

Security Information than like other sensitive unclassified information. Information designated as SGI must be withheld from public disclosure and must be physically controlled and protected to prevent any unauthorized disclosure. The requirements set forth in 10 CFR Part 73 apply to any person, whether or not a licensee of the NRC, who produces, receives or acquires SGI.

All persons who have or have had access to SGI have a continuing obligation to protect SGI in order to prevent its inadvertent release and/or unauthorized disclosure. Violations of SGI handling and protection requirements, including the unauthorized disclosure of SGI, may result in the imposition of applicable civil and criminal penalties.

#### **Information To Be Protected as Safeguards Information**

Any documents provided to NERC by NRC that contain SGI will be designated in accordance with 10 CFR 73.22. Documents developed by NERC that contain SGI must also be designated and protected as SGI in accordance with 10 CFR 73.22. The NRC and NERC agree to comply with the requirements for protecting all information designated as SGI as set forth in 10 CFR 73.22(a).

#### **Access to Safeguards Information**

Generally, no person may have access to SGI unless the person has an established "need to know" for the information and has been determined to be "trustworthy and reliable." Typically, a determination of trustworthiness and reliability is based upon a background check, including at a minimum, a Federal Bureau of Investigation (FBI) criminal history records check (including verification of identity based on fingerprinting), employment history, education and personal references. The terms "background check," "need to know" and "trustworthy and reliable" are defined in 10 CFR 73.2. The NRC and NERC agree to comply with the requirements for access to SGI set forth in 10 CFR 73.22(b) and 10 CFR 73.57.

#### **Reviewing Official**

The determination that a NERC employee, consultant or contractor has a need for access to SGI (established "need to know" and is "trustworthy and reliable") must initially be made by an individual already authorized access to SGI. Accordingly, the NRC and NERC agree to implement the following procedures for granting NERC employees, consultants and contractors access to SGI for the purpose of carrying out this MOU.

NERC shall submit the name and fingerprints of at least one individual to the NRC who NERC has determined to be trustworthy and reliable and has a need to know SGI. NERC's trustworthiness and reliability determination shall be based, at a minimum, on all elements of a background check except for each individual's criminal history record. The NRC will conduct a criminal history record check based on each individual's fingerprints. Based upon the outcome of the criminal history record check, the NRC shall determine if the individual (or individuals if more than one name is submitted and approved) may have access to SGI and can serve as a reviewing official

under this MOU. Upon approval by the NRC, this individual (or individuals if more than one name is submitted and approved) may serve as a reviewing official authorized to make SGI access authorization determinations for other NERC employees, consultants and contractors.

Individuals possessing an active Federal security clearance require no additional fingerprinting or background check for access to SGI, as this clearance meets the fingerprinting requirement and other elements of the background check, as prescribed in 10 CFR 73.22(b)(1). Such individuals must still meet the need to know requirement for access to SGI. However, when relying upon an existing active Federal security clearance to meet the SGI access requirements (except for the need to know determination), NERC should obtain and maintain a record of official notification stating that the individual possesses such a clearance.

Only NRC-approved reviewing officials shall be authorized to make SGI access determinations for other individuals who have been identified by NERC as having a need to know SGI. The reviewing official shall be responsible for determining that these individuals have a "need to know" for access to SGI to carry out their official duties under this MOU and for determining that these individuals are trustworthy and reliable. The reviewing official's determination of trustworthiness and reliability shall be based upon an adequate background check, including, at a minimum, an FBI criminal history records checks and fingerprinting. The reviewing official can only make SGI access determinations for other individuals, but cannot approve other individuals to act as reviewing officials.

NERC agrees that the reviewing official shall maintain secure and adequate records of each SGI access authorization determination. Such records shall be available to the NRC for inspection upon request.

#### **Protection of Safeguards Information While in Use or Storage**

SGI must be adequately protected while in use or storage to prevent its unauthorized release or disclosure. The NRC and NERC agree to comply with the requirements for protection of SGI while in use or storage set forth in 10 CFR 73.22(c).

#### **Preparation and Marking of Documents or Other Matter**

Documents and other matter must be prepared and conspicuously marked as SGI to ensure against unauthorized release or disclosure. The NRC and NERC agree to comply with the requirements for preparation and marking of documents and other material as set forth in 10 CFR 73.22(d).

#### **Reproduction of Matter Containing Safeguards Information**

SGI may be reproduced to the minimum extent necessary consistent with need without permission of the originator. The NRC and NERC agree to comply with the requirements for reproduction of documents and other material containing SGI as set forth in 10 CFR 73.22(e).

#### **External Transmission of Documents and Material**

Documents or other matter containing SGI when transmitted outside an authorized place of use or storage shall be enclosed in two sealed envelopes or wrappers and must not bear any markings or indication that the document contains SGI. The NRC and NERC agree to comply with the requirements for the external transmission of documents and other material containing SGI as set forth in 10 CFR 73.22(f).

