

## 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]

BILLING CODE 1505-01-D

## 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](mailto: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](mailto: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](mailto: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](mailto: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]

BILLING CODE 7590-01-P

## 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](mailto: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]

BILLING CODE 7590-01-P

## 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.