

**ADDRESSES:** The materials will be made available to the public at the National Archives at College Park research room, located at 8601 Adelphi Road, College Park, Maryland beginning at 8:45. Researchers must have a NARA researcher card, which they may obtain when they arrive at the facility.

Petitions asserting a legal or constitutional right or privilege which would prevent or limit access must be sent to the Archivist of the United States, National Archives at College Park, 8601 Adelphi Road, College Park, Maryland 20740-6001.

**FOR FURTHER INFORMATION CONTACT:** Karl Weissenbach, Director, Nixon Presidential Materials Staff, 301-837-3290.

**SUPPLEMENTARY INFORMATION:** The integral file segments of textual materials to be opened on May 26, 2004, consist of 15 cubic feet. The White House Central Files Unit is a permanent organization within the White House complex that maintains a central filing and retrieval system for the records of the President and his staff. Some of the materials are from the White House Central Files, Subject Files. The Subject Files are based on an alphanumeric file scheme of 61 primary categories. Listed below are the integral file segments from the White House Central Files, Subject Files in this opening.

1. *Subject Category:* Volume: 3 cubic feet.

Federal Government (FG)

FG 158 National Advisory Council on Education of Disadvantaged Children  
 FG 159 National Advisory Council on Educational Professions Development  
 FG 160 National Advisory Council on Extension and Continuing Education  
 FG 161 National Advisory Council on International Monetary and Financial Policies

FG 162 National Advisory Council on Supplementary Centers and Services  
 FG 225 United Planning Organization  
 FG 226 United Service Organization  
 FG 227 United States Advisory Commission on Information  
 FG 228 United States Advisory Commission on International Educational and Cultural Affairs  
 FG 229 United States Civil Service Commission

Judicial Legal (JL) Pardon Files (1973)  
 National Defense (ND)

2. *Transcripts of Telephone Conversations:* 10 Cubic Feet.

Approximately 20,000 pages of transcripts of Dr. Henry A. Kissinger's telephone conversations created during his tenure as Assistant to President Nixon's National Security Advisor and Security of State. These telephone

transcripts proposed for release are from January 21, 1969 through August 8, 1974.

3. *White House Central Files, Name Files:* Volume: 1 Cubic Feet.

Nine files are from the White House Central Files, Name Files. The Name Files were used for routine materials filed alphabetically by the name of the correspondent; copies of documents in the Name Files are usually filed by subject in the Subject Files.

The Name Files relating to the following 9 individuals will be made available with this opening.

Ailes, Roger; Brooke, Edward W.; Emenegger, Robert; Felci, Thomas; Green, Edith; Kerry, John; Krusten, Eva and Maarja; Zagorewicz, Thaddeus A.

4. *Previously Restricted Materials Volume:* 1 cubic foot

A number of documents which were previously withheld from public access have been re-reviewed for release and or declassified under the provisions of Executive Order 12958, or in accordance with 36 CFR 1275.56 (Public Access Regulations).

Public access to some of the items in the file segments listed in this notice will be restricted as outlined in 36 CFR 1275.50 or 1275.52 (Public Access Regulations).

Dated: March 30, 2004.

**John W. Carlin,**

*Archivist of the United States.*

[FR Doc. 04-7568 Filed 4-2-04; 8:45 am]

**BILLING CODE 7515-01-P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Office of Presidential Libraries; Disposal of Superseded Version of Clinton Administration Electronic Mail Records

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Presidential Records Act notice of disposal of superseded version of Clinton Administration electronic mail records; final agency action.

**SUMMARY:** The National Archives and Records Administration (NARA) has identified an incomplete version of Presidential records on electronic media, housed at Archives II in College Park, Maryland, as appropriate for disposal under the provisions of 44 U.S.C. 2203(f)(3). This notice describes the records and our reasons for determining that the records have insufficient administrative, historical, informational, or evidentiary value to warrant their continued preservation, in light of the fact that NARA is

maintaining a more comprehensive set of the same records on a different set of electronic media.

