

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Office of the Federal Register

Dates Correction

Correction

In the Notices section beginning on page 15401 in the issue of March 29th, 2010, make the following correction:

On pages 15401 through 15499, the date at the top of each page is corrected to read "Monday, March 29, 2010".

This change will be made to all versions of the **Federal Register** appearing online. The print edition of Monday, March 29, 2010 will not be reprinted.

[FR Doc. 2010-7528 Filed 3-31-10; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC-2010-0144]

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance and Availability of Draft Regulatory Guide, DG-2004, "Emergency Planning for Research and Test Reactors."

FOR FURTHER INFORMATION CONTACT: R.A. Jervey, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 251-7404 or e-mail Richard.Jervey@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) is temporarily identified by its task number, DG-2004, which should be mentioned in all related correspondence. DG-2004 is proposed Revision 2 of Regulatory Guide 2.6, dated March 1983. Title 10 of the *Code of Federal Regulations*, Section 50.34(b)(6)(v) (10 CFR 50.34(b)(6)(v))

requires that each application for a license to operate a facility include in a final safety analysis report, along with other information, the applicant's plans for coping with emergencies, including the items specified in Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities" to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities." In addition, 10 CFR 50.54(q) requires licensees to follow and maintain in effect emergency plans that meet the requirements of Appendix E. This guide provides licensees and applicants with a method that the staff of the NRC considers acceptable for use in complying with the Commission's regulations on the content of emergency plans for research and test reactors.

II. Further Information

The NRC staff is soliciting comments on DG-2004. Comments may be accompanied by relevant information or supporting data and should mention DG-2004 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).

Comments would be most helpful if received by May 31, 2010. 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.

ADDRESSES: You may submit comments by any one of the following methods. Please include Docket ID NRC-2010-0144 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site [Regulations.gov](http://www.regulations.gov). 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.

Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2010-0144. Address questions about NRC dockets to Carol Gallagher, 301-492-3668; e-mail Carol.Gallagher@nrc.gov.

Mail comments to: Michael T. Lesar, Chief, Rulemaking and Directives Branch (RDB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by fax to RDB at (301) 492-3446.

You can access publicly available documents related to this notice using the following methods:

NRC's Public Document Room (PDR): The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Room O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. DG-2004 is available electronically under ADAMS Accession Number ML092400206. In addition, electronic copies of DG-2004 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/>.

Federal Rulemaking Web site: Public comments and supporting materials related to this notice can be found at <http://www.regulations.gov> by searching on Docket ID: NRC-2010-0144.

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.

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland, this 24th day of March 2010.

For the Nuclear Regulatory Commission.

Andrea D. Valentin,

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

[FR Doc. 2010-7390 Filed 3-31-10; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-440; NRC-2010-0124]

FirstEnergy Nuclear Operating Company; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory
Commission.

ACTION: Environmental Assessment and
Finding of No Significant Impact;
Correction.

SUMMARY: This document corrects a
notice appearing in the **Federal Register**
on March 26, 2010 (75 FR 14638), which
incorrectly stated a wrong county for
Perry Nuclear Plant. This action is
necessary to correct the county for
Perry.

FOR FURTHER INFORMATION CONTACT:

Michael Mahoney, Office of Nuclear
Reactor Regulation, U.S. Nuclear
Regulatory Commission, Washington,
DC 20555-0001; telephone (301) 415-
3867, e-mail michael.mahoney@nrc.gov.

SUPPLEMENTARY INFORMATION: On page
14638, in the 1st column under Nuclear
Regulatory Commission, 20th line, it is
corrected to read from "Ottawa County,
Ohio" to "Lake County, Ohio."

Dated in Rockville, Maryland, this 26th
day of March 2010.

For the Nuclear Regulatory Commission.

Michael Mahoney,

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

[FR Doc. 2010-7331 Filed 3-31-10; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-245, 50-336, and 50-423;
NRC-2010-0128]

Dominion Nuclear Connecticut, Inc.; Millstone Power Station, Unit Nos 1, 2, and 3; Exemption

1.0 Background

Dominion Nuclear Connecticut, Inc.
(DNC or the licensee) is the holder of
Facility Operating License Nos. DPR-21,
DPR-65, and NPF-49, which authorize
operation of the Millstone Power
Station, Unit Nos. 1, 2, and 3

(Millstone). The licenses provide,
among other things, that the facility is
subject to all rules, regulations, and
orders of the U.S. Nuclear Regulatory
Commission (NRC, the Commission)
now or hereafter in effect.

