

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).

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

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]

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## 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

as integrating offsite response methodologies with onsite EP programs, is also provided in the ISG. Once the EP final rule is published and NRC staff completes the ISG, the staff will issue it for use. The NRC staff will incorporate the updated guidance information in NSIR/DPR-ISC-01 into future revisions of NUREG-0654/FEMA-REP-1, "Criteria for the Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," and other EP guidance documents.

Some NRC EP regulatory requirements are being revised that warrant guidance outside the scope of the proposed ISG. The NRC staff plans to provide additional guidance for addressing proposed changes to Section 50.54(q) concerning emergency plan changes in the form of a new Regulatory Guide (RG), proposed changes to Appendix E to 10 CFR Part 50 regarding emergency action levels for hostile action events in a revision to RG 1.101, "Emergency Planning for Nuclear Power Plants," and proposed changes to Section 50.47(b)(10) and Appendix E to 10 CFR Part 50 regarding updates to evacuation time estimates in the form of a new NUREG/CR document. The Federal Emergency Management Agency (FEMA) is addressing offsite EP guidance changes in support of the proposed EP rule and other offsite EP program issues in a new supplement to NUREG-0654/FEMA-REP-1, as well as other FEMA documents. These documents will be issued separately for public comment prior to publishing the EP final rule.

**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:** NSIR/DPR-ISC-01, "Emergency Planning for Nuclear Power Plants," 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 Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS Accession number for this ISG is:

ML083540070. 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 at [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. Direct questions about NRC dockets to Carol Gallagher by telephone at 301-492-3668 or e-mail at [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. Cite the publication date and page number of this **Federal Register** notice. **FOR FURTHER INFORMATION CONTACT:** Mr. Donald R. Tailleart, Division of Preparedness and Response, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone 301-415-2966 or e-mail at [don.tailleart@nrc.gov](mailto:don.tailleart@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The NRC posts its issued staff guidance on the NRC external web page at <http://www.nrc.gov/reading-rm/doc-collections/isg/>.

The NRC staff is issuing this notice to solicit public comments on the proposed NSIR/DPR-ISC-01. After the NRC staff considers any public comments, it will make a determination regarding the proposed NSIR/DPR-ISC-01.

Dated at Rockville, Maryland, this 5th day of May 2009.

For the Nuclear Regulatory Commission.

**Melvyn N. Leach,**

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

[FR Doc. E9-11036 Filed 5-15-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor

Safeguards (ACRS) will hold a meeting on June 3-5, 2009, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Monday, October 6, 2008, (73 FR 58268-58269).

### Wednesday, June 3, 2009, Conference Room T-2B3, Two White Flint North, Rockville, Maryland

**8:30 a.m.-8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)**—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

**8:35 a.m.-9:45 a.m.: License Renewal Application and the Revised Final Safety Evaluation Report for the National Institute of Standards and Technology (NIST) Reactor (Open)**—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and NIST regarding the License Renewal Application for the NIST Reactor, the associated NRC staff's revised final SER, and related matters.

**10 a.m.-12 p.m.: Draft Final Regulatory Guides 1.21 and 4.1 (Open)**—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding Draft Final Regulatory Guide 1.21 (DG-1186), "Measuring, Evaluating, and Reporting Radioactive Materials in Liquid and Gaseous Effluents and Solid Wastes," and Draft Final Regulatory Guide 4.1 (DG-4013), "Radiological Environmental Monitoring for Nuclear Power Plants," and related matters.

**1 p.m.-3 p.m.: Pellet-Clad Interaction Failures under Extended Power Uprate Conditions (Open/Closed)**—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and nuclear industry regarding pellet-clad interaction failures under extended power uprate conditions, and related matters. [**Note:** A portion of this Session may be closed pursuant to 5 U.S.C. 552b(c)(4), to discuss project information that is proprietary to Global Nuclear Fuel (GNF) and/or Westinghouse, or their contractors.]

**3:15 p.m.-4:45 p.m. Diversity and Defense-in-Depth Topical Report Associated with the US-APWR Design (Open)**—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Mitsubishi Heavy Industries, Ltd., regarding the Diversity and Defense-in-Depth Topical Report and the associated NRC staff's Safety Evaluation Report associated with the US-Advanced Pressurized Water Reactor (US-APWR) Design, and related matters.