

confidential, pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated July 19, 1993, I have determined that the meeting would fall within exemption (4) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of views and to avoid interference with the operations of the Committee.

It is suggested that those desiring more specific information contact Advisory Committee Management Officer, Michael P. McDonald, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, or call 202-606-8322.

Lisette Voyatzis,
Attorney-Advisor.

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NUCLEAR REGULATORY COMMISSION

[NRC-2010-0018]

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance and Availability of Draft Regulatory Guide, DG-8037, Information Relevant to Ensuring that Occupational Radiation Exposures at Medical Institutions Will be as Low as is Reasonably Achievable.

FOR FURTHER INFORMATION CONTACT:

Mohammad Saba, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 251-7558 or e-mail to Mohammad.Saba@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, "Information Relevant to Ensuring that Occupational Radiation Exposures at Medical Institutions Will

be as Low as is Reasonably Achievable," is temporarily identified by its task number, DG-8037, which should be mentioned in all related correspondence. DG-8037 is a proposed Revision 2 of Regulatory Guide 8.18, dated October 1982.

This guide is directed specifically toward medical licensees and recommends methods that the staff of the NRC considers acceptable to maintain occupational exposures as low as is reasonably achievable (ALARA) in medical institutions. In a medical institution, certain persons other than employees are exposed to radiation from licensed radioactive material. These persons include visitors, as well as patients other than those being treated with radioactive material. This guide addresses the protection of these individuals. The content of this guide is also applicable to veterinary medical institutions, insofar as specific diagnostic or therapeutic procedures are performed. Similar protection practices are applicable for keeping employee and visitor exposures ALARA, whether the patients are animal or human.

II. Further Information

The NRC staff is soliciting comments on DG-8037. Comments may be accompanied by relevant information or supporting data and should mention DG-8037 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).

ADDRESSES: You may submit comments by any one of the following methods. Please include Docket ID NRC-2010-0018 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC website and on the Federal rulemaking Web site 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-2010-0018. 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-8037 is available electronically under ADAMS Accession Number ML091940170. In addition, electronic copies of DG-8037 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-2010-0018.

Requests for technical information about DG-8037 may be directed to the NRC contact, Mohammad Saba at (301) 251-7558 or e-mail to Mohammad.Saba@nrc.gov.

Comments would be most helpful if received by March 19, 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.

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

Dated at Rockville, Maryland, this 12th day of January 2010.

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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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-321 and 50-366; NRC-
2010-0024]

Southern Nuclear Operating Company, Inc., Edwin I. Hatch Nuclear Plant, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

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) Section 73.5, "Specific exemptions," from the implementation date for a certain new requirement of 10 CFR part 73, "Physical protection of plants and materials," for Renewed Facility Operating License Nos. DPR-57 and NPF-5, issued to Southern Nuclear Operating Company, Inc. (SNC, the licensee), for operation of the Edwin I. Hatch Nuclear Plant, Units 1 and 2 (HNP), located in Appling County, Georgia. In accordance with 10 CFR 51.21, the NRC prepared an environmental assessment documenting its finding. The NRC concluded that the proposed actions will have no significant environmental impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt HNP from the required implementation date of March 31, 2010, for a certain new requirement of 10 CFR part 73. Specifically, HNP would be granted an exemption from being in full compliance with a certain new requirement contained in 10 CFR 73.55 by the March 31, 2010, deadline. SNC has proposed an alternate full compliance implementation date of December 6, 2010, approximately 8 months beyond the date required by 10 CFR part 73. The proposed action, an extension of the schedule for completion of certain actions required by the revised 10 CFR part 73, does not involve any physical changes to the

reactor, fuel, plant structures, support structures, water, or land at the HNP site.

The proposed action is in accordance with the licensee's application dated November 6, 2009, as supplemented by letter dated November 20, 2009.

The Need for the Proposed Action

The proposed action is needed to provide the licensee with additional time to perform upgrades to the HNP security system due to procurement, resource, and logistical impacts, including the spring 2010 Unit 1 refueling outage and other factors.

Environmental Impacts of the Proposed Action

The NRC has completed its environmental assessment of the proposed exemption. The staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environmental assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR part 73 as discussed in a **Federal Register** notice dated March 27, 2009 (74 FR 13967). There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution 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-Steven's Act are expected. There are no impacts to the air or ambient air quality.

There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action. In addition, in promulgating its

revisions to 10 CFR part 73, the Commission prepared an environmental assessment and published a finding of no significant impact [Part 73, Power Reactor Security Requirements, 74 FR 13926, 13967 (March 27, 2009)].

The licensee currently maintains a security program acceptable to the NRC and the new 10 CFR part 73 security measures that will be implemented by March 31, 2010, will continue to provide acceptable physical protection of the HNP. Therefore, the extension of the implementation date for the specified new requirement of 10 CFR part 73, to December 6, 2010, would not have any significant environmental impacts.

The NRC staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation, if granted.

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 March 31, 2010, implementation deadline. 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 the HNP, dated October 1972, as supplemented through the "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Edwin I. Hatch Nuclear Plant, Units 1 and 2—Final Report (NUREG-1437, Supplement 4)."

Agencies and Persons Consulted

In accordance with its stated policy, on January 5, 2010, the NRC staff consulted with the Georgia State official, Mr. Jim Hardeman of the Georgia Department of Natural Resources, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an