**EFFECTIVE DATE:** The disposal will occur on or after June 4, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Deputy Assistant Archivist for Presidential Libraries Sharon Fawcett, National Archives and Records Administration (NL), 8601 Adelphi Road, College Park, Maryland 20740-6001, tel. 301-837-3250, or by fax to 301-837-3199; or by e-mail to [sharon.fawcett@nara.gov](mailto:sharon.fawcett@nara.gov).

**SUPPLEMENTARY INFORMATION:** NARA published a "Presidential Records Act notice of proposed disposal of superseded version of Clinton Administration electronic mail records" on December 30, 2003, in the **Federal Register** (68 FR 75286) for a 45 day comment period. NARA received two comments via e-mail, one from the President of the Terry County Historical Commission in Brownfield, Texas, and one from a private individual. The following is a summary of the comments and NARA's response:

*Summary of Comments:* Both commenters objected to the disposition of presidential records, and suggested that the records at issue may include important historical information and that such information may be lost if the data contained on the electronic media is subject to disposition. One commenter suggested that NARA might wish to donate the materials to a library rather than act to dispose of the electronic media.

*NARA Response:* As explained in detail in the original **Federal Register** notice, the copies of Presidential e-mail records contained on the 27,866 cartridges proposed for disposition constitute an incomplete and superseded subset of the Presidential e-mail record series from the Executive Office of the President (EOP) in the Clinton Administration that NARA has otherwise obtained in multiple electronic formats. Because NARA has a separate, more comprehensive set of Clinton e-mail records that includes all of the e-mails on these cartridges, no information will be lost by disposing of this incomplete set. Due to continuing restrictions on access to Presidential records, donation of the electronic media at issue to an outside institution is not legally permissible.

*NARA Action:* NARA will proceed to dispose of 27,866 volumes of class 3480 magnetic tape cartridges, consisting of an incomplete and superseded set of email records created from July 15, 1994 through December 1999, because NARA has determined that they lack

continuing administrative, historical, informational, or evidentiary value. As stated in our prior notice, NARA will be able to respond to future access requests for Clinton Administration e-mail records from the EOP through a separate database NARA received from the EOP. For further details, see the notice of proposed disposal at 68 FR 75286. This notice constitutes NARA's final agency action pursuant to 44 U.S.C. 2203(f)(3).

Dated: March 29, 2004.

**John W. Carlin,**

*Archivist of the United States.*

[FR Doc. 04-7569 Filed 4-2-04; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-245]

### Dominion Nuclear Connecticut, Inc., Millstone Power Station, Unit 1; Exemption

#### 1.0 Background

Dominion Nuclear Connecticut, Inc. (the licensee) is the holder of Facility Operating License No. DPR-21, which authorizes the licensee to possess the Millstone Power Station, Unit 1. The license states, in part, that the facility is subject to all the rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

The facility consists of a boiling water reactor located at the licensee's site in Waterford, Connecticut. The facility is permanently shut down and defueled and the licensee is no longer authorized to operate or place fuel in the reactor.

#### 2.0 Request/Action

Section 140.11(a)(4) of 10 CFR part 140 requires a reactor with a rated capacity of 100,000 electrical kilowatts or more to maintain primary liability insurance of \$300 million<sup>1</sup> and to participate in a secondary insurance pool. All operating reactor sites carry \$300 million in primary insurance coverage. All decommissioning plants except Millstone Power Station Unit 1 have been allowed to discontinue the secondary insurance coverage. Single unit decommissioning plants without operating reactors on the same site have been allowed to reduce their primary insurance coverage to \$100 million. When Millstone Unit 1 receives its

exemption it will still be covered by \$300 million in primary insurance because two other operating reactors exist on the same site.