#### **Processing of Safeguards Information on Electronic Systems**

SGI may not be transmitted by unprotected telecommunications circuits except under emergency or extraordinary conditions. SGI must be processed or produced on an electronic system that ensures the integrity of the information and prevents the unauthorized release or disclosure of SGI. The NRC and NERC agree to comply with the requirements for the processing of SGI on electronic systems as set forth in 10 CFR 73.22(g).

#### **Removal from Safeguards Information Category**

Documents containing SGI shall be removed from the SGI category (decontrolled) only after the NRC determines that the information no longer meets the criteria for designation as SGI. Organizations have the authority to make determinations that specific documents which they created no longer contain SGI and may be decontrolled. The NRC and NERC agree to comply with the requirements for removing information from the SGI category as set forth in 10 CFR 73.22(h).

#### **Destruction of Matter Containing Safeguards Information**

Documents containing SGI should be destroyed when no longer needed. The NRC and NERC agree to comply with the requirements for the destruction of documents and other material containing SGI as set forth in 10 CFR 73.22(i).

[FR Doc. 2010-229 Filed 1-8-10; 8:45 am]

BILLING CODE 7590-01-P

## **NUCLEAR REGULATORY COMMISSION**

[NRC-2010-0003]

### **Implementation of Open Government Directive**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Solicitation of public comment.

**SUMMARY:** In response to the Office of Management and Budget's (OMB) December 8, 2009, Open Government Directive, which helps to implement the President's January 21, 2009, Memorandum on Transparency and Open Government, the Nuclear Regulatory Commission (NRC) is requesting public comment to aid the

NRC's determination of what data sets it might be appropriate to publish online and what transparency, public participation, and collaboration improvements it might include as it drafts its Open Government Plan. The December 8, 2009, Directive generally instructs Federal agencies to identify and publish online in an open format at least three high-value data sets by January 22, 2010, and an Open Government Plan by April 7, 2010.

While the Open Government Directive, by its terms, does not strictly apply to independent agencies like the NRC, the President has stated that independent agencies should comply with it. Accordingly, the NRC, in line with its longstanding commitment to openness and transparency, will endeavor to comply with the Open Government Directive and meet its deadlines. As part of this effort, the NRC will seek to identify and publish high-value data sets and draft an Open Government Plan, and the NRC is now inviting public comment on these matters. In addition, if a draft Open Government Plan is developed sufficiently prior to the April 7, 2010, deadline to allow time for meaningful public comment on the draft, the draft will be posted on the NRC's forthcoming Open Government Web page. Comments on the draft Plan could then be submitted to the NRC via the Open Government Web page.

**DATES:** Submit comments regarding publication of high-value data sets as soon as possible to assure consideration for purposes of the Open Government Directive's January 22, 2010, deadline. However, even comments that are received too late for meaningful consideration with respect to the January 22 deadline are nonetheless welcome, because the NRC may decide to publish additional data sets at later dates. Submit comments on the NRC's Open Government Plan by February 10, 2010. Comments on the Open Government Plan that are received after this date will be considered during the initial development of the Open Government Plan if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Please include Docket ID NRC-2010-0003 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.

You may submit comments by any one of the following methods.

**Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2010-0003. Comments may be submitted electronically through this Web site. Address questions about NRC dockets to Carol Gallagher 301-492-3668; e-mail [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

**Mail comments to:** Michael T. Lesar, Chief, Rulemaking and Directives Branch (RDB), Division of Administrative Services, 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 the 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](mailto:pdr.resource@nrc.gov).

**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-2010-0003.

**NRC's Open Government Web page:** Consistent with the Open Government Directive, the NRC plans to establish its Open Government Web page by February 6, 2010. The NRC's Open Government Web page will be located at <http://www.nrc.gov/open>. The NRC's Open Government Web page will offer

opportunities to provide input to the NRC regarding the Open Government Plan, both before and after the plan is published.

**FOR FURTHER INFORMATION CONTACT:** James B. Schaeffer, Deputy Director, Office of Information Services, (301) 415-7330, [James.Schaeffer@nrc.gov](mailto:James.Schaeffer@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On December 8, 2009, the Director of the Office of Management and Budget issued an Open Government Directive, which helps to implement the President's January 21, 2009, Memorandum on Transparency and Open Government. According to the President's Memorandum, "independent agencies should comply with the Open Government Directive." Therefore, consistent with the NRC's longstanding commitment to openness and transparency, the NRC will endeavor to comply with the Open Government Directive and meet its deadlines. The Open Government Directive is available on the Internet at <http://www.whitehouse.gov/open/documents/open-government-directive>, and the President's January 21, 2009, Memorandum is available at [http://www.whitehouse.gov/the\\_press\\_office/Transparency\\_and\\_Open\\_Government](http://www.whitehouse.gov/the_press_office/Transparency_and_Open_Government).

