing must be accompanied by proof of service on all parties to the proceeding or their attorneys of record as required by law or by rule or order of the Commission, including:

1. The applicant, BWXT, Nuclear Products Division, P.O. Box 785, Lynchburg, VA 24505–0785, Attention: Leah Morrell; and

2. The NRC staff, by delivery to the Office of the General Counsel, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Hearing requests should also be transmitted to the Office of the General Counsel, either by means of facsimile transmission to (301) 415–3725, or by e-mail to [ogcmailcenter@nrc.gov](mailto:ogcmailcenter@nrc.gov).

The formal requirements for documents contained in 10 CFR 2.304(b), (c), (d), and (e) must be met. In accordance with 10 CFR 2.304(f), a document filed by electronic mail or facsimile transmission need not comply with the formal requirements of 10 CFR 2.304(b), (c), and (d), as long as an original and two (2) copies otherwise complying with all of the requirements of 10 CFR 2.304(b), (c), and (d) are mailed within two (2) days thereafter to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff.

In accordance with 10 CFR 2.309(b), a request for a hearing must be filed by September 4, 2007.

In addition to meeting other applicable requirements of 10 CFR 2.309, the general requirements involving a request for a hearing filed by a person other than an applicant must state:

1. The name, address, and telephone number of the requester;

2. The nature of the requester's right under the Act to be made a party to the proceeding;

3. The nature and extent of the requester's property, financial or other interest in the proceeding;

4. The possible effect of any decision or order that may be issued in the proceeding on the requester's interest; and

5. The circumstances establishing that the request for a hearing is timely in accordance with 10 CFR 2.309(b).

In accordance with 10 CFR 2.309(f)(1), a request for a hearing or petitions for leave to intervene must set forth with particularity the contentions sought to be raised. For each contention, the request or petition must:

1. Provide a specific statement of the issue of law or fact to be raised or controverted;

2. Provide a brief explanation of the basis for the contention;

3. Demonstrate that the issue raised in the contention is within the scope of the proceeding;

4. Demonstrate that the issue raised in the contention is material to the findings that the NRC must make to support the action that is involved in the proceeding;

5. Provide a concise statement of the alleged facts or expert opinions which support the requester's/petitioner's position on the issue and on which the requester/petitioner intends to rely to support its position on the issue; and

6. Provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. This information must include

references to specific portions of the application (including the applicant's environmental report and safety report) that the requester/petitioner disputes and the supporting reasons for each dispute, or, if the requester/petitioner believes the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the requester's/petitioner's belief.

In addition, in accordance with 10 CFR 2.309(f)(2), contentions must be based on documents or other information available at the time the petition is to be filed, such as BWXT's May 2, 2007 application. Contentions may be amended or new contentions filed after the initial filing only with leave of the presiding officer.

Requesters/petitioners should, when possible, consult with each other in preparing contentions and combine similar subject matter concerns into a joint contention for which one of the co-sponsoring requesters/petitioners is designated the lead representative. Further, in accordance with 10 CFR 2.309(f)(3), any requester/petitioner that wishes to adopt a contention proposed by another requester/petitioner must do so in writing within ten days of the date the contention is filed, and designate a representative who shall have the authority to act for the requester/petitioner.

In accordance with 10 CFR 2.309(g), a request for hearing and/or petition for leave to intervene may also address the selection of the hearing procedures, taking into account the provisions of 10 CFR 2.310.

### III. Further Information

The application, and any information referenced in the application, may be made available pursuant to a protective order and subject to applicable security requirements upon a showing that the petitioner has an interest that may be affected by the proceeding.

Dated at Rockville, Maryland, this 21st day of June 2007.

For the Nuclear Regulatory Commission.

**Gary S. Janosko,**

*Deputy Director, Fuel Facility Licensing Directorate, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. E7-12786 Filed 7-2-07; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-400-LR, ASLBP No. 07-855-02-LR-BD01]

### Atomic Safety and Licensing Board

Before Administrative Judges: Ann Marshall Young, Chair, Dr. Peter S. Lam, Dr. Alice Mignerey.

