

For the Nuclear Regulatory Commission.

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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:

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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.*

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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.