

**ACTION:** Announcement of issuance for public comment, availability.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has issued for public comment a document entitled: NUREG/CR-XXXX, "Criteria for Development of Evacuation Time Estimate Studies." The Evacuation Time Estimate (ETE) is a calculation of the time to evacuate the plume exposure pathway emergency planning zone (EPZ), an area with a radius of about 10 miles around a nuclear power plant (NPP). The ETE is primarily used to inform protective action decisions during NPP radiological emergencies and may be used to assist in the development of traffic management plans to support an evacuation. This document is an acceptable template for use by NPP licensees to meet NRC requirements for the development of ETE studies. It also provides guidance for the update and review of ETEs. The format and criteria provided in this document will support consistent application of ETE methodology and will facilitate consistent NRC review of ETE studies.

**DATES:** Comments must be filed no later than 75 days from the date of publication of this notice in the **Federal Register**. Comments received after this date will be considered, if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** NUREG/CR-XXXX, "Criteria for Development of Evacuation Time Estimate Studies," is available for inspection and copying for a fee at the NRC Public Document Room, Public File Area O1-F21, 11555 Rockville Pike, Rockville, Maryland. Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS Accession number for this NUREG/CR is: ML090560622. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (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).

Comments will be made available to the public in their entirety; personal information, such as your name, address, telephone number, e-mail address, etc., will not be removed from your submission. You may submit

comments by any one of the following methods: *Federal e-Rulemaking Portal*: Go to <http://www.regulations.gov>; search on Docket ID: NRC-2008-0122. 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, Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and cite the publication date and page number of this **Federal Register** notice.

**FOR FURTHER INFORMATION CONTACT:** Mr. Frank J. (Jeff) Laughlin, Division of Preparedness and Response, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: 301-415-1113, or e-mail at [jeff.laughlin@nrc.gov](mailto:jeff.laughlin@nrc.gov).

**SUPPLEMENTARY INFORMATION:** NUREG/CR-XXXX, "Criteria for Development of Evacuation Time Estimate Studies," supersedes previous NRC guidance concerning the development of ETE studies. This document provides guidance for addressing new emergency planning (EP) requirements for nuclear power plants based on proposed changes to EP regulations in Title 10, "Energy," Part 50, "Domestic Licensing of Production and Utilization Facilities," of the *Code of Federal Regulations* (10 CFR Part 50), specifically Section 50.47, "Emergency Plans," and Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities" (reference RIN 3150-A110).

NRC is issuing guidance for the development of ETEs that requires licensees to analyze several scenarios including all directions and distances within the EPZ, across time of day, day of week, adverse and normal weather conditions and peak population special events. NRC is seeking comment from offsite response organizations as to the type of scenarios to be developed to adequately support offsite protective action decision-making and evacuation planning efforts.

Dated at Rockville, Maryland, this 6th day of May 2009.

For the Nuclear Regulatory Commission.

**Christopher G. Miller,**

*Deputy Director for Emergency Preparedness, Division of Preparedness and Response, Office of Nuclear Security and Incident Response.*

[FR Doc. E9-11037 Filed 5-15-09; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2008-0122]

### Draft Regulatory Guide: Issuance, Availability

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Issuance and Availability of Draft Regulatory Guide, DG-1237.

#### FOR FURTHER INFORMATION CONTACT:

Steven F. LaVie, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 415-1081 or e-mail to [Steven.LaVie@nrc.gov](mailto:Steven.LaVie@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory 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), titled, "Guidance on Making Changes to Emergency Response Plans for Nuclear Power Reactors," is temporarily identified by its task number, DG-1237, which should be mentioned in all related correspondence. This is a new guide.

The NRC staff's objectives for Title 10, section 50.54(q), of the Code of Federal Regulations (10 CFR 50.54(q)) are to ensure that licensees (1) Follow and maintain the effectiveness of their approved emergency plans, (2) evaluate proposed changes to these plans for their impact on the effectiveness of the plans, and (3) obtain prior NRC approval for changes that would reduce the effectiveness of the plans. These actions are essential if these plans are to continue to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. The NRC is proposing changes to 10 CFR 50.54(q) based on lessons learned from operating experience and at the direction of the Commission. The purpose of this draft guide is to provide guidance on the implementation of proposed revision of 10 CFR 50.54(q) with respect to making changes to emergency response plans. The

proposed changes to 10 CFR 50.54(q) can be found at the Federal e-Rulemaking Portal (<http://www.regulations.gov>) by searching on Docket ID: NRC-2008-0122.