In the Matter of Carolina Power & Light Company (Shearon Harris Nuclear Power Plant, Unit 1); Notice (Notice of Opportunity to Make Oral or Written Limited Appearance Statements)

June 26, 2007.

This proceeding involves the application of Carolina Power & Light Company to renew the operating license for the Shearon Harris Nuclear Power Plant, Unit 1, for an additional twenty-year period commencing in 2026. In response to a March 20, 2007, notice of opportunity for hearing on the proposed license renewal (72 Fed. Reg. 13,139), Petitioners North Carolina Waste Awareness and Reduction Network and the Nuclear Information and Resource Service filed, on May 18, 2007, a request for hearing and petition to intervene in accordance with 10 CFR 2.309. On May 25, 2007, the Secretary of the Commission referred the hearing request and intervention petition to the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel for appropriate action in accordance with 10 CFR 2.346(i), and on May 31 this Licensing Board was established to preside over the proceeding.

This Atomic Safety and Licensing Board hereby gives notice that, in accordance with 10 CFR 2.315(a), the Board will entertain oral limited appearance statements from members of the public in connection with this proceeding at the date, time, and location specified below.

#### A. Date, Time, and Location of Oral Limited Appearance Statement Session

The session will be held on the following date at the specified location and time:

*Date:* July 17, 2007.

*Time:* 5:30-7:30 p.m. EDT.

*Location:* Holiday Inn Brownstone Hotel & Conference Center, Sessions Room, 1707 Hillsborough Street, Raleigh, NC 27605.

#### B. Participation Guidelines for Oral Limited Appearance Statements

Members of the public will be permitted in this session to make short oral statements of approximately five (5) minutes or less on their positions on matters of concern relating to this proceeding. Although these statements

do not constitute testimony or evidence in the proceeding, they nonetheless may assist the Board and/or the parties in their consideration of the issues.

Oral limited appearance statements will be entertained during the hours specified above, or such lesser time as necessary to accommodate all speakers who are present.<sup>1</sup> If all scheduled and unscheduled speakers present at the session have spoken prior to the scheduled time to end the session, the Board may conclude the session before that time. In addition, if there is an unusually large group of persons wishing to speak, the time permitted for each speaker may be limited to a period of less than five (5) minutes, in order to allow all interested persons an opportunity to speak.

#### C. Submitting a Request to Make an Oral Limited Appearance Statement

Persons wishing to make an oral statement who have submitted a timely written request as specified below and who are present when their names are called will be given priority over those who have not filed such a request. To be considered timely, a written request to make an oral statement must be mailed, faxed, or sent by e-mail so as to be received by 5 p.m. EDT on *Friday, July 13, 2007*.

Written requests to make an oral statement should be submitted to:

*Mail:* Office of the Secretary, Rulemakings and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

*Fax:* (301) 415-1101 (verification) (301) 415-1966.

*E-mail:* [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov).

In addition, using the same method of service, a copy of the written request to make an oral statement must be sent to the Chair of this Licensing Board as follows:

*Mail:* Administrative Judge Ann Marshall Young, c/o: Debra Wolf, Esq., Law Clerk, Atomic Safety and Licensing Board Panel, Mail Stop T-3 F23, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

*Fax:* (301) 415-5599 (verification) (301) 415-6094.

*E-mail:* [daw1@nrc.gov](mailto:daw1@nrc.gov).

<sup>1</sup> Members of the public who plan to attend the limited appearance session are advised that security measures may be employed at the entrance to the facility, including searches of hand-carried items such as briefcases, backpacks, packages, etc. In addition, although signs no larger than 18" by 18" will be permitted, they may not be waved, attached to sticks, held up, or moved about in the room. See Procedures for Providing Security Support for NRC Public Meetings/Hearings, 66 Fed. Reg. 31,719 (June 12, 2001).