

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Meeting Notice

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 November 1–3, 2007, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Wednesday, November 15, 2006 (71 FR 66561).

#### Thursday, November 1, 2007, 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.–10:30 a.m.: Extended Power Uprate Application for the Susquehanna Nuclear Power Plant* (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Pennsylvania Power & Light Company regarding the Extended Power Uprate Application for the Susquehanna Nuclear Power Plant, and the associated NRC staff's Safety Evaluation.

**Note:** A portion of this session may be closed to protect information that is proprietary to General Electric, AREVA, and their contractors pursuant to 5 U.S.C. 552b (c) (4).

*10:45 a.m.–11:45 a.m.: Meeting with Commissioner Peter B. Lyons* (Open)—The Committee will hold a discussion with Commissioner Lyons on items of mutual interest.

*12:45 p.m.–2:45 p.m.: Vogtle Early Site Permit (ESP) Application* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Southern Nuclear Operating Company regarding Vogtle ESP application, and the associated NRC staff's Safety Evaluation Report with Open Items.

*3 p.m.–4 p.m.: Staff's Implementation of the Lessons Learned from the Review of ESP Applications* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the effectiveness and efficiency of the staff's implementation of the lessons learned from the review of ESP applications.

*4:15 p.m.–6:15 p.m.: Assessment of the Robustness of New Nuclear Plants*

(Room T-10E8) (Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the assessment of the robustness of new nuclear plants.

**Note:** This session will be closed to protect information classified as National Security information as well as safeguards information pursuant to 5 U.S.C. 552b (c) (1) and (3).

*6:30 p.m.–7:15 p.m.: Preparation of ACRS Reports* (Open)—The Committee will discuss proposed ACRS reports.

#### Friday, November 2, 2007, 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.–10:30 a.m.: Selected Chapters of the SER Associated with the ESBWR Design Certification* (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and General Electric regarding selected chapters of the SER with Open Items associated with the ESBWR design certification.

**Note:** A portion of this session may be closed to protect information that is proprietary to General Electric and their contractors pursuant to 5 U.S.C. 552b (c) (4).

*10:45 a.m.–11:30 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee* (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings. Also, it will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, including anticipated workload and member assignments.

*11:30 a.m.–11:45 a.m.: Reconciliation of ACRS Comments and Recommendations* (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

*1 p.m.–3 p.m.: Draft ACRS Report on the NRC Safety Research Program* (Open)—The Committee will discuss the draft ACRS report on the NRC Safety Research Program.

*3:15 p.m.–7 p.m.: Preparation of ACRS Reports* (Open)—The Committee will discuss proposed ACRS reports.

#### Saturday, November 3, 2007, Conference Room T-2b3, Two White Flint North, Rockville, Maryland

*8:30 a.m.–1:30 p.m.: Preparation of ACRS Reports* (Open)—The Committee will continue its discussion of proposed ACRS reports, as well as the draft ACRS report on the NRC Safety Research Program.

*1:30 p.m.–2 p.m.: Miscellaneous* (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 26, 2007 (72 FR 54695). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Electronic recordings will be permitted only during the open portions of the meeting. Persons desiring to make oral statements should notify the Cognizant ACRS staff named below five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Cognizant ACRS staff prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) Public Law 92-463, I have determined that it may be necessary to close portions of this meeting noted above to discuss and protect information classified as proprietary to General Electric, AREVA, and their contractors pursuant to 5 U.S.C 552b (c) (4) and National Security, as well as Safeguards information pursuant to 5 U.S.C. 552b (c) (1) and (3).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, as well as the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Giriga S. Shukla, Cognizant ACRS

staff (301-415-8439), between 7:30 a.m. and 4 p.m., (ET). ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at [pdrc@nrc.gov](mailto:pdrc@nrc.gov), or by calling the PDR at 1-800-397-4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> or [http://www.nrc.gov/reading-rm/doc-collections/\(ACRS & ACNW Mtg schedules/agendas\)](http://www.nrc.gov/reading-rm/doc-collections/(ACRS%20&%20ACNW%20Mtg%20schedules/agendas)).

