

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-2009-0039. Address questions about NRC dockets to Carol Gallagher at 301-492-3668 or by e-mail at [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

*Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

*Fax comments to:* RADB 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 20852.

*NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library 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 at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The Accession Number for draft Supplement 44 to the GEIS is ML11139A153.

*Federal rulemaking Web site:* Public comments and supporting materials related to this notice can be found at <http://www.regulations.gov> by searching for Docket ID NRC-2009-0039.

In addition, a copy of the draft supplement to the GEIS is available to local residents near the site at the Central Ridge Library located at 425 West Roosevelt Boulevard, Beverly Hills, Florida 34465, and at the Coastal Region Library located at 8619 West Crystal Street, Crystal River, Florida 34428.

All comments received by the NRC, including those made by Federal, State, and local agencies; Native American Tribes; or other interested persons, will

be made available electronically at the NRC's PDR in Rockville, Maryland, and through ADAMS. Comments received after the due date will be considered only if it is practical to do so.

The NRC staff will hold public meetings prior to the close of the public comment period to present an overview of the draft plant-specific supplement to the GEIS and to accept public comments on the document. Two meetings will be held at the Plantation Inn, 9301 W. Fort Island Trl, Crystal River, FL 34429, on Tuesday, June 28, 2011. The first session will convene at 2 p.m. and will continue until 5 p.m., as necessary. The second session will convene at 7 p.m. and will continue until 10 p.m., as necessary. The meetings will be transcribed and will include: (1) A presentation of the contents of the draft plant-specific supplement to the GEIS and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the same location. No comments on the draft supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meeting or in writing. Persons may pre-register to attend or present oral comments at the meeting by contacting Mr. Daniel Doyle, the NRC Environmental Project Manager, at 1-800-368-5642, extension 3748, or by e-mail at [Daniel.Doyle@nrc.gov](mailto:Daniel.Doyle@nrc.gov) no later than Thursday, June 23, 2011. Members of the public may also register to provide oral comments within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Doyle's attention no later than Thursday, June 23, 2011, to provide the NRC staff adequate notice to determine whether the request can be accommodated.

*For Further Information Contact:* Mr. Daniel Doyle, Division of License Renewal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Mail Stop O-11F1, Washington, DC 20555-0001. Mr. Doyle may be contacted at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 26th day of May 2011.

For the Nuclear Regulatory Commission.

**David J. Wrona,**

*Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation.*

[FR Doc. 2011-13817 Filed 6-2-11; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-341; NRC-2010-0099]

### Detroit Edison Company, Fermi 2; Exemption

#### 1.0 Background

Detroit Edison Company (the licensee) is the holder of Facility Operating License No. NPF-43, which authorizes operation of Fermi 2. The license provides, 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 located in Monroe County, Michigan.

#### 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 programs. The amendments to 10 CFR 73.55 published on March 27, 2009 (74 FR 13926), 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 additional requirements that Fermi 2 now seeks an exemption from the implementation date. All other physical security requirements established by this recent rulemaking have already been or will be implemented by the licensee by May 31, 2011.

By letter dated November 19, 2009 (Agencywide Documents Access and

Management System (ADAMS Accession No. ML093270067), as supplemented by letter dated December 23, 2009 (ADAMS Accession No. ML100040010), the licensee requested an exemption in accordance with 10 CFR 73.5, "Specific exemptions." The licensee's November 19, 2009, and December 23, 2009, letters, have certain portions which contain proprietary and safeguards information and, accordingly, are not available to the public. The licensee 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. By letter dated March 19, 2010 (ADAMS Accession No. ML100350225), the NRC granted an exemption request to extend the compliance date for five requirements to May 31, 2011, versus the March 31, 2010, deadline. Being granted this exemption for the five requirements allowed the licensee to complete the modifications designed to update aging equipment and incorporate state-of-the-art technology to meet or exceed the noted regulatory requirements. By letter dated March 23, 2011 (ADAMS Accession No. ML111290414), the licensee has now requested an additional exemption from the current implementation date of May 31, 2011 to August 31, 2011 for two of these requirements, due to site-specific weather conditions, causing unanticipated delays in construction schedule.

### 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 exemption, as noted above, would allow an extension from May 31, 2011, to August 31, 2011, for the implementation date for two specified areas of the new rule. 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, the exemption is authorized by law.

In the draft final power reactor security rule provided to the Commission, 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 any such 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 (ADAMS Accession No. ML091410309)). The licensee's request for an exemption is therefore consistent with the approach set forth by the Commission and discussed in the June 4, 2009, letter.