## II. Further Information

The NRC staff is soliciting comments on DG-1237. Comments may be accompanied by relevant information or supporting data, and should mention DG-1237 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).

Personal information will not be removed from the comments. Comments may be submitted by any of the following methods:

1. *Mail to:* Rulemaking and Directives Branch, Mail Stop: TWB-05-B01M, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

2. *Fax to:* Rulemaking and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 492-3446.

Requests for technical information about DG-1237 may be directed to Steven F. LaVie at (301) 415-1081 or e-mail to [Steven.LaVie@nrc.gov](mailto:Steven.LaVie@nrc.gov).

Comments would be most helpful if received by September 1, 2009. 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.

Electronic copies of DG-1237 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/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML090080534.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR), which is 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).

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Dated at Rockville, Maryland, this 7th day of May 2009.

For the Nuclear Regulatory Commission.

**Andrea D. Valentin**,  
*Chief, Regulatory Guide Development Branch,*  
*Division of Engineering, Office of Nuclear*  
*Regulatory Research.*

[FR Doc. E9-11390 Filed 5-15-09; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-08502-MLR; ASLBP No. 09-887-01-MLR-BD01]

### Cogema Mining, Inc.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and the Commission's regulations, see 10 CFR 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

### Cogema Mining, Inc. Irigaray and Christensen Ranch Facilities (License Renewal for Source Materials License SUA-1341)

This Board is being established in response to requests for hearing that were filed pursuant to a Notice of Request to Renew Source Materials License SUA-1341, COGEMA Mining, Inc., Irigaray and Christensen Ranch Facilities, Johnson and Campbell Counties, WY, and Opportunity to Request a Hearing dated February 9, 2009 (74 FR 6436). Requests for hearing dated April 10, 2009 were filed by: (1) The Powder River Basin Resource Council; and (2) the Oglala Delegation of the Great Sioux Nation Treaty Council (Oglala Delegation), which also seeks "leave to make filings by e-mail due to problems with the NRC's EIE document system encountered by [petitioner's counsel] due to computer system and software incompatibilities" (Pet. for Hearing at 125).<sup>1</sup>

*The Board is comprised of the following administrative judges:*

<sup>1</sup> The Oglala Delegation's request to make filings by email was initially directed to the Commission. The Secretary of the Commission, in turn, referred the hearing request to the Chief Administrative Judge of the ASLBP for appropriate action. Absent instructions to the contrary, such broad referrals result in the entire hearing request, and all its issues, being referred to a Board for resolution. The Oglala Delegation's request to make filings by e-mail should therefore be resolved by the Board.

Alex S. Karlin, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;

Paul B. Abramson, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;

William M. Murphy, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Unless otherwise authorized by the Board, all correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing Rule, which the NRC promulgated in August 2007 (72 FR 49,139).

Issued at Rockville, Maryland, this 12th day of May 2009.

**E. Roy Hawkens**,

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. E9-11532 Filed 5-15-09; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Office of Nuclear Security and Incident Response

[NRC-2008-0122]

### Interim Staff Guidance: Emergency Planning for Nuclear Power Plants; Solicitation of Public Comment

**AGENCY:** Nuclear Regulatory Commission (NRC).

**ACTION:** Announcement of issuance for public comment, availability.

**SUMMARY:** The Office of Nuclear Security and Incident Response (NSIR) is soliciting public comment on its proposed Interim Staff Guidance (ISG) NSIR/DPR-ISG-01, "Emergency Planning for Nuclear Power Plants." This ISG would provide guidance for addressing new emergency planning (EP) requirements for nuclear power plants based on proposed changes to EP regulations in Title 10, "Energy," Part 50, "Domestic Licensing of Production and Utilization Facilities," of the *Code of Federal Regulations* (10 CFR Part 50), specifically Section 50.47, "Emergency Plans," and Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities" (reference RIN 3150-A110). The NRC staff will modify the ISG as necessary for consistency with the final EP rule as part of the overall comment resolution process for the ISG and EP rule changes. Additional guidance on topics not directly related to the EP final rule, such