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Dated: February 6, 2012.

**Michael L. Wash,**

*Executive for Information Services/CIO.*

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## NUCLEAR REGULATORY COMMISSION

[NRC-2012-0035]

### Draft Regulatory Guide: Issuance, Availability Decommissioning of Nuclear Power Reactors

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft regulatory guide; request for comment

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG) DG-1271 "Decommissioning of Nuclear Power Reactors." This guide describes a method NRC considers acceptable for use in decommissioning power reactors. **DATES:** Submit comments by April 16, 2012. Comments received after this 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.

**ADDRESSES:** You may access information and comment submissions related to this document, which the NRC possesses and is publicly-available, by searching on <http://www.regulations.gov> under Docket ID NRC-2012-0035. You may submit comments by the following methods:

- *Federal rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0035. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). Mail comments to: Cindy Bladley, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

- *Fax comments to:* RADB at 301-492-3446.

For additional direction on accessing information and submitting comments,

see "Accessing Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

James C. Shepherd, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-6712 or email [James.Shepherd@nrc.gov](mailto:James.Shepherd@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Accessing Information and Submitting Comments

###### A. Accessing Information

Please refer to Docket ID NRC-2012-0035 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, by the following methods:

- *Federal Rulemaking Web Site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0035.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

###### B. Submitting Comments

Please include Docket ID NRC-2012-0035 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed. The NRC posts all comment submissions at <http://www.regulations.gov> as well as entering the comment submissions into ADAMS, and the NRC does not edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for

submission to the NRC, then you should inform those persons not to include identifying or contact information in their comment submissions that they do not want to be publicly disclosed. Your request should state that the NRC will not edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

##### Further Information

The 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.

DG-1271 is proposed Revision 1 of Regulatory Guide 1.184, "Decommissioning of Nuclear Power Reactors," dated July 2000. This proposed revision of Regulatory Guide 1.184 describes a method that the staff of the NRC considers acceptable for use in complying with the NRC's regulations relating to the decommissioning process for nuclear power reactors.

##### Backfitting and Issue Finality

As discussed in the "Implementation" section of DG-1271, the NRC has no current intention to impose this regulatory guide on holders of current operating licenses or combined licenses. Accordingly, the issuance of this regulatory guide would not constitute "backfitting" as defined in Title 10 of the Code of Federal Regulations (10 CFR) 50.109(a)(1) of the Backfit Rule or be otherwise inconsistent with the applicable issue finality provisions in 10 CFR part 52.

This regulatory guide may be applied to applications for operating licenses and combined licenses docketed by the NRC as of the date of issuance of the final regulatory guide, as well as future applications for operating licenses and combined licenses submitted after the issuance of the regulatory guide. Such action would not constitute backfitting as defined in 10 CFR 50.109(a)(1) or be otherwise inconsistent with the applicable issue finality provision in 10 CFR part 52, inasmuch as such applicants or potential applicants are not within the scope of entities protected by the Backfit Rule or the

relevant issue finality provisions in Part 52.

Dated at Rockville, Maryland, this 2nd day of February 2012.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

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

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-400, NRC-2012-0034]**

### **Environmental Assessment and Finding of No Significant Impact; Carolina Power and Light Company Shearon Harris Nuclear Power Plant, Unit 1**

**AGENCY:** Nuclear Regulatory  
Commission.

**ACTION:** Notice of availability.

#### **FOR FURTHER INFORMATION CONTACT:**

Araceli T. Billoch Colón, Project  
Manager, Licensing Branch II-2,  
Division of Operating Reactor Licensing,  
Office of Nuclear Reactor Regulation,  
U.S. Nuclear Regulatory Commission,  
Rockville, Maryland, 20822. Telephone:  
(301) 415-3302; fax number: (301) 415-  
1032; email: [Araceli.Billoch@nrc.gov](mailto:Araceli.Billoch@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Introduction**

The U.S. Nuclear Regulatory  
Commission (NRC) is considering  
issuance of an exemption pursuant to  
Title 10 of the Code of Federal  
Regulations (10 CFR) 50.46,  
“Acceptance Criteria for Emergency  
Core Cooling Systems for Light-Water  
Nuclear Power Reactors,” and 10 CFR  
part 50, appendix K, “ECCS [Emergency  
Core Cooling System] Evaluation  
Models,” to allow for the use of M5™  
alloy fuel rod cladding for Renewed  
Facility Operating License No. NPF-63,  
issued to Carolina Power and Light  
Company (the licensee), doing business  
as Progress Energy Carolinas Inc., for  
operation of the Shearon Harris Nuclear  
Power Plant, Unit 1 (HNP), located in  
New Hill, North Carolina. In accordance  
with 10 CFR 51.21, “Criteria for and  
Identification of Licensing and  
Regulatory Actions Requiring  
Environmental Assessments,” the NRC  
staff prepared an environmental  
assessment documenting its finding.  
The NRC staff concluded that the  
proposed action will have no significant  
environmental impact.