The Open Government Directive instructs Federal agencies to "identify and publish online in an open format at least three high-value data sets \* \* \* and register those data sets via *Data.gov*. These must be data sets not previously available online or in a downloadable format." The Open Government Directive further states that "[h]igh-value information is information that can be used to increase agency accountability and responsiveness; improve public knowledge of the agency and its operations; further the core mission of the agency; create economic opportunity; or respond to need and demand as identified through public consultation." The due date for publication of data sets under the Open Government Directive is January 22, 2010. The NRC will seek to meet that deadline and is currently investigating whether it has data sets appropriate for publication that would be of high value to the public but that are not currently publicly available online.

The Open Government Directive also instructs agencies to develop and publish Open Government Plans. An agency's Open Government Plan, according to the Open Government Directive, "is the public roadmap that details how [the] agency will incorporate the principles of the President's January 21, 2009, Memorandum on Transparency and

Open Government into the core mission objectives of [the] agency.” Open Government Plans are to set forth how each agency plans to improve transparency, public participation and collaboration. Open Government Plans also are to describe at least one “flagship initiative” the agency is already implementing or will implement to improve transparency, public participation, or collaboration. The Open Government Directive has established April 7, 2010, as the due date for publication of agency Open Government Plans, and the NRC will seek to meet that deadline. The Open Government Directive, available at the Internet address listed above, provides further details on the contents of agency Open Government Plans.

To aid the NRC’s efforts to determine what data sets might be appropriate to publish and what transparency, public participation, and collaboration improvements it might include in its Open Government Plan, the NRC is soliciting public comments. Comments regarding publication of data sets are requested as soon as possible in light of the January 22, 2010, target date for publication of data sets. Please note that there is not yet a draft available of the NRC’s Open Government Plan, and the NRC is not yet certain when a draft will be available. If a draft is developed sufficiently prior to the April 7, 2010, deadline to allow time for meaningful public comment on the draft, the draft will be posted on the NRC’s forthcoming Open Government Web page, which, consistent with the Open Government Directive, the NRC plans to establish by February 6, 2010. The NRC’s Open Government Web page will be located at <http://www.nrc.gov/open>. The NRC’s Open Government Web page will also itself offer opportunities to provide input to the NRC regarding the Open Government Plan, both before and after the plan is published. Once the Open Government Plan is published, updates would be scheduled to occur every 2 years, and opportunities for public input would be provided in connection with these updates as well. With respect to the Open Government Plan, the NRC is providing a 30-day comment period.

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

For the Nuclear Regulatory Commission.

**R. William Borchardt,**

*Executive Director for Operations.*

[FR Doc. 2010-228 Filed 1-8-10; 8:45 am]

**BILLING CODE 7590-01-P**

**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration # 11996 and # 11997]

**Florida Disaster # FL-00049**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

*Summary:* This is a notice of an Administrative declaration of a disaster for the State of Florida dated 12/29/2009.

*Incident:* Severe Storms and Flooding.

*Incident Period:* 12/17/2009.

*Effective Date:* 12/29/2009.

*Physical Loan Application Deadline Date:* 03/01/2010.

*Economic Injury (EIDL) Loan Application Deadline Date:* 09/29/2010.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the Administrator’s disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Broward.

*Contiguous Counties:* Florida:

Collier, Hendry, Miami-Dade, Palm Beach.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere .....	5.125
Homeowners Without Credit Available Elsewhere .....	2.562
Businesses With Credit Available Elsewhere .....	6.000
Businesses Without Credit Available Elsewhere .....	4.000
Non-Profit Organizations With Credit Available Elsewhere ..	3.625
Non-Profit Organizations Without Credit Available Elsewhere .....	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere ..	4.000
Non-Profit Organizations Without Credit Available Elsewhere .....	3.000

The number assigned to this disaster for physical damage is 11996 6 and for economic injury is 11997 0.

The State which received an EIDL Declaration # is Florida.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: December 29, 2009.

**Karen G. Mills,**  
*Administrator.*

[FR Doc. 2010-250 Filed 1-8-10; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration # 11986 and # 11987]

**Alabama Disaster # AL-00025**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Alabama dated 12/29/2009.

*Incident:* Severe Storms and Flooding.

*Incident Period:* 12/12/2009 through 12/18/2009.

*Effective Date:* 12/29/2009.

*Physical Loan Application Deadline Date:* 03/01/2010.

*Economic Injury (EIDL) Loan Application Deadline Date:* 09/29/2010.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the Administrator’s disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Escambia.

*Contiguous Counties:*

Alabama: Baldwin; Conecuh; Covington; Monroe.

Florida: Escambia; Okaloosa; Santa Rosa.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere: .....	5.125