

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Chapter I

[NRC-2018-0044]

#### Clarification on Endorsement of Nuclear Energy Institute Guidance in Designing Digital Upgrades in Instrumentation and Control Systems

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft regulatory issue summary; request for comment and public meeting.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is seeking public comment on the draft Regulatory Issue Summary (RIS) 2002-22, Supplement 1, "Clarification on Endorsement of Nuclear Energy Institute Guidance in Designing Digital Upgrades in Instrumentation and Control Systems." This RIS Supplement clarifies the guidance in RIS 2002-22, which remains in effect. The NRC continues to endorse Nuclear Energy Institute 01-01 (NEI-01-01) as stated in RIS 2002-22, as clarified by the RIS Supplement.

**DATES:** Submit comments by March 29, 2018. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2018-0044. Address questions about NRC dockets to Jennifer Borges; telephone: 301-287-9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Tekia Govan, Office of Nuclear Reactor Regulation (NRR), telephone: 301-415-6197, email: [Tekia.Govan@nrc.gov](mailto:Tekia.Govan@nrc.gov) of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Obtaining Information and Submitting Comments

###### A. Obtaining Information

Please refer to Docket ID NRC-2018-0044 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2018-0044.
- *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 draft RIS is available in ADAMS under Accession No. ML18051A084.

- *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.

###### B. Submitting Comments

Please include Docket ID NRC-2018-0044 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit

comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

##### II. Background

The RIS is intended for all holders of and applicants for power reactor operating licenses or construction permits under 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities," all holders of, and applicants for, a power reactor combined license, standard design approval, or manufacturing license, and all applicants for a standard design certification, under 10 CFR part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," and all holders of, and applicants for, a construction permit or an operating license for non-power production or utilization facilities under 10 CFR part 50, including all existing non-power reactors and proposed facilities for the production of medical radioisotopes, such as molybdenum-99, except those that have permanently ceased operations and have returned all of their fuel to the U.S. Department of Energy.

In 2002, the NRC staff issued RIS 2002-22 to notify addressees that the NRC staff had reviewed NEI-01-01 and was endorsing the report for use as guidance in designing and implementing digital upgrades to nuclear power plant instrumentation and control systems. Following the NRC staff's 2002 endorsement of NEI 01-01, holders of operating licenses have used this guidance in support of digital design modifications implemented without prior NRC approval in accordance with 10 CFR 50.59. The NRC inspections of documentation for these activities uncovered inconsistencies in the performance and documentation of engineering evaluations and associated technical bases for determinations on the 10 CFR 50.59(c)(2) evaluation criteria. This RIS Supplement clarifies

the RIS 2002–22 endorsement of the NEI 01–01 guidance by providing additional guidance for developing and documenting “qualitative assessments” that are used to provide an adequate basis for a licensee’s determination that a digital modification will exhibit a low likelihood of failure to support a conclusion when applying 10 CFR 50.59 that a license amendment is not needed.

The NRC published a notice of opportunity for public comment on this RIS in the **Federal Register** on July 3, 2017 (82 FR 30913). Following that notice, the NRC staff engaged in multiple communications with the public and stakeholders and continued internal discussions about the RIS. As a result of these efforts, the NRC has substantially rewritten the RIS. Due to the extensive nature of these revisions, and in light of this additional opportunity for comment, the NRC is not directly responding to each comment received in the previous comment period. All comments and other communications associated with the previous version of this RIS can be found in ADAMS under Accession No. ML18039A804.

#### *Proposed Action*

The NRC is requesting public comments on the draft RIS. To the extent that the NRC’s revisions have not resolved a comment that was submitted in the previous comment period, the NRC asks that such comments be resubmitted for further consideration. Because of the extensive communication about this RIS, the NRC believes that stakeholders will be able to submit comments quickly. In addition, the NRC seeks to issue this RIS as expeditiously as possible to minimize misunderstandings about the NRC’s requirements for digital I&C modifications under 10 CFR 50.59. Therefore, the NRC is publishing the draft RIS with a 15 day comment period. Requests for extension of the comment period may be submitted as described above in the **ADDRESSEES** section.

The NRC is also requesting specific comments on Figure 1 in the attachment of the draft RIS:

- Does Figure 1 clearly explain the engineering evaluation process (as described in Section 4 of the RIS attachment) to determine sufficient dependability, which may be used in performing and documenting a qualitative assessment (as described in Section 3 of the RIS attachment)?
- How could the figure and/or explanatory text in the draft RIS be modified to clarify the relationship between the engineering evaluation and

qualitative assessment approaches described in the draft RIS?

The NRC plans to hold a public meeting to discuss this RIS and the issues associated with clarification of the applicability of the endorsed NEI 01–01 guidance. All comments that are to receive consideration in the final RIS must still be submitted electronically or in writing as indicated in the **ADDRESSES** section of this document. Additional details regarding the meeting will be posted at least 10 days prior to the public meeting on the NRC’s Public Meeting Schedule website at <http