

**NATIONAL COUNCIL ON DISABILITY****Sunshine Act Meetings; Correction****AGENCY:** National Council on Disability.**ACTION:** Notice; correction.*Type:* Quarterly meeting.

**SUMMARY:** NCD published a Sunshine Act Meeting Notice in the **Federal Register** on March 11, 2010, notifying the public of a quarterly meeting in Detroit, MI. The meeting has been cancelled.

**FOR FURTHER INFORMATION CONTACT:**

Mark Quigley, Director of Communications, NCD, 1331 F Street, NW., Suite 850, Washington, D.C. 20004; 202-272-2004 (voice), 202-272-2074 (TTY), 202-272-2022 (fax).

**Correction**

In the **Federal Register** on March 11, 2010, in FR Doc. 2010-5407, on pages 11565-11566, correct the "Dates and Times" and "Location" captions to read:

**DATE AND TIMES:** Meeting cancelled.**LOCATION:** Meeting cancelled.

Dated: March 25, 2010.

**Joan M. Durocher,**  
*Executive Director.*

[FR Doc. 2010-7717 Filed 4-1-10; 11:15 am]

**BILLING CODE 6820-MA-P****NUCLEAR REGULATORY COMMISSION****[Docket No. NRC-2010-0142]****Agency Information Collection Activities: Proposed Collection; Comment Request****AGENCY:** Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

**SUMMARY:** The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 212 "Qualifications Investigation, Professional, Technical, and Administrative Positions", and NRC

Form 212A "Qualifications Investigation Secretarial/Clerical"

2. *Current OMB approval number:* 3150-0033 and 3150-0034.

3. *How often the collection is required:* The form(s) are collected for every new hire to the U.S. Nuclear Regulatory Commission.

4. *Who is required or asked to report:* References are collected for every new hire.

5. *The number of annual respondents:* NRC Form 212: 1,000 annual respondents. NRC Form 212A: 400 annual respondents.

6. *The number of hours needed annually to complete the requirement or request:* NRC Form 212: 250 hours. NRC Form 212A: 100 hours.

7. *Abstract:* Information requested on NRC Form 212, "Qualifications Investigation, Professional, Technical, and Administrative Positions (other than clerical positions)" and NRC Form 212A, "Qualifications Investigation, Secretarial/Clerical" is used to determine the qualifications and suitability of external applicants for employment with NRC. The completed forms may be used to examine, rate and/or assess the prospective employee's qualifications. The information regarding the qualifications of applicants for employment is reviewed by professional personnel of the Office of Human Resources, in conjunction with other information in the NRC files, to determine the qualifications of the applicant for appointment to the position under consideration.

Submit, by June 4, 2010, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public

inspection. 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. Comments submitted should reference Docket No. NRC-2010-0142. You may submit your comments by any of the following methods. Electronic comments: Go to <http://www.regulations.gov> and search for Docket No. NRC-2010-0142. Mail comments to NRC Clearance Officer, Tremaine Donnell (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by telephone at 301-415-6258, or by e-mail to [INFOCOLLECTS.Resource@NRC.GOV](mailto:INFOCOLLECTS.Resource@NRC.GOV).

Dated at Rockville, Maryland, this 25th day of March 2010.

For the Nuclear Regulatory Commission.

**Tremaine Donnell,**

*NRC Clearance Officer, Office of Information Services.*

[FR Doc. 2010-7603 Filed 4-2-10; 8:45 am]

**BILLING CODE 7590-01-P****NUCLEAR REGULATORY COMMISSION****[Docket No. 40-9068; NRC-2008-0391]****Notice of Availability of Environmental Assessment and Finding of No Significant Impact for an Exemption to the Part 40 Commencement of Construction Requirements, Lost Creek ISR, LLC, Sweetwater County, WY****AGENCY:** Nuclear Regulatory Commission.**ACTION:** Notice of availability.**FOR FURTHER INFORMATION CONTACT:**

Tanya Palmateer Oxenberg, Ph.D., Project Manager, Uranium Recovery Licensing Branch, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-6142; fax number: (301) 415-5369; e-mail: [tanya.oxenberg@nrc.gov](mailto:tanya.oxenberg@nrc.gov).

**SUPPLEMENTARY INFORMATION:****I. Introduction**

By letter dated July 2, 2009, Lost Creek ISR, LLC (the Applicant)

submitted a request to the U.S. Nuclear Regulatory Commission (NRC) seeking an exemption from the “commencement of construction” provisions of 10 Code of Federal Regulations (CFR) 40.32(e) for certain site preparation activities. As discussed in its technical evaluation report (TER), the NRC is granting this request, in part. The NRC is authorizing the Applicant to undertake certain site preparation activities for its proposed Lost Creek in situ recovery (ISR) project in Sweetwater County, Wyoming, before a decision is made on whether to grant the Applicant’s pending request for a uranium milling operating license. Granting the July 2, 2009, exemption request does not mean that the NRC has decided to issue an operating license, and the Applicant would be undertaking these site preparation activities with the risk that its pending NRC license application may later be denied. The NRC has prepared an Environmental Assessment (EA) in support of the exemption being granted in accordance with the requirements of 10 CFR 51.21. A draft of this EA was published in the **Federal Register** for public comment on November 9, 2009 (74 FR 57712). As indicated below in Section IV, the final EA is available for review, as is the TER. The final EA is summarized below.