### Fermi 2 Schedule Exemption Request

The licensee provided detailed information in its letter dated March 23, 2011 (ADAMS Accession No. ML110840250), requesting an exemption. It describes a comprehensive plan which provides a timeline for achieving full compliance with the new regulation. Enclosure 1 contains security related information regarding the site security plan, status of security modifications, details of the specific requirements of the regulation for which the site cannot be in compliance by the May 31, 2011, deadline and why, the required changes to the site's security configuration, and a timeline with "critical path" activities

that will enable the licensee to achieve full compliance by August 31, 2011. The timeline provides dates indicating when (1) Construction began or will begin on various phases of the project (*i.e.*, new equipment, buildings and fences), and (2) critical equipment will be installed, tested and become operational.

Notwithstanding the schedule exemptions of these limited requirements, the licensee indicated that it 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 August 31, 2011, the licensee also stated that Fermi 2 will be in full compliance with the regulatory requirements of 10 CFR 73.55, as published on March 27, 2009 (76 FR 13926).

### 4.0 Environmental Consideration

This exemption authorizes a scheduler exemption to the compliance date identified in 10 CFR 73.55(a)(1) for Fermi 2. The NRC staff previously prepared a Programmatic Environmental Assessment and Finding of No Significant Impact (76 FR 187) for the treatment of licensee exemption requests from the implementation date requirement of 10 CFR 73.55. Consistent with the referenced analysis, the NRC staff has determined that the licensee's request constitutes an administrative (timing) change that would not have a significant effect on the quality of the human environment.

### 5.0 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 August 31, 2011, with regard to two specified remaining requirements of 10 CFR 73.55. This conclusion is based on the staff's determination that Fermi 2 has made a good faith effort to meet the requirements in a timely manner, has sufficiently described the reasons for the unanticipated delays, and has provided an updated detailed schedule with adequate justification for the additional time requested for the extension, based on those delays and the original scope of work, that staff agrees is needed to ensure that the required system capabilities are met.

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 Fermi 2 modifications are completed justifies exceeding the full compliance date in the case of this particular licensee. The security measures Fermi 2 needs additional time to implement are new requirements imposed by March 27, 2009, amendments to 10 CFR 73.55, and are in addition to those currently required by the security orders issued in response to the events of September 11, 2001. Therefore, the NRC concludes 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 May 31, 2011, deadline for the two remaining requirements specified in Enclosure 1 of the Detroit Edison letter dated March 23, 2011, the licensee is required to be in full compliance by August 31, 2011. 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.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 23rd day of May, 2011.

For the Nuclear Regulatory Commission.

**Joseph G. Giitter,**

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

[FR Doc. 2011-13808 Filed 6-2-11; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on Reactor Safeguards (ACRS) Meeting on the ACRS Subcommittee on Power Uprates**

#### **Notice of Meeting**

The ACRS Subcommittee on Power Uprates will hold a meeting on June 7, 2011, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance except for a portion that may be closed to protect proprietary information provided by General Electric Hitachi (GEH) pursuant to 5 U.S.C. 552b(C)(4).

The agenda for the subject meeting shall be as follows:

#### **Tuesday, June 7, 2011—8:30 a.m. until 5 p.m.**

The Subcommittee will review the staff's evaluation of Topical Report NEDC-33173, Supplement 2, Parts 1, 2, and 3 (Applicability of GE Methods to Expanded Operating Domains-Power Distribution Validation and Pin-by-Pin Gamma Scan). The Subcommittee will hear presentations by and hold discussions with the NRC staff, GE Hitachi, and other interested persons regarding this matter. 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), Mrs. Zena Abdullahi (Telephone 301-415-8716 or E-mail: [Zena.Abdullahi@nrc.gov](mailto:Zena.Abdullahi@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 e-mailed 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 21, 2010, (75 FR 65038-65039).

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 a major inconvenience.

If attending this meeting, please contact Ms. Jessie Delgado (Telephone

301-415-7360) to be escorted to the meeting room.

Dated: May 27, 2011.

**Cayetano Santos,**

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

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**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Digital Instrumentation and Control Systems; Notice of Meeting**

The ACRS Subcommittee on Digital Instrumentation and Control Systems (DI&C) will hold a meeting on June 7, 2011, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

#### **Tuesday, June 7, 2011—8:30 a.m. until 5 p.m.**

The Subcommittee will hear a briefing on the Brookhaven National Laboratory's DI&C Probabilistic Risk Assessment (PRA) software work. The Subcommittee will hear presentations by and hold discussions with the Office of Nuclear Regulatory Research (RES) staff and other interested persons regarding this matter. 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), Mrs. Christina Antonescu (Telephone 301-415-6792 or E-mail: [Christina.Antonescu@nrc.gov](mailto:Christina.Antonescu@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