factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

Detailed information about the license renewal process can be found under the Nuclear Reactors icon at *http://www.nrc.gov/reactors/operating/licensing/renewal.html* on the NRC's Web site. Copies of the application to renew the operating license for CGS are available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852–2738, and at *http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html,* the NRC's Web site while the application is under review. The application may be accessed in ADAMS through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/reading-rm/adams.html* under ADAMS Accession Number ML100250668. As stated above, persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC PDR reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *PDR.Resource*@nrc.gov.

The NRC staff has verified that a copy of the LRA is also available to local residents near the site at the Richland Public Library, 955 Northgate Drive, Richland, Washington 99352 and at the Kennewick Branch of Mid-Columbia Libraries, 1620 South Union Street, Kennewick, Washington 99338.

Dated at Rockville, Maryland, this 4th day of March 2010.

For the Nuclear Regulatory Commission.

Brian E. Holian,

Director Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–5278 Filed 3–10–10; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC–2010–0097]

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance and availability of draft regulatory guide, DG–1242, "Service Level I, II, and III Protective Coatings Applied To Nuclear Power Plants."

FOR FURTHER INFORMATION CONTACT: Bruce P. Lin, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: (301) 251–7653 or e-mail *Bruce.Lin@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft 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), entitled, "Service Level I, II, and III Protective Coatings Applied to Nuclear Power Plants" is temporarily identified by its task number, DG–1242, which should be mentioned in all related correspondence. DG–1242 is proposed Revision 2 of Regulatory Guide 1.54, dated July 2000.

Protective coatings have been used extensively in nuclear power plants (NPPs) to protect the surfaces of facilities and equipment from corrosion and contamination from radionuclides and for wear protection during plant operation and maintenance activities. For plants that have a design basis that includes a commitment to RG 1.54, "Quality Assurance Requirements for Protective Coatings Applied to Water-Cooled Nuclear Power Plants," issued June 1973, the regulations cited above require that protective coatings be qualified and capable of surviving a design-basis accident without adversely affecting safety-related structures, systems, and components needed to mitigate the accident.

The NRC issued RG 1.54 to describe an acceptable method for complying with NRC quality assurance requirements for protective coatings applied to ferritic steels, stainless steel, zinc-coated (galvanized) steel, concrete, or masonry surfaces of water-cooled NPPs. The presumption was that protective coatings that met these guidelines would not degrade over the design life of the plant. However, operating history has shown that undesirable degradation, detachment, and other types of failures of coatings have occurred, as described in Generic Letter 98–04, "Potential for Degradation of the Emergency Core Cooling System and the Containment Spray System after a Loss-of-Coolant Accident because of Construction and Protective Coating Deficiencies and Foreign Material in Containment," dated July 14, 1998. Detached coatings from the substrate that are transported to emergency core cooling system intake structures may make those systems unable to satisfy the requirement in 10 CFR 50.46(b)(5) to provide long-term cooling.

II. Further Information

The NRC staff is soliciting comments on DG–1242. Comments may be accompanied by relevant information or supporting data and should mention DG–1242 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).

ADDRESSES: You may submit comments by any one of the following methods. Please include Docket ID NRC–2010–0097 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site Regulations.gov. 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.

The NRC requests that any party soliciting or aggregating comments received from other persons for 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–2010–0097. Address questions about NRC dockets to Carol Gallagher 301–492–3668; e-mail *Carol.Gallagher@nrc.gov.*

Mail comments to: Michael T. Lesar, Chief, Rulemaking and Directives Branch (RDB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by fax to RDB 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.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic

Reading Room 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 to *pdr.resource@nrc.gov.* DG–1242 is available electronically under ADAMS Accession Number ML093410510. In addition, electronic copies of DG–1242 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/.*

Federal Rulemaking Web site: Public comments and supporting materials related to this notice can be found at *http://www.regulations.gov* by searching on Docket ID: NRC–2010–0097.

Comments would be most helpful if received by May 12, 2010. 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.

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland, this 4th day of March, 2010.

For the Nuclear Regulatory Commission.

Andrea D. Valentin,

Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2010–5225 Filed 3–10–10; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–333; NRC–2010–0095]

James A. Fitzpatrick Nuclear Power Plant Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from the requirements of Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), Appendix R, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979," issued to Entergy Nuclear Operations, Inc. (the licensee), for the operation of the James A. FitzPatrick Nuclear Power Plant (JAFNPP) located in Oswego County, NY. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of Proposed Action

Regulatory Issue Summary (RIS) 2006–10 documents the NRC position on the use of operator manual actions as part of a compliance strategy to meet the requirements of 10 CFR Part 50, Appendix R, Section III.G.2. The NRC requires plants which credit manual actions for 10 CFR Part 50, Appendix R, Section III.G.2 compliance to obtain NRC approval for the manual action using the exemption process in accordance with the requirements of 10 CFR 50.12. In response to RIS 2006–10, the licensee requested this licensing action which would exempt the JAFNPP from the requirements of 10 CFR Part 50, Appendix R, Section III.G.2. The proposed exemption would allow operator manual action, in a safe area of the reactor building, that will prevent the failure of the systems in Fire Area 10 from affecting the ability to achieve and maintain hot shutdown conditions of the reactor as required by Title 10 of the *Code of Federal Regulations* Part 50, Appendix R, Section III.G.2.

The proposed action is in accordance with the licensee's application dated February 18, 2009, as supplemented by letters dated March 30, November 17, December 11, 2009, and January 19, 2010. Portions of letters dated February 18 and March 30, 2009, contain security related sensitive information, and are withheld from public disclosure in accordance with 10 CFR 2.390. Publicly available versions of the letters dated February 18, and March 30, 2009, are accessible electronically from the Agencywide Documents Access and Management System (ADAMS) with Accession Nos. ML090860980 and ML091320387, respectively. Also, the letters dated November 17, December 11, 2009, and January 19, 2010, are accessible electronically from ADAMS with Accession Nos. ML093270075, ML093520408, and ML100210195, respectively.

The Need for the Proposed Action

The proposed action is needed to allow the licensee an alternate method, not authorized in 10 CFR Part 50, to achieve and maintain hot shutdown conditions in the event of a fire that could disable electrical cables and equipment in Fire Area 10.

The criteria for granting specific exemptions from 10 CFR Part 50 Regulations are specified in 10 CFR 50.12. In accordance with 10 CFR 50.12(a)(1), the NRC is authorized to grant an exemption upon determining that the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the environmental impact of the proposed action. The staff has concluded that such actions would not adversely affect the environment. The proposed action would not result in an increased radiological hazard. There will be no change to the radioactive effluent releases that effect radiation exposures to plant workers and members of the public. The proposed action will be performed inside the reactor building. No changes will be made to plant structures or the site property. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity or the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Steven's Act are expected. There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

The details of the staff's safety evaluation will be provided in the license exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.,* the "no-action" alternative). Denial of the