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Dated: February 6, 2012.

**Michael L. Wash,**

*Executive for Information Services/CIO.*

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## NUCLEAR REGULATORY COMMISSION

[NRC-2012-0035]

### Draft Regulatory Guide: Issuance, Availability Decommissioning of Nuclear Power Reactors

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft regulatory guide; request for comment

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG) DG-1271 "Decommissioning of Nuclear Power Reactors." This guide describes a method NRC considers acceptable for use in decommissioning power reactors. **DATES:** Submit comments by April 16, 2012. Comments received after this 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 access information and comment submissions related to this document, which the NRC possesses and is publicly-available, by searching on <http://www.regulations.gov> under Docket ID NRC-2012-0035. You may submit comments by the following methods:

- *Federal rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0035. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). Mail comments to: Cindy Bladley, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

- *Fax comments to:* RADB at 301-492-3446.

For additional direction on accessing information and submitting comments,

see "Accessing Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

James C. Shepherd, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-6712 or email [James.Shepherd@nrc.gov](mailto:James.Shepherd@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Accessing Information and Submitting Comments

###### A. Accessing Information

Please refer to Docket ID NRC-2012-0035 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, by the following methods:

- *Federal Rulemaking Web Site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0035.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

###### B. Submitting Comments

Please include Docket ID NRC-2012-0035 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed. The NRC posts all comment submissions at <http://www.regulations.gov> as well as entering the comment submissions into ADAMS, and the NRC does not edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for

submission to the NRC, then you should inform those persons not to include identifying or contact information in their comment submissions that they do not want to be publicly disclosed. Your request should state that the NRC will not edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

##### Further Information

The 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.

DG-1271 is proposed Revision 1 of Regulatory Guide 1.184, "Decommissioning of Nuclear Power Reactors," dated July 2000. This proposed revision of Regulatory Guide 1.184 describes a method that the staff of the NRC considers acceptable for use in complying with the NRC's regulations relating to the decommissioning process for nuclear power reactors.

##### Backfitting and Issue Finality

As discussed in the "Implementation" section of DG-1271, the NRC has no current intention to impose this regulatory guide on holders of current operating licenses or combined licenses. Accordingly, the issuance of this regulatory guide would not constitute "backfitting" as defined in Title 10 of the Code of Federal Regulations (10 CFR) 50.109(a)(1) of the Backfit Rule or be otherwise inconsistent with the applicable issue finality provisions in 10 CFR part 52.

This regulatory guide may be applied to applications for operating licenses and combined licenses docketed by the NRC as of the date of issuance of the final regulatory guide, as well as future applications for operating licenses and combined licenses submitted after the issuance of the regulatory guide. Such action would not constitute backfitting as defined in 10 CFR 50.109(a)(1) or be otherwise inconsistent with the applicable issue finality provision in 10 CFR part 52, inasmuch as such applicants or potential applicants are not within the scope of entities protected by the Backfit Rule or the

relevant issue finality provisions in Part 52.

Dated at Rockville, Maryland, this 2nd day of February 2012.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

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

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## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-400, NRC-2012-0034]

### **Environmental Assessment and Finding of No Significant Impact; Carolina Power and Light Company Shearon Harris Nuclear Power Plant, Unit 1**

**AGENCY:** Nuclear Regulatory  
Commission.

**ACTION:** Notice of availability.

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

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#### **SUPPLEMENTARY INFORMATION:**

### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption pursuant to Title 10 of the Code of Federal Regulations (10 CFR) 50.46, "Acceptance Criteria for Emergency Core Cooling Systems for Light-Water Nuclear Power Reactors," and 10 CFR part 50, appendix K, "ECCS [Emergency Core Cooling System] Evaluation Models," to allow for the use of M5™ alloy fuel rod cladding for Renewed Facility Operating License No. NPF-63, issued to Carolina Power and Light Company (the licensee), doing business as Progress Energy Carolinas Inc., for operation of the Shearon Harris Nuclear Power Plant, Unit 1 (HNP), located in New Hill, North Carolina. In accordance with 10 CFR 51.21, "Criteria for and Identification of Licensing and Regulatory Actions Requiring Environmental Assessments," the NRC staff prepared an environmental assessment documenting its finding. The NRC staff concluded that the proposed action will have no significant environmental impact.

### **II. Environmental Assessment Summary**

#### *Identification of the Proposed Action*

The proposed action would exempt the licensee from certain requirements of 10 CFR 50.46 and appendix K to 10 CFR part 50. Specifically, 10 CFR 50.46, paragraph (a)(1)(i) provides requirements for reactors containing uranium oxide fuel pellets clad in either zircaloy or ZIRLO. Additionally, appendix K to 10 CFR part 50 presumes the use of zircaloy or ZIRLO fuel cladding when doing calculations for energy release, cladding oxidation, and hydrogen generation after a postulated loss-of-coolant accident. Therefore, both of these regulations state or assume that either zircaloy or ZIRLO is used as the fuel rod cladding material. The proposed exemption would allow the licensee use of M5™ cladding fuel assemblies into the core of HNP Unit 1. The proposed action is in accordance with the licensee's application dated January 19, 2011.

#### *The Need for the Proposed Action*

The proposed exemption is needed to allow the licensee the use of M5™ alloy fuel rod cladding at HNP. The licensee has requested an exemption from the requirements of 10 CFR 50.46 and appendix K to 10 CFR part 50 to allow for loading of M5™ clad fuel assemblies, in lieu of zircaloy or ZIRLO, into the core during Refueling Outage 17 that is currently scheduled for spring 2012.

#### *Environmental Impacts of the Proposed Action*

The NRC has completed its evaluation of the proposed action and concludes that there are no environmental impacts associated with the proposed exemption. The details of the NRC staff's safety evaluation will be provided in the exemption that, if approved by the NRC, will be issued as part of the letter to the licensee approving the exemption to the regulation.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released offsite. There is no significant increase in the amount of any effluent released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not result in changes to land use or water use, or result in changes to

the quality or quantity of nonradiological effluents. No changes to the National Pollutant Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Stevens Act are expected. No impacts to the air or ambient air quality are expected. There are no impacts to historic and cultural resources. In addition, there are also no known socioeconomic or environmental justice impacts associated with the proposed action. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

#### *Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (i.e., the "no action" alternative). Denial of the exemption request would result in no change in current environmental impacts. If the proposed action was denied, the licensee would have to comply with the ECCS rules in 10 CFR 50.46 and appendix K to 10 CFR part 50 and would not be able to use M5™ clad fuel in the HNP core during the upcoming refueling outage. The environmental impacts of the proposed exemption and the "no action" alternative are similar.

#### *Alternative Use of Resources*

The action does not involve the use of any different resources than those considered in the Final Environmental Statement for HNP, NUREG-0972, dated October 31, 1983, as supplemented through the "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Shearon Harris Nuclear Power Plant, Unit 1—Final Report (NUREG-1437, Supplement 33)."

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on January 19, 2012 the NRC staff consulted with the North Carolina State official, Mr. Lee Cox of the Division of Radiation Protection, with the North Carolina Department of Environment and Natural Resources, regarding the environmental impact of the proposed action. The State official had no comments.