## **II. Environmental Assessment Summary**

### *Identification of the Proposed Action*

The proposed action would exempt  
the licensee from certain requirements  
of 10 CFR 50.46 and appendix K to 10  
CFR part 50. Specifically, 10 CFR 50.46,  
paragraph (a)(1)(i) provides  
requirements for reactors containing  
uranium oxide fuel pellets clad in either  
zircaloy or ZIRLO. Additionally,  
appendix K to 10 CFR part 50 presumes  
the use of zircaloy or ZIRLO fuel  
cladding when doing calculations for  
energy release, cladding oxidation, and  
hydrogen generation after a postulated  
loss-of-coolant accident. Therefore, both  
of these regulations state or assume that  
either zircaloy or ZIRLO is used as the  
fuel rod cladding material. The  
proposed exemption would allow the  
licensee use of M5™ cladding fuel  
assemblies into the core of HNP Unit 1.  
The proposed action is in accordance  
with the licensee’s application dated  
January 19, 2011.

### *The Need for the Proposed Action*

The proposed exemption is needed to  
allow the licensee the use of M5™ alloy  
fuel rod cladding at HNP. The licensee  
has requested an exemption from the  
requirements of 10 CFR 50.46 and  
appendix K to 10 CFR part 50 to allow  
for loading of M5™ clad fuel  
assemblies, in lieu of zircaloy or ZIRLO,  
into the core during Refueling Outage 17  
that is currently scheduled for spring  
2012.

### *Environmental Impacts of the Proposed Action*

The NRC has completed its evaluation  
of the proposed action and concludes  
that there are no environmental impacts  
associated with the proposed  
exemption. The details of the NRC  
staff’s safety evaluation will be provided  
in the exemption that, if approved by  
the NRC, will be issued as part of the  
letter to the licensee approving the  
exemption to the regulation.

The proposed action will not  
significantly increase the probability or  
consequences of accidents. No changes  
are being made in the types of effluents  
that may be released offsite. There is no  
significant increase in the amount of  
any effluent released offsite. There is no  
significant increase in occupational or  
public radiation exposure. Therefore,  
there are no significant radiological  
environmental impacts associated with  
the proposed action.

With regard to potential  
nonradiological impacts, the proposed  
action does not result in changes to land  
use or water use, or result in changes to

the quality or quantity of  
nonradiological effluents. No changes to  
the National Pollutant Discharge  
Elimination System permit are needed.  
No effects on the aquatic or terrestrial  
habitat in the vicinity of the plant, or to  
threatened, endangered, or protected  
species under the Endangered Species  
Act, or impacts to essential fish habitat  
covered by the Magnuson-Stevens Act  
are expected. No impacts to the air or  
ambient air quality are expected. There  
are no impacts to historic and cultural  
resources. In addition, there are also no  
known socioeconomic or environmental  
justice impacts associated with the  
proposed action. Therefore, there are no  
significant nonradiological  
environmental impacts associated with  
the proposed action.

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

### *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  
exemption request would result in no  
change in current environmental  
impacts. If the proposed action was  
denied, the licensee would have to  
comply with the ECCS rules in 10 CFR  
50.46 and appendix K to 10 CFR part 50  
and would not be able to use M5™ clad  
fuel in the HNP core during the  
upcoming refueling outage. The  
environmental impacts of the proposed  
exemption and the “no action”  
alternative are similar.

### *Alternative Use of Resources*

The action does not involve the use of  
any different resources than those  
considered in the Final Environmental  
Statement for HNP, NUREG-0972, dated  
October 31, 1983, as supplemented  
through the “Generic Environmental  
Impact Statement for License Renewal  
of Nuclear Plants: Regarding Shearon  
Harris Nuclear Power Plant, Unit 1—  
Final Report (NUREG-1437,  
Supplement 33).”

### *Agencies and Persons Consulted*

In accordance with its stated policy,  
on January 19, 2012 the NRC staff  
consulted with the North Carolina State  
official, Mr. Lee Cox of the Division of  
Radiation Protection, with the North  
Carolina Department of Environment  
and Natural Resources, regarding the  
environmental impact of the proposed  
action. The State official had no  
comments.