

equipment is being used, the equipment will be immediately de-energized and withdrawn to outby the last open crosscut; (7) all hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition as defined in existing 30 CFR 75.320; (8) coal production will cease, except for the time necessary to troubleshoot under actual mining conditions. Coal may remain in or on the equipment in order to test and diagnose the equipment under a load. This change will require production to cease except during actual testing. Accumulations of coal and combustible materials referenced in 30 CFR 75.400 will be removed before testing begins to provide additional safety to miners; (9) non-permissible electronic test and diagnostic equipment will not be used to test equipment when float coal dust is in suspension; (10) all electronic and diagnostic equipment will be used in accordance with the manufacturer's recommended safe use procedures; (11) qualified personnel engaged in the use of electronic test and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with the use of electronic test and diagnostic equipment; (12) any piece of equipment subject to this petition will be inspected by an authorized representative of the Secretary prior to initially placing it in service underground; (13) within 60 days after this petition for modification becomes final, the petitioner will submit proposed revisions for their approved 30 CFR Part 48 training plan to the District Manager. In addition to the requirements specified in Item No. 8 and 9, these proposed revisions will specify initial and refresher training regarding compliance with the terms and conditions stated in the Proposed Decision and Order; (14) cables supplying power to low-voltage test and diagnostic equipment will only be used when permissible testing and diagnostic equipment are unavailable. The petitioner asserts that the proposed alternative method will guarantee no less than the same protection afforded by the standard.

*Docket Number:* M-2010-049-C.

*Petitioner:* Speed Mining, Inc., 1600 Laidley Tower, P.O. Box 553, Charleston, West Virginia 25322.

*Mine:* American Eagle Mine, MSHA I.D. No. 46-05437, located in Kanawha County, West Virginia.

*Regulation Affected:* 30 CFR 75.1403-5(g) (Criteria—Belt conveyors).

*Modification Request:* The petitioner requests a modification of the existing standard to allow less than 24 inches of

clearance at belt locations due to initial design and construction of the entries by the former owner of the mine. The petitioner states that: (1) Speed Mining is unable to maintain 24 inches of clearance because of the initial design and construction of the entries by the former owner of the mine; (2) approximately eight years ago, the former operator designed the section such that the track and conveyor belt would run in the same entry; (3) because the track and belt run together, and there is a need for some supplemental roof control along certain portions of the belt, it is impossible to provide 24 inches of clearance along the belt; (4) the requested modification has essentially been in place since the former operator's construction of the entries, with no objection from MSHA. Speed Mining is seeking to continue the former owner's practice. The petitioner further states that: (1) Adequate signs indicating close clearance will be installed on the inby and outby sides of the close clearance areas; (2) no work or travel will be allowed in the close clearance area while the belt is running; (3) belt cut-off switches will be installed on the inby and outby sides of the close clearance area; (4) the belt stoppage switches will be installed in a manner that will not allow the belt to be started at another location; (5) before any work is performed in the affected area, the power to the belt will be cut, locked and tagged; (6) signs will be installed to direct foot traffic traveling on the off side of the belt around the block until the close clearance area has been passed; (7) all employees who will be affected by this modification approval will be made aware of the stipulations. The petitioner asserts that the proposed alternative method will not result in a diminution of safety to the miners.

Dated: January 10, 2011.

**Patricia W. Silvey,**  
*Certifying Officer.*

[FR Doc. 2011-687 Filed 1-13-11; 8:45 am]

**BILLING CODE 4510-43-P**

## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2011-0011]**

### **Draft Regulatory Guide: Issuance, Availability**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance, Availability of Draft Regulatory Guide (DG)-1245.

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

Commission, Washington, DC 20555-0001, *telephone:* 301-415-7495 or e-mail *Mark.Orr@nrc.gov.*

### **SUPPLEMENTARY INFORMATION:**

#### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) has issued 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.

The draft regulatory guide, entitled, "Inspection of Water-Control Structures Associated with Nuclear Power Plants," is temporarily identified by its task number, DG-1245, which should be mentioned in all related correspondence. DG-1245 is proposed Revision 2 of Regulatory Guide 1.127, dated March 1978.

This guide describes a basis acceptable to the NRC staff for developing an appropriate inservice inspection and surveillance program for dams, slopes, canals, and other water-control structures associated with emergency cooling water systems or flood protection of nuclear power plants.