**II. EA Summary**

The exemption being granted authorizes site preparation activities to be undertaken at the Applicant’s proposed Lost Creek ISR site. Specifically, the exemption will allow the Applicant to conduct activities that do not have a nexus to radiological health and safety, and thus do not require an NRC license. As discussed in the TER, the NRC authorizes site preparation activities to be undertaken, except for the following:

1. Construction of the processing plant. The processing plant will concentrate, precipitate, and dry yellowcake, and its construction has a nexus to radiological health and safety, due to the intended presence and handling there of radioactive materials. Specific aspects of processing plant construction are thus subject to review and approval by NRC staff. Therefore, the construction of the processing plant is not approved as an exempted activity.
  2. Drill and case up to four deep wells. The installation of these proposed wells has a nexus to radiological health and safety because the Applicant plans to use them to dispose of liquid 11e.(2) byproduct material. Therefore, drilling and casing deep disposal wells is not approved as an exempted activity.
- The requested site preparation activities approved under this exemption include the following:
1. Leveling and surfacing of the area around the plant and maintenance building.
  2. Constructing the maintenance building.
  3. Installing household septic systems for the plant and maintenance buildings.
  4. Installing fence around the plant and maintenance building area.
  5. Upgrading existing road access from the west to the plant.
  6. Upgrading existing road access from the east to the plant.
  7. Installing fence for early wellfield area.
  8. Installing power line to the plant and maintenance buildings and drillers shed.
  9. Constructing a drillers shed and staging area.
- The NRC staff prepared its EA pursuant to 10 CFR 51.21, which states, “[a]ll licensing and regulatory actions subject to this subpart require an environmental assessment \* \* \*” The

only two exceptions to this rule are those actions requiring environmental impact statements, and those that are categorically excluded or identified as otherwise not requiring environmental review pursuant to 10 CFR 51.22. Exemptions are not currently covered by any categorical exclusion, and, therefore, an EA is required for this action.

The impacts of activities allowed by the exemption being granted are not evaluated in the EA. However, the staff conditioned the exemption approval so as to protect endangered species and cultural and historic resources from the effects of site preparation activities. The impacts of all site preparation activities will be evaluated as direct impacts in the supplemental environmental impact statement (SEIS) being prepared for this site.

**III. Finding of No Significant Impact**

On the basis of the EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement regarding the exemption is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

**IV. Further Information**

Documents related to this action, including the application for exemption and supporting documentation, are available electronically at the NRC’s Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC’s Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC’s public documents. The ADAMS accession numbers for the documents related to this notice are:

| Document title   | Date                   | Accession No. |
|--|------------------------|---------------|
| Lost Creek ISR, LLC, Application for a Source Materials License .....  | October 27, 2007 ..... | ML073190539   |
| Lost Creek ISR, LLC, Resubmitted Application for a Source Materials License .....  | March 20, 2008 .....   | ML081060525   |
| Lost Creek Project Exemption Request .....   | July 2, 2009 .....     | ML091940438   |
| Request for Exemption From 10 CFR Part 40.32(e), Lost Creek ISR, LLC, Lost Creek In Situ Recovery Facility, Sweetwater County, Wyoming.  | July 28, 2009 .....    | ML092090186   |
| Letter from Bureau of Land Management in Rawlins, WY, Re: Review of Draft EA for Proposed Lost Creek ISR, LLC Exemption to Commencement of Construction Requirements in 10 CFR 40.32(e).               | October 28, 2009 ..... | ML093090467   |
| Response from Wyoming SHPO Re: Lost Creek ISR Request for Exemption from Commencement of Construction Requirements.  | October 30, 2009 ..... | ML093170313   |
| Federal Register Notice Re: Notice of Availability of Draft Environmental Assessment and Opportunity to Provide Comments for Exemption Request for Lost Creek ISR, LLC, Sweetwater County, WY.         | November 2, 2009 ..... | ML092890567   |
| Notice of Availability of Draft Environmental Assessment and Opportunity to Provide Comments for Exemption Request for Lost Creek ISR, LLC, Sweetwater County, WY.                                     | November 9, 2009 ..... | ML093220010   |
| Comment (3) of J. W. Cash on Behalf of Lost Creek ISR, LLC on NRC Notice of Availability of Draft Environment Assessment and Opportunity to Provide Comments for Exemption Request (Issued 11/9/2009). | December 8, 2009 ..... | ML093510015   |

