

(1) NEI's first comment addresses the proposed revision to RIS 2007-16. The NRC staff is addressing this comment in the revision to RIS 2007-16, which is planned to be issued separately.

(2) NEI commented that it agrees with the NRC staff's proposed change to RIS 2007-16 to include a backfit review of all LR-ISG documents under 10 CFR 50.109. However, NEI further commented, this addition of backfit review for LR-ISGs should have no impact on implementation or interpretation of 10 CFR 54.37(b). The NRC staff agrees with NEI's comment and no changes have been made from the proposed LR-ISG process revision. The revised LR-ISG process contains the framework for developing and implementing LR-ISGs, including provisions for determining whether 10 CFR 54.37(b) and 10 CFR 50.109 apply to an LR-ISG, and according documentation. The LR-ISG process references RIS 2007-16, which provides guidance on interpretation and licensee implementation of 10 CFR 54.37(b).

NEI also commented that it agrees with the NRC staff's proposed change to extend the LR-ISG process to include environmental review issues. As such, the NRC staff has made no changes to the proposed LR-ISG process revision.

(3) NEI recommended that the NRC consider splitting RIS 2007-16 into two separate documents, one on implementation of 10 CFR 54.37(b) and the other on the LR-ISG process, including the requirement for backfit analysis for proposed LR-ISGs. The NRC staff agrees with NEI's recommendation that the documents are separate. The two documents are the revised LR-ISG process and RIS 2007-16. The NRC staff intends for the focus of these two documents to be as described in the response to the previous comment.

In its comments, NEI also suggested that the NRC include the requirement for "backfit analysis" for LR-ISGs. The NRC staff would like to clarify that, as described in the proposed LR-ISG process revision, the NRC staff will perform a backfitting review of LR-ISGs; however, the NRC staff will only prepare a backfitting analysis in certain cases, which is consistent with the requirements of 10 CFR 50.109. If, as a result of its backfitting review, the NRC staff determines that an LR-ISG constitutes backfitting, as defined in 10 CFR 50.109(a)(1), then a backfitting analysis is required to demonstrate that backfitting is necessary because it constitutes a substantial increase in protection to public health and safety or the common defense and security, and the cost is justified in light of the

substantial increase. If an LR-ISG constitutes backfitting, but one or more of the exceptions in 10 CFR 50.109(a)(4)(i) through (iii) apply, then a backfitting analysis is not required, but the NRC staff is required to prepare a documented backfitting evaluation.

(4) NEI commented that the NRC deleted from RIS 2007-16, Revision 0, NRC's agreement to inform renewed license holders of new LR-ISGs and to inform the industry of "newly identified" SSCs. NEI suggested that this information could be added to Section 4.2.4 of the LR-ISG process. NEI indicated that this information is valuable to licensees and requested that the NRC staff retain the expectation to communicate it.

The NRC staff agrees with NEI's comment to include this information in Section 4.2.4 of the LR-ISG process. Accordingly, the revised LR-ISG process states that when an LR-ISG constitutes backfitting under 10 CFR 50.109, or communicates "newly-identified" SSCs under the provisions of 10 CFR 54.37(b), the NRC staff will notify applicable renewed license holders as appropriate, for example, by issuing letters or a generic communication. The NRC staff will continue to make draft and final LR-ISGs publicly available, and notices of availability or the opportunity to provide comments will be published in the **Federal Register**. Electronic copies of draft and final LR-ISGs will be made available on the NRC's public Web site.

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

For the Nuclear Regulatory Commission,
Samson S. Lee,
*Deputy Director, Division of License Renewal,
Office of Nuclear Reactor Regulation.*
[FR Doc. E9-19646 Filed 8-14-09; 8:45 am]
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NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Week of August 10, 2009.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

Additional Items to be considered:

Week of August 10, 2009

Thursday, August 13, 2009

1:25 p.m.

Affirmation Session (Public Meeting)
(Tentative).

Pa'ina Hawaii, LLC (Materials License Application)—Applicant's Motion to Transfer Case to the Commission (Tentative).

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415-1292. Contact person for more information: Rochelle Bavol, (301) 415-1651.

Additional Information

By a vote of 3-0 on August 11, 2009, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that Affirmation of Pa'ina Hawaii, LLC (Materials License Application)—Applicant's Motion to Transfer Case to the Commission (Tentative) be held August 13, 2009, and on less than one week's notice to the public.

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

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Dated: August 12, 2009.

Rochelle C. Bavol,
Office of the Secretary.
[FR Doc. E9-19746 Filed 8-13-09; 4:15 pm]
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SMALL BUSINESS ADMINISTRATION

Disaster Declaration #11694 and #11695; North Dakota Disaster Number ND-00015

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for