

Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

In the draft final rule provided to the Commission, (SECY-08-0099, dated July 9, 2008), 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 achieve full compliance.

As noted in the final rule, the Commission also anticipated that licensees would have to conduct site specific analyses to determine what changes were necessary to implement the rule's requirements, and that changes could be accomplished through a variety of licensing mechanisms, including exemptions. Since issuance of the final rule, the Commission has rejected a generic industry request to extend the rule's compliance date for all operating nuclear power plants, but noted that the Commission's regulations provide mechanisms for individual licensees, with good cause, to apply for relief from the compliance date (Reference: June 4, 2009, letter from R. W. Borchardt, NRC, to M. S. Fertel, Nuclear Energy Institute). The licensee's request for an exemption is therefore consistent with the approach set forth by the Commission as discussed in the June 4, 2009, letter.

#### *VCSNS Schedule Exemption Request*

The licensee provided detailed information in Enclosures 1 and 2 and attachment 1 (NRC ADAMS ML 093480496) of its letter dated December 11, 2009 (RC-09-0148), requesting an exemption. It describes a plan that proceeds from the now completed study phase to the major activities of design development of the engineering change request package to support the activities necessary for full compliance with part 73. These activities include the required plant modifications; design development of custom computer software; detailed field planning; work document development; schedule integration including integration of the new equipment with the existing security system; material procurement; field implementation of the required plant modifications including installation of fiber optic cables, large and small diameter conduit and distribution boxes; connections to the computer system; and project closeout. SCE&G has also provided a timeline for

achieving full compliance with the new regulation that shows the design, planning procurement, construction, testing, and project closeout activities. SCE&G stated that the project schedule takes into consideration the logistical efforts required to maintain the current defensive strategy while implementing the security system upgrade. SCE&G's letter (RC-09-0148) and its Enclosures 1 and 2 and Attachment 1 (ADAMS ML093480496 and ML093480497) contains security-related information regarding the site security issues, details of specific portions of the new regulation with which SCE&G cannot be in compliance by the March 31, 2010, deadline, why the required changes to the VCSNS security configuration could not be completed by March 31, 2010, and a timeline with critical path activities that would enable SCE&G to achieve full compliance by September 30, 2010. The timeline provides milestone dates for engineering, planning and procurement, implementation, startup and testing, engineering closeout, and project closeout.

Notwithstanding the scheduler exemptions for these limited requirements, the licensee will continue to be in compliance with all other applicable physical security requirements as described in 10 CFR 73.55 and reflected in its current NRC approved physical security program. By September 30, 2010, VCSNS will be in full compliance with all the regulatory requirements of 10 CFR 73.55, as issued on March 27, 2009.

#### **4.0 Conclusion for Part 73 Schedule Exemption Request**

The NRC staff has reviewed the licensee's submittals and concludes that the licensee has provided adequate justification for its request for an extension of the compliance date to September 30, 2010, with regard to two specific requirements of 10 CFR 73.55.

Accordingly, the Commission has determined that pursuant to 10 CFR 73.5, "Specific exemptions," an exemption from the March 31, 2010, compliance date is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the requested exemption.

The NRC staff has determined that the long-term benefits that will be realized when the licensee's equipment installation is complete justifies extending the full compliance date with regard to the specific requirements of 10 CFR 73.55. The security measures, that SCE&G needs additional time to

implement, are new requirements imposed by the March 27, 2009, amendments to 10 CFR 73.55, and are in addition to those required by the security orders issued in response to the events of September 11, 2001. Therefore, it is concluded that the licensee's actions are in the best interest of protecting the public health and safety through the security changes that will result from granting this exemption.

As per the licensee's request and the NRC's regulatory authority to grant an exemption from the March 31, 2010, implementation deadline for the two requirements specified in the licensee's two letters dated December 11, 2009, the licensee is required to be in full compliance by September 30, 2010. In achieving compliance, the licensee is reminded that it is responsible for determining the appropriate licensing mechanism (i.e., 10 CFR 50.54(p) or 10 CFR 50.90) for incorporation of all necessary changes to its security plans.

Pursuant to 10 CFR 51.32, "Finding of no significant impact," the Commission has previously determined that the granting of this exemption will not have a significant effect on the quality of the human environment 75 FR 8756; dated February 25, 2010.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 1st day of March, 2010.