By letter dated September 28, 1999, as supplemented by a letter dated March 2, 2000, Northeast Nuclear Energy Company requested an exemption from 10 CFR 140.11(a)(4). Dominion Nuclear Connecticut, Inc., which assumed operating authority for Millstone Unit 1 in March 2001, provided a supplementary letter dated November 6, 2003. The licensee requested to withdraw from participation in the secondary insurance pool.

#### 3.0 Discussion

The NRC may grant exemptions from the requirements of 10 CFR Part 140 of the regulations which, pursuant to 10 CFR 140.8, are authorized by law and are otherwise in the public interest. The underlying purpose of Section 140.11 is to provide sufficient liability insurance to ensure funding for claims resulting from a nuclear incident or a precautionary evacuation.

The financial protection limits of 10 CFR 140.11 were established to require a licensee to maintain sufficient insurance to cover the costs of a nuclear accident at an operating reactor. Although the risk of an accident at an operating reactor is very low, the consequences can be large, in part due to the high temperature and pressure of the reactor coolant system, as well as the inventory of radionuclides. In a permanently shutdown and defueled reactor facility, the possibility of accidents involving the reactor and its systems, structures and components is eliminated. Further reductions in risk occur because (1) the decay heat from spent fuel decreases over time, which reduces the amount of cooling required to prevent the spent fuel from heating up to a temperature that could compromise the ability of the fuel cladding to retain fission products; and (2) the relatively short-lived radionuclides contained in the spent fuel, particularly volatile components such as iodine and noble gases, decay away, thus reducing the inventory of radioactive materials that are readily dispersible and transportable in air.

Although the risk and consequences of a radiological release decline substantially after a plant permanently defuels its reactor, they are not completely eliminated. There are potential onsite and offsite radiological consequences that could be associated with the onsite storage of the spent fuel in the spent fuel pool (SFP). In addition, a site may contain an inventory of radioactive liquids, activated reactor

components, and contaminated materials. For purposes of modifying the amount of insurance coverage maintained by a power reactor licensee, the potential consequences, despite very low risk, are an appropriate consideration.

By letter dated March 2, 2000, the licensee submitted an analysis of the heatup characteristics of the spent fuel in the absence of SFP water inventory. The licensee concluded that air cooling of the fuel would be sufficient to maintain the integrity of the fuel cladding. The staff independently evaluated the licensee's analysis and found it to be acceptable.

The above analyses established that air cooling was adequate in the normal storage configuration, but events could change the configuration of stored fuel or otherwise degrade the effectiveness of cooling. This potential was addressed in NUREG-1738, "Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants," which concluded that the probability of fuel uncover is very low, and the probability of a random event that substantially reconfigures stored fuel such that cooling becomes inadequate is much lower still. Even with inadequate cooling, NUREG-1738 presented data indicating that fuel with over 5 years' decay time would require over 24 hours of complete adiabatic conditions (obstructed air flow) to reach temperatures associated with rapid cladding oxidation and release of fission products. The staff considers these conclusions applicable to Millstone Unit 1 since its spent fuel has been decaying since November 1995. A partial drain-down of the SFP could interfere with natural convection heat transfer and lead to a heatup of the spent fuel. However, if this were to occur, sufficient time is available for the licensee to take compensatory actions (such as refilling the SFP or spraying water on the spent fuel) thereby restoring necessary cooling. The staff judges that the analyses in NUREG-1738 are conservative and that there will be sufficient time for reasonable compensatory action for this small likelihood event.

The NUREG-1738 study did not evaluate the risk from malevolent acts. With regard to physical protection, the Millstone Unit 1 SFP is located within the overall Millstone site protected area (PA) which also contains operating Millstone Units 2 and 3. The licensee maintains a protective strategy for Units 2 and 3 that is in compliance with the requirements of 10 CFR 73.55 and interim compensatory measures issued by Order on February 25, 2002. By

<sup>1</sup> At the time that Northeast Nuclear Energy Company requested the exemption from secondary financial protection the requirement for primary insurance coverage was \$200 million. The regulation now requires \$300 million in primary coverage.