

accordance with the declassification guides or guidelines provided by the originating agency. If referred, the originating agency will process the request in accordance with its agency's procedures for mandatory review for declassification and communicate its determination to the NRC. The NRC will be responsible for collecting all agency review results and informing the requester of any final decision regarding the declassification of the requested information unless a prior arrangement has been made with the originating agency. Requests for an MDR made to an element of the Intelligence Community by anyone other than a citizen of the United States or an alien lawfully admitted for permanent residence may be denied by the receiving Intelligence Community element.

5. If the matter is marked as, or potentially contains, Restricted Data, Formerly Restricted Data, or Transclassified Foreign Nuclear Information, then the MDR is processed in accordance with 10 CFR part 1045, "Nuclear Classification and Declassification."

6. If the matter contains cryptologic information then the NRC shall process the MDR in accordance with special procedures issued by the Secretary of Defense and, when cryptologic information pertains to intelligence activities, the Director of National Intelligence.

7. If the matter contains information pertaining to intelligence sources, methods, and activities then the NRC shall process the MDR in accordance with the special procedures issued by the Director of National Intelligence.

8. If the matter contains foreign government information and the NRC initially received or classified the foreign government information, then the NRC shall be responsible for making a declassification determination after consultation with concerned governments/agencies. If the NRC did not initially receive or classify the foreign government information, the NRC shall refer the request to the agency that received or classified the foreign government information for appropriate action. In all instances, the NRC may consult with the foreign government(s) through appropriate channels prior to declassification.

9. If the matter also contains unclassified information that is potentially exempt from release under the Freedom of Information Act, the matter is further processed to ensure unclassified information that is exempt from public release is identified and that the appropriate officials responsible for denying any classified portion of the

matter are provided and listed with the notice of denial.

10. When information cannot be declassified in its entirety, the NRC will make reasonable efforts to release, consistent with other applicable laws, those declassified portions of the requested information that constitute a coherent segment.

11. A final determination shall be made on each request within 1 year from the date of receipt.

12. Upon completion of the review, the NRC releases the information to the requester, unless that information is prohibited from release under the provisions of a statutory authority.

13. Upon denial, in whole or in part, of an initial request, the NRC's response shall also notify the requester of the right to an administrative appeal.

H. When the Director, Division of Security Operations, Office of Nuclear Security and Incident Response, denies the release of classified matter requested under an MDR, the requester may appeal the determination to the NRC within 60 days of receipt of the denial.

I. The appeal must be in writing and submitted to the Office of the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The appeal:

1. Must include reference to the determination being appealed; and
2. Should specify why the requester believes the information does not warrant classification.

J. The NRC shall normally make a determination within 60 working days following the receipt of an appeal. If additional time is required in rendering a decision, the NRC will notify the requester of the additional time needed and the reason for the extension.

K. The NRC will notify the requester in writing of the final decision and of the reason(s) for any denial. The NRC may refuse to confirm or deny the existence or nonexistence of the requested information whenever the fact of its existence or nonexistence is itself classified under E.O. 13526 or successor orders.

L. If the appeal has been denied, the NRC shall notify the requester in writing of the right to appeal the final NRC decision to the Interagency Security Classification Appeals Panel (ISCAP). The rules and procedures for bringing mandatory declassification appeals before the ISCAP are published in "The Interagency Security Classification Appeals Panel (ISCAP) Bylaws, Rules, and Appeal Procedures," dated July 9, 2012 (77 FR 40261). The appeal to the ISCAP must be filed within 60 days of:

1. The date of the final agency decision;

2. The agency's failure to provide an initial decision on the request for an MDR from the agency within 1 year of its filing; or

3. The agency's failure to provide a final decision on an agency-level appeal within 180 days of the filing of the appeal.

M. Charges for services (e.g., locating and reproducing copies of records) will be made, when deemed applicable, in accordance with NRC regulations and will be consistent with charges for information requested under section 9701 of title 31, *United States Code* and the NRC's regulations implementing the Freedom of Information Act (10 CFR 9.35—Duplication Fees), or the Privacy Act (10 CFR 9.85—Fees).

## II. Instructions for Submitting Suggestions or Questions Regarding the NRC's Classified Information Security Program

Requirements regarding the NRC's Classified Information Security Program are contained in NRC Management Directive 12.2, "NRC Classified Information Security Program," which is available for review and printing in ADAMS under Accession No. ML14142A085. Suggestions or questions regarding NRC's Classified Information Security Program should be submitted in writing to the U.S. Nuclear Regulatory Commission, Director, Division of Security Operations, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission Washington, DC 20555-0001.

Dated at Rockville, Maryland, this 18th day of September, 2017.