For the Nuclear Regulatory Commission.

**Joseph G. Giitter,**

*Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2010-4935 Filed 3-8-10; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on Reactor Safeguards (ACRS) Meeting of the Subcommittee on Advanced Boiling Water Reactor (ABWR); Notice of Meeting**

The ACRS Subcommittee on ABWR will hold a meeting on March 18, 2010, at 11545 Rockville Pike, Rockville, Maryland, Room T2 B3.

The meeting will be open to public attendance, with the exception of a portion that may be closed to protect information that is proprietary to the South Texas Project (STP), pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

*March 18, 2010-8:30 a.m.-5 p.m.*

The Subcommittee will review selected chapters (5, 8, 16, and 17) of

the Safety Evaluation Report with Open Items associated with the STP Combined License Application. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Maitri Banerjee (Telephone: 301-415-6973, E-mail: [Maitri.Banerjee@nrc.gov](mailto:Maitri.Banerjee@nrc.gov)) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 58268-58269).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in major inconvenience.

Dated: March 3, 2010.

**Antonio F. Dias,**

*Chief, Reactor Safety Branch B, Advisory Committee on Reactor Safeguards.*

[FR Doc. 2010-4942 Filed 3-8-10; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Sunshine Act; Meeting Notice

**AGENCY HOLDING THE MEETINGS:** Nuclear Regulatory Commission [NRC-2010-0002].

**DATE:** Week of March 8, 2010

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland

**STATUS:** Public and Closed

**ADDITIONAL ITEMS TO BE CONSIDERED:**

**Week of March 8, 2010**

*Wednesday, March 10, 2010*

2 p.m. Affirmation Session (Public Meeting) (Tentative)

- a. Progress Energy Carolinas, Inc. (Shearon Harris Nuclear Power Plant, Units 2 and 3), Notice of Appeal, Request for Oral Argument and Brief Supporting Notice of Appeal by NC WARN (July 22, 2009) (Tentative)
- b. U.S. Department of Energy (High Level Waste Repository) Appeal of William D. Peterson (Tentative)

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Angela Bolduc, Chief, Employee/Labor Relations and Work Life Branch, at 301-492-2230, TDD: 301-415-2100, or by e-mail at [angela.bolduc@nrc.gov](mailto:angela.bolduc@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

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This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969), or send an email to [darlene.wright@nrc.gov](mailto:darlene.wright@nrc.gov).

Dated: March 3, 2010.

**Rochelle C. Baval,**

*Office of the Secretary.*

[FR Doc. 2010-4982 Filed 3-5-10; 1:30 pm]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2010-0002]

### Sunshine Act; Meeting Notice

**AGENCY HOLDING THE MEETINGS:** Nuclear Regulatory Commission.

**DATES:** Weeks of March 8, 15, 22, 29, April 5, 12, 2010.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**Week of March 8, 2010**

*Thursday, March 11, 2010*

10:30 a.m.

Affirmation Session (Public Meeting) (Tentative).

- a. *Progress Energy Carolinas, Inc.* (Shearon Harris Nuclear Power Plant, Units 2 and 3), Notice of Appeal, Request for Oral Argument and Brief Supporting Notice of Appeal by NC WARN (July 22, 2009) (Tentative).
- b. *U.S. Department of Energy* (High Level Waste Repository) Appeal of William D. Peterson (Tentative).
- c. Final Rule: 10 CFR 51.22, "Criterion for Categorical Exclusion; Identification of Licensing and Regulatory Actions Eligible for Categorical Exclusion or Otherwise Not Requiring Environmental Review" (RIN 3150-AI27) (Tentative).

**Week of March 15, 2010—Tentative**

*Tuesday, March 16, 2010*

1:30 p.m.

Joint Meeting of the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission on Grid Reliability (Public Meeting). (Contact: Kenn Miller, 301-415-3152.)

This meeting will be webcast live at the Web address—<http://www.nrc.gov>.

**Week of March 22, 2010—Tentative**

There are no meetings scheduled for the week of March 22, 2010.

**Week of March 29, 2010—Tentative**

There are no meetings scheduled for the week of March 29, 2010.

**Week of April 5, 2010—Tentative**

*Tuesday, April 6, 2010*

9 a.m.

Periodic Briefing on New Reactor Issues—Design Certifications (Public Meeting). (Contact: Amy Snyder, 301-415-6822.)