#### **II. Further Information**

The NRC staff is soliciting comments on DG-1245. Comments may be accompanied by relevant information or supporting data, and should mention DG-1245 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS).

**ADDRESSES:** You may submit comments by any one of the following methods. Please include Docket ID NRC-2011-0011 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.

*Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2011-0011. 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:* Cindy K. Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), 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 copy for a fee publicly available documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

*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 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). The Regulatory Analysis is available electronically under ADAMS Accession Number ML102380594.

Comments would be most helpful if received by March 15, 2011. Comments received after that 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.

Electronic copies of DG-1245 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://>

[www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html)), under Accession No. ML093060150.

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Dated at Rockville, Maryland, this 7th day of January 2011.

For the Nuclear Regulatory Commission.

**Harriet Karagiannis,**

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

[FR Doc. 2011-724 Filed 1-13-11; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2011-0010]

### Withdrawal of Regulatory Guide 1.154

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Withdrawal of Regulatory Guide 1.154, "Format and Content of Plant-Specific Pressurized Thermal Shock Safety Analysis Reports for Pressurized Water Reactors."

#### FOR FURTHER INFORMATION CONTACT:

Mekonen M. Baysie, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, *telephone:* 301-251-7489 or *e-mail:* [Mekonen.Baysie@nrc.gov](mailto:Mekonen.Baysie@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide (RG) 1.154, "Format and Content of Plant-Specific Pressurized Thermal Shock Safety Analysis Reports for Pressurized Water Reactors." RG 1.154 was issued by NRC in January 1987 to describe the format and content acceptable to the NRC staff for plant-specific pressurized thermal shock (PTS) safety analyses, and to describe acceptance criteria that NRC staff will use in evaluating licensee analyses and proposed corrective measures.

In recent years, the NRC's Office of Nuclear Regulatory Research (RES) developed a technical basis that supported updating the PTS regulations in Title 10, Section 50.61, of the *Code of Federal Regulations* (10 CFR 50.61). This technical basis, as described in NUREG-1806 and in NUREG-1874, concluded that the risk of through-wall pressure vessel cracking due to a PTS event is much lower than previously

estimated. This finding indicated that the reference temperature (RT) screening criteria in 10 CFR 50.61 are overly conservative and may impose an unnecessary burden on some licensees. Therefore, the NRC developed a new rule, 10 CFR 50.61a, "Alternate Fracture Requirements for Protection against Pressurized Thermal Shock Events" (SECY-09-0059: "Final Rule Related to Alternate Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events," RIN 3150-AI01, April 9, 2009). The alternative rule allows, but does not require, that licensees may comply with more permissive RT limits that were derived in a risk-informed manner provided that certain requirements regarding vessel inspection and surveillance programs, as outlined in 10 CFR 50.61a, are met.

In the course of developing 10 CFR 50.61a, it became clear to staff that the guidance provided by RG 1.154 is significantly outdated and, in some cases, technically deficient. As such, a plant-specific PTS analysis performed based on guidance in RG 1.154 will not be acceptable to the staff. While the methods and procedures were appropriate based on the situation in the industry when RG 1.154 was developed (1987), the methods and procedures have since either passed into common practice among plant operators, or were accounted for in the development of 10 CFR 50.61a. A fundamental premise underlying RG 1.154 is that the RT screening criteria in 10 CFR 50.61 are based on a large number of conservative assumptions. As such, RG 1.154 postulates that it is possible to perform a plant-specific analysis to show that some conservatism could reasonably be removed while still demonstrating that a plant can be operated at an acceptably low level of risk. The technical basis for 10 CFR 50.61a, however, considered the most accurate models and input values presently available given the current state of the science. This had the effect of eliminating much of the conservatism that was embedded in the more restrictive 10 CFR 50.61 RT screening criteria. This calls into question whether a strong case could be made to remove further conservatism in a plant-specific PTS analysis performed in accordance with RG 1.154. Moreover, RG 1.154 frequently discusses the "licensee's proposed program of corrective measures," reflecting the view that there are actions that an individual licensee can take, beyond present practices, that will mitigate the PTS risk. The continued validity of this premise is also questionable. An assessment of