For the U.S. Nuclear Regulatory Commission,

**Michael R. Johnson,**

*Acting Executive Director for Operations.*

[FR Doc. 2017-20706 Filed 9-26-17; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[NRC-2017-0056]

### Emergency Planning for Research and Test Reactors and Other Non-Power Production and Utilization Facilities

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory guide, issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing revision 2 of Regulatory Guide (RG) 2.6, "Emergency Planning for Research and Test Reactors and Other Non-Power

Production and Utilization Facilities.” This RG provides licensees and applicants with a method the NRC staff considers acceptable for use in complying with the regulations on the content of emergency plans for research and test reactors and other non-power production and utilization facilities.

**DATES:** Revision 2 of RG 2.6 is available on September 27, 2017.

**ADDRESSES:** Please refer to Docket ID NRC–2017–0056 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2017–0056. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection 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 (if it is available in ADAMS) is provided the first time that a document is referenced. Revision 2 of RG 2.6 and the regulatory analysis may be found in ADAMS under Accession numbers ML17263A472 and ML16035A477 respectively.

- *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.

Regulatory guides are not copyrighted, and the NRC’s approval is not required to reproduce them.

**FOR FURTHER INFORMATION CONTACT:**

Geoffrey Wertz, Office of Nuclear Reactor Regulation, telephone: 301–415–0893, email: [Geoffery.Wertz@nrc.gov](mailto:Geoffery.Wertz@nrc.gov); or Stanley Gardocki, Office of Nuclear Regulatory Research, telephone: 301–415–1067, email: [Stanley.Gardocki@nrc.gov](mailto:Stanley.Gardocki@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The NRC is issuing a revision to an existing guide in the NRC’s “Regulatory Guide” series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency’s regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Revision 2 of RG 2.6 was issued with a temporary designation of Draft Regulatory Guide, DG–2004. The purpose of issuing this RG is to provide licensees and applicants with a method that the staff of the NRC considers acceptable for use in complying with the regulations on the content of emergency plans for research and test reactors and other non-power production and utilization facilities licensed under part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), “Domestic Licensing of Production and Utilization Facilities.”

**II. Additional Information**

The NRC published a notice of the availability of DG–2004 in the **Federal Register** on February 24, 2017, (82 FR 11660) for a 60-day public comment period. The public comment period closed on April 25, 2017. The NRC received one public comment on DG–2004. That comment and the NRC’s response to it are available in ADAMS under Accession No. ML17137A099.

Revision 2 of RG 2.6 addresses new issues identified since the guide was last revised in March 1983. This revision endorses the latest version of a consensus standard developed by the American National Standards Institute (ANSI) and American Nuclear Society (ANS), ANSI/ANS–15.16–2015, “Emergency Planning for Research Reactors.” The NRC also expanded the scope of the guide to address non-power facilities under 10 CFR part 50, other than research and test reactors. Other changes to RG 2.6 include editorial changes and the current program guidance for RGs.

Revising this regulatory guide to adopt, in whole or in part, a consensus standard is consistent with the NRC policy of evaluating the latest versions of national consensus standards to determine their suitability for endorsement by regulatory guides. This approach also complies with the NRC’s Management Directive 6.5, “NRC Participation in the Development and

Use of Consensus Standards” (ADAMS Accession No. ML16193A497), and is in accordance with Public Law 104–113, “National Technology Transfer and Advancement Act of 1995.”

Copies of ANSI/ANS–15.16–2015 may be purchased from the ANS Web site (<http://www.new.ans.org/store/>); or by writing to: American Nuclear Society, 555 North Kensington Avenue, La Grange Park, Illinois 60526, U.S.A., telephone: 1–800–323–3044.

**III. Congressional Review Act**

This regulatory guide is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

**IV. Backfitting**

The regulatory positions in this guidance document demonstrate the method that the NRC staff finds acceptable for an applicant or holder of a license under 10 CFR part 50 for a research and test reactor and other non-power production or utilization facility to meet the requirements of the underlying NRC regulations. The issuance of this RG is not backfitting, as that term is defined in 10 CFR 50.109, “Backfitting,” because non-power facilities licensed under 10 CFR part 50 are not included within the scope of entities protected by 10 CFR 50.109.

Dated at Rockville, Maryland, this 21st day of September 2017.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

*Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 2017–20693 Filed 9–26–17; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

[NRC–2017–0057]

**Regulatory Guide: “Physical Inventories and Material Balances at Fuel Cycle Facilities”**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 0 of Regulatory Guide (RG) 5.88, “Physical Inventories and Material Balances at Fuel Cycle Facilities.” This regulatory guide (RG) describes approaches and methods that the staff considers acceptable for licensees and