

and the type of training the worker received.

The standards on PPE protection for the eyes and face (§ 1915.153), head (§ 1915.155), feet (§ 1915.156), hands and body (§ 1915.157), lifesaving equipment (§ 1915.158), personal fall arrest systems (§ 1915.159), and positioning device systems (§ 1915.160) do not contain any separate information collection requirements.

## II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

## III. Proposed Actions

OSHA is requesting that OMB extend its approval of the collection of information requirements contained in the Standard on Personal Protective Equipment (PPE) for Shipyard Employment (29 CFR part 1915, subpart I). The Agency is requesting an adjustment to the burden hours from 2,041 to 2,827 hours (an increase of 786 hours). The increase in the burden hours can be attributed to the number of existing workers increasing from 62,191 to 86,764.

OSHA will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of the information collection requirements contained in the Standard on Personal Protective Equipment (PPE) for Shipyard Employment (29 CFR Part 1915, Subpart I).

*Type of Review:* Extension of a currently approved collection.

*Title:* Personal Protective Equipment Standard for Shipyard Employment (29 CFR part 1915, subpart I).

*OMB Number:* 1218-0215.

*Affected Public:* Business or other for-profits.

*Total Responses:* 108,335.

*Frequency:* On occasion.

*Estimated Time per Response:* Varies from 1 minute (.02 hour) for employers to maintain the certification record for

each worker to 5 minutes to record the hazard assessment for each occupation covered.

*Total Burden Hours:* 2,827.

*Estimated Cost (Operation and Maintenance):* \$0.

## IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows:

(1) Electronically at <http://www.regulations.gov>, which is the Federal e-Rulemaking Portal; (2) by facsimile (FAX); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and OSHA docket number for the ICR (Docket No. OSHA-2009-0017). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627).

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publically available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit comments and access the docket is available through the Web site's "User Tips" link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

## V. Authority and Signature

Jordan Barab, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 5-2007 (72 FR 31160).

Signed at Washington, DC, this 28th day of August 2009.

**Jordan Barab,**

*Acting Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. E9-21332 Filed 9-3-09; 8:45 am]

**BILLING CODE 4510-26-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2009-0385]

### Draft Regulatory Guide: Issuance, Availability

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Issuance and Availability of Draft Regulatory Guide, DG-1226.

### FOR FURTHER INFORMATION CONTACT:

Donald Helton, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 251-7594 or e-mail to [Donald.Helton@nrc.gov](mailto:Donald.Helton@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), titled, "An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis," is temporarily identified by its task number, DG-1226, which should be mentioned in all related correspondence. DG-1226 is proposed Revision 2 of Regulatory Guide 1.174, dated November 2002. The NRC's policy statement on probabilistic risk assessment (PRA) encourages greater use of this analysis technique to improve safety decisionmaking and

improve regulatory efficiency. A description of current risk-informed initiatives may be found in (1) recent updates to the NRC staff's Risk-Informed and Performance-Based Plan (RPP) formerly known as the Risk-Informed Regulation Implementation Plan, and (2) the agency Internet site at <http://www.nrc.gov/about-nrc/regulatory/risk-informed.html>.

One significant activity undertaken in response to the policy statement is the use of PRA to support decisions to modify an individual plant's licensing basis (LB). This regulatory guide provides guidance on the use of PRA findings and risk insights to support licensee requests for changes to a plant's LB, as in requests for license amendments and technical specification changes under Title 10 of the *Code of Federal Regulations* (10 CFR) Sections 50.90, "Application for Amendment of License, Construction Permit, or Early Site Permit," through 50.92, "Issuance of Amendment." It does not address licensee-initiated changes to the LB that do NOT require NRC review and approval (e.g., changes to the facility as described in the final safety analysis report (FSAR), the subject of 10 CFR 50.59, "Changes, Tests, and Experiments").

## II. Further Information

The NRC staff is soliciting comments on DG-1226. Comments may be accompanied by relevant information or supporting data and should mention DG-1226 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, 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-2009-0385]. 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, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 492-3446.

Requests for technical information about DG-1226 may be directed to the NRC contact, Donald Helton at (301) 251-7594 or e-mail to [Donald.Helton@nrc.gov](mailto:Donald.Helton@nrc.gov).

Comments would be most helpful if received by November 3, 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-1226 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. ML091200100.

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).

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

Dated at Rockville, Maryland, this 25 day of August 2009.

For the Nuclear Regulatory Commission.

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

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BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-348 and 50-364; NRC-2009-0375]

**Southern Nuclear Operating Company; Alabama Power Company; Joseph M. Farley Nuclear Plant, Units 1 and 2; Exemption**

### 1.0 Background

Southern Nuclear Operating Company (SNC, the licensee) is the holder of Facility Operating License Numbers NPF-2 and NPF-8, which authorize operation of the Joseph M. Farley Nuclear Plant, Units 1 and 2 (FNP). 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 two pressurized water reactors located in Houston County, Alabama.

### 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, effective May 26, 2009, with a full implementation date of March 31, 2010, requires licensees to protect, with high assurance, against radiological sabotage by designing and implementing comprehensive site security plans.

By letter dated June 9, 2009, as supplemented by letter dated July 31, 2009 the licensee requested an exemption in accordance with 10 CFR 73.5, "Specific exemptions." The licensee's June 9, 2009, letter and certain portions of its July 31, 2009 letter contain proprietary and safeguards information and, accordingly, are not available to the public. The licensee has requested an exemption from the March 31, 2010, compliance date stating that it must complete a number of significant modifications to the current site security configuration before all requirements can be met. Specifically, the request is for three requirements that would be in place by December 15, 2010, versus the March 31, 2010 deadline. Being granted this exemption for the three items will allow the licensee to complete the modifications designed to update aging equipment and incorporate state-of-the-art technology to meet or exceed regulatory requirements.