The facility consists of one boiling
water reactor and two pressurized water
reactors located in New London County,
Connecticut. The boiling water reactor
is permanently shut down.

2.0 Request/Action

Title 10 of the *Code of Federal
Regulations* (10 CFR) part 73, "Physical
protection of plants and materials,"
section 73.55, "Requirements for
physical protection of licensed activities
in nuclear power reactors against
radiological sabotage," published March
27, 2009 (74 FR 13926), requires
licensees to protect, with high
assurance, against radiological sabotage
by designing and implementing
comprehensive site security plans. The
final rule became effective on May 26,
2009, and compliance with the final
rule is required by March 31, 2010.

The amendments to 10 CFR 73.55
published on March 27, 2009, establish
and update generically applicable
security requirements similar to those
previously imposed by Commission
orders issued after the terrorist attacks
of September 11, 2001, and
implemented by licensees. In addition,
the amendments to 10 CFR 73.55
include additional requirements to
further enhance site security based upon
insights gained from implementation of
the post-September 11, 2001, security
orders. It is from two of these new
requirements that DNC now seeks an
exemption from the March 31, 2010,
implementation date. All other physical
security requirements established by
this recent rulemaking have already
been or will be implemented by the
licensee by March 31, 2010.
Specifically, by letter dated January 12,
2010 (Agencywide Documents Access
and Management System (ADAMS)
Accession No. ML100131116), as
supplemented by letter dated January
12, 2010 (ADAMS Accession No.
ML100131115), DNC requested an
exemption in accordance with 10 CFR
73.5, "Specific exemptions." Due to
procurement needs and installation
activities associated with the required
security system upgrades, the licensee
has requested exemption from the
March 31, 2010, implementation date
specified in the new rule for two
specific requirements. The two items
subject to the request for exemption are
proposed to be implemented by August
31, 2010, and September 30, 2010,
respectively. The January 12, 2010,

letter, contains four attachments that
were designated by the licensee as
containing safeguards information and,
accordingly, the attachments are not
available to the public. The
supplemental January 12, 2010, letter
contains, as an attachment, an
environmental assessment.

Being granted this exemption for the
two items would allow the licensee
sufficient time to complete the upgrades
to the Millstone security system as
required by the recent revisions to 10
CFR 73.55.

3.0 Discussion of Part 73 Schedule Exemptions From the March 31, 2010, Full Implementation Date

Pursuant to 10 CFR 73.55(a)(1), "By
March 31, 2010, each nuclear power
reactor licensee, licensed under 10 CFR
part 50, shall implement the
requirements of this section through its
Commission-approved Physical Security
Plan, Training and Qualification Plan,
Safeguards Contingency Plan, and Cyber
Security Plan referred to collectively
hereafter as 'security plans.'" Pursuant
to 10 CFR 73.5, the Commission may,
upon application by any interested
person or upon its own initiative, grant
exemptions from the requirements of 10
CFR part 73 when the exemptions are
authorized by law, and will not
endanger life or property or the common
defense and security, and are otherwise
in the public interest.

NRC approval of this exemption
request would, as noted above, allow an
extension from March 31, 2010, until
August 31, 2010, for certain
uninterruptible power requirements and
September 30, 2010, for certain alarm
station requirements. As stated above,
10 CFR 73.5 allows the NRC to grant
exemptions from the requirements of 10
CFR part 73. The NRC staff has
determined that granting of the
licensee's proposed exemption would
not result in a violation of the Atomic
Energy Act of 1954, as amended, or the
Commission's regulations. Therefore,
NRC approval of the licensee's
exemption request is authorized by law.

In the draft final rule sent to the
Commission on July 9, 2008 (ADAMS
Accession No. ML081780209), the NRC
staff proposed that the requirements of
the new regulation be met within 180
days. The Commission directed a
change from 180 days to approximately
1 year for licensees to fully implement
the new requirements. This change was
incorporated into the final rule. From
this, it is clear that the Commission
wanted to provide a reasonable
timeframe for licensees to reach full
compliance.