| Document title  | Date                    | Accession No. |
|---|-------------------------|---------------|
| E-mail Comments from Wyoming Outdoor Council on Lost Creek ISR .....  | December 9, 2009 .....  | ML093440560   |
| Letter from Wyoming SHPO Re: Lost Creek ISR Notification of an Exemption from the Commencement of Construction Requirements in 10 CFR 40.32(e). | December 10, 2009 ..... | ML093440852   |
| Press Release—09—197: NRC Seeks Public Comment on Draft Environmental Reports for Three Proposed Uranium Recovery Facilities.                   | December 10, 2009 ..... | ML093441307   |
| S. Cohen Email Re: Lost Creek ISR EA Comments .....   | December 18, 2009 ..... | ML093560625   |
| Lost Creek ISR, LLC, Exemption Request, Final Technical Evaluation Report .....   | March 25, 2010 .....    | ML093350365   |
| Lost Creek ISR, LLC Exemption Request, Final Environmental Assessment .....   | March 25, 2010 .....    | ML093350677   |

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland this 25th day of March 2010.

For the U.S. Nuclear Regulatory Commission.

**Keith I. McConnell,**

*Deputy Director, Decommissioning and Uranium Recovery, Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. 2010-7604 Filed 4-2-10; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-331; NRC-2010-0107]

### Nextera Energy Duane Arnold, LLC, Duane Arnold Energy Center; Exemption

#### 1.0 Background

NextEra Energy Duane Arnold, LLC, formerly FPL Energy Duane Arnold, LLC (the licensee) is the holder of Facility Operating License No. DPR-49, which authorizes operation of the Duane Arnold Energy Center (Duane Arnold). The facility consists of a boiling-water reactor located in Linn County in the State of Iowa. The licensee was authorized to change its name by Amendment No. 275, dated November 13, 2009, to the Facility Operating License. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect. In a letter dated March 4, 2009, FPL Energy Duane Arnold, LLC requested

exemption from certain requirements of 10 CFR part 50, Appendix J.

#### 2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), Appendix J specifies the leakage test requirements, schedules, and acceptance criteria for tests of the leak-tight integrity of the primary reactor containment and systems and components which penetrate the containment. Option B of Appendix J is entitled "Performance-Based Requirements." Option B, Section III.A., "Type A Test," requires, among other things, that the overall integrated leakage rate must not exceed the allowable leakage rate (La) with margin, as specified in the Technical Specifications (TSs).

The overall integrated leak rate, is defined in 10 CFR part 50, Appendix J as "the total leakage rate through all tested leakage paths, including containment welds, valves, fittings, and components that penetrate the containment system." This includes the contribution from main steam isolation valve (MSIV) leakage. The licensee has requested exemption from Option B, Section III.A requirements to permit exclusion of MSIV leakage from the overall integrated leak rate test measurement. Main steam leakage includes leakage through all four main steam lines and the main steam drain line.

Option B, Section III.B of 10 CFR part 50, Appendix J, "Type B and C Tests," requires, among other things, that the sum of the leakage rates at accident pressure of Type B tests and pathway leakage rates from Type C tests be less than the performance criterion (La) with margin, as specified in the TSs. The licensee also requests exemption from this requirement, to permit exclusion of the main steam pathway leakage contributions from the sum of the leakage rates from Type B and Type C tests.

The licensee requests this exemption because the main steam pathway leakage is treated separately from the remainder of the assumed leakage from primary containment in the design basis loss-of-coolant accident (DBA LOCA)

analysis. The MSIV leakage effluent has a different pathway to the environment, when compared to a typical containment penetration. The licensee has analyzed the MSIV and main steam pathway leakage separately from the overall containment integrated leakage, local leakage across pressure retaining, leakage limiting boundaries, and containment isolation valve leakage in its dose consequence analysis. By currently including the main steam pathway leakage in with the rest of the primary containment leakage actual test results, it is essentially being accounted for twice in the dose analysis.

In summary, by application dated March 4, 2009, the licensee requested an exemption for the Duane Arnold Energy Center (Duane Arnold). The proposed change will exempt Duane Arnold from certain requirements of Appendix J to 10 CFR part 50. Specifically, the licensee is requesting a permanent exemption to permit exclusion of the main steam pathway leakage contributions from the overall integrated leakage rate (Type A) test measurement and from the sum of the leakage rates from local leakage rate (Type B and Type C) tests.

#### 3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Special circumstances are present whenever, according to 10 CFR 50.12(a)(2)(ii), "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule \* \* \*."

#### Authorized by Law

The exemption would permit exclusion of the main steam pathway leakage contributions from the overall integrated leakage rate (Type A) test