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301-415-8066), between 7:30 a.m.-and 3:45 p.m., (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

The ACRS meeting dates for Calendar Year 2008 are provided below:

ACRS Meeting No.	Meeting dates
—	January 2008 (No Meeting).
549	February 7-9, 2008.
550	March 6-8, 2008.
551	April 3-5, 2008.
552	May 8-10, 2008.
553	June 4-6, 2008 (Wed-Fri).
554	July 9-11, 2008 (Wed-Fri).
—	August (No Meeting).
555	September 4-6, 2008.
556	October 2-4, 2008.
557	November 6-8, 2008.
558	December 4-6, 2008.

Dated: October 16, 2007.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

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## NUCLEAR REGULATORY COMMISSION

### Withdrawal of Regulatory Guides

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Withdrawal of Regulatory Guides 9.1, 9.2, and 9.3.

**FOR FURTHER INFORMATION CONTACT:** Marquis P. Orr, U.S. Nuclear Regulatory

Commission, Washington, DC 20555-0001, telephone: 301-415-6373 or e-mail [MPO1@nrc.gov](mailto:MPO1@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide 9.1, "Regulatory Staff Position Statement on Antitrust Matters," published December 1973; Regulatory Guide 9.2, "Information Needed by the NRC Staff in Connection with its Antitrust Review of Construction Permit Applications for Nuclear Power Plants," initially published October 1974, and revised June 1976; and Regulatory Guide 9.3, "Information Needed by the AEC Regulatory Staff in Connection with its Antitrust Review of Operating License Applications for Nuclear Power Plants," published October 1974. The NRC is withdrawing these three regulatory guides because they are no longer required.

These three regulatory guides address the antitrust review conducted by the staff during the evaluation of new plant construction and operating license applications. The review was required by Section 105.c of the Atomic Energy Act of 1954, as amended. Section 625 of the Energy Policy Act of 2005 (Pub. L. 109-058) removed the NRC's authority to perform these antitrust reviews for applications submitted after the date of enactment of the law. The Energy Policy Act of 2005 was passed by the U.S. Congress on July 29, 2005, and signed into law by President George W. Bush on August 8, 2005. Consequently, the staff has determined that Regulatory Guides 9.1, 9.2, and 9.3 are no longer required.

##### II. Further Information

The withdrawal of Regulatory Guides 9.1, 9.2, and 9.3 does not, in and of itself, alter any prior or existing licensing commitments based on their use. The guidance provided in these regulatory guides is no longer applicable. Regulatory guides may be withdrawn when their guidance is superseded by congressional action or otherwise no longer provides useful information.

Regulatory guides are available for inspection or downloading through the NRC's public Web site under "Regulatory Guides" in the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections>. Regulatory guides are also available for inspection at the NRC's Public Document Room (PDR), Room O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland

20852-2738. The PDR's mailing address is U.S. NRC PDR, Washington, DC 20555-0001. The PDR staff can be reached by telephone at 301-415-4737 or 800-397-4209, by fax at 301-415-3548, and by e-mail to [pdrc@nrc.gov](mailto:pdrc@nrc.gov).

Regulatory Guides are not copyrighted and NRC approval is not required to reproduce them.

Dated at Rockville, Maryland, this 12th day of October, 2007.

For the Nuclear Regulatory Commission.

**Michael R. Johnson,**

*Deputy Director, Office of Nuclear Regulatory Research.*

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## NUCLEAR REGULATORY COMMISSION

### Withdrawal of Regulatory Guide

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Withdrawal of Regulatory Guide 9.4.

#### FOR FURTHER INFORMATION CONTACT:

Marquis P. Orr, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-6373 or e-mail [MPO1@nrc.gov](mailto:MPO1@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide 9.4, "Suggested Format for Cash Flow Statements Submitted as Guarantees of Payment of Retrospective Premiums," which was issued for comment in September 1978. Regulatory Guide 9.4 proposes a format for cash flow statements to be submitted by the licensee to demonstrate compliance with title 10 of the *Code of Federal Regulations* (10 CFR), subpart 140.21, "Licensee guarantees of payment of deferred premiums." The method described in Regulatory Guide 9.4 unnecessarily duplicates other financial and insurance verification documents submitted by the licensees to demonstrate compliance with other sections of 10 CFR part 140. Rather than submit separate cash flow and financial assurance statements, licensees may submit proof of sufficient insurance bonding through American Nuclear Insurers or similar insurance groups. This insurance bond meets the requirements of 10 CFR 140.21(a) and eliminates the need for a separate cash flow statement.