

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.<sup>4</sup>

8. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2.

Dated at Rockville, Maryland, this 27th day of July 2009.

For the Nuclear Regulatory Commission.  
**Annette L. Vietti-Cook,**  
*Secretary of the Commission.*

**Attachment 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information (SUNSI) in This Proceeding**

| Day                            | Event  |
|--------------------------------|--|
| 0                              | Publication of <b>Federal Register</b> notice, including order with instructions for access requests.  |
| 10                             | Deadline for submitting requests for access to SUNSI with information: supporting the standing of a potential party identified by name and address; and describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.  |
| 20                             | NRC staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information. If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).   |
| 25                             | If NRC staff finds no "need" for SUNSI or likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access. |
| 30                             | Deadline for NRC staff reply to motions to reverse NRC staff determination(s).   |
| 40                             | (Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.   |
| 60                             | Deadline for submitting petition for intervention containing: (i) demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).  |
| A                              | If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.   |
| A+3                            | Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.  |
| A+28                           | Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.   |
| A+53 (Contention receipt +25). | Answers to contentions whose development depends upon access to SUNSI.   |
| A+60 (Answer receipt +7) ....  | Petitioner/Intervenor reply to answers.  |
| B                              | Decision on contention admission.  |

[FR Doc. E9-18367 Filed 7-30-09; 8:45 am]  
 BILLING CODE 7590-01-P

**NUCLEAR REGULATORY COMMISSION**

[NRC-2008-0608]

**Draft Regulatory Guide: Issuance, Availability**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Issuance and Availability of Draft Regulatory Guide, DG-4015, Preparation of Environmental

Reports for Nuclear Power Plant License Renewal Applications.

**FOR FURTHER INFORMATION CONTACT:**  
 Jennifer Davis, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 415-3835 or e-mail to *Jennifer.Davis@nrc.gov*.

**SUPPLEMENTARY INFORMATION:**  
**I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft guide in the agency's "Regulatory Guide" series. This series was developed to describe and make

available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC'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.

The draft regulatory guide (DG), entitled, "Preparation of Environmental Reports for Nuclear Power Plant License Renewal Applications," is temporarily identified by its task number, DG-4015, which should be mentioned in all related correspondence. DG-4015 is

<sup>4</sup> As of October 15, 2007, the NRC's final "E-Filing Rule" became effective. See Use of Electronic Submissions in Agency Hearings (August 28, 2007;

72 FR 49139). Requesters should note that the filing requirements of that rule apply to appeals of NRC staff determinations (because they must be served

on a presiding officer or the Commission, as applicable), but not to the initial SUNSI requests submitted to the NRC staff under these procedures.

proposed Revision 1 of Regulatory Guide 4.2, Supplement 1, dated September 2000. This guidance document provides general procedures for the preparation of environmental reports (ER), which are submitted as part of an application for the renewal of a nuclear power plant operating license in accordance with Title 10, Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants," of the *Code of Federal Regulations* (10 CFR part 54). This regulatory guide amends Supplement 1 to Regulatory Guide 4.2, "Preparation of Supplemental Environmental Reports for Applications to Renew Nuclear Power Plant Operating Licenses," issued September 2000. Use of this regulatory guide will help to ensure the completeness of the information provided in the ER, assist staff of the NRC and others in locating pertinent information, and facilitate the environmental review process. However, the NRC does not require conformance with the procedures, which are provided for guidance only.

## II. Further Information

The NRC staff is soliciting comments on DG-4015. Comments may be accompanied by relevant information or supporting data and should mention DG-4015 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS).

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.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed. You may submit comments by any of the following methods:

1. *Mail comments to:* Rulemaking and Directives Branch, Division of Administrative Services, Mail Stop: TWB-05-B01M, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

2. *Federal e-Rulemaking Portal:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID [NRC-2008-0608]. Address questions about NRC dockets to Carol Gallagher,

301-492-3668; e-mail [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

3. *Fax comments to:* Rulemaking and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 492-3446.

Requests for technical information about DG-4015 may be directed to the NRC contact, Jennifer Davis at (301) 415-3835 or e-mail to [Jennifer.Davis@nrc.gov](mailto:Jennifer.Davis@nrc.gov).

Comments would be most helpful if received by October 14, 2009. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG-4015 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML091620409.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR) located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached by telephone at (301) 415-4737 or (800) 397-4205, by fax at (301) 415-3548, and by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

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Dated at Rockville, Maryland, this 17th day of July 2009.

For the Nuclear Regulatory Commission.

**Mark P. Orr,**

*Acting Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. E9-18009 Filed 7-30-09; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2008-0608]

### Notice of Availability of the Draft Revision to Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Revision 1, NUREG-1437 and Public Meetings

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission or NRC) has published and is issuing for public comment a draft revision to *Generic Environmental Impact Statement for License Renewal of Nuclear Plants* (GEIS), Revision 1, NUREG-1437. The draft GEIS, Revision 1 provides the technical basis for the 10-year update of Appendix B to Subpart A of Part 51—Environmental Effect of Renewing the Operating License of a Nuclear Power Plant in accordance with 10 CFR part 51.

The draft revised GEIS is publicly available at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at <http://adamswebsearch.nrc.gov/dologin.htm>. The Accession Number for the draft revised GEIS is ML090220654. 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 by telephone at 1-800-397-4209, or 301-415-4737, or by e-mail at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Comments on the draft revised GEIS should be submitted no later than October 14, 2009.

Written comments may be submitted by one of the following methods:

*E-mail comments to:* The Federal e-Rulemaking Portal at <http://www.regulations.gov>; search Docket ID NRC-2008-0608. Address questions about NRC dockets to Carol Gallagher 301-492-3668; e-mail [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

*Mail comments to:* Michael Lesar, Chief, Rulemaking and Directives Branch, Mailstop TWB-05-B01M, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All comments received by the Commission will be made available electronically at the Commission's PDR in Rockville, Maryland, and through ADAMS. Comments submitted in writing or in electronic form will be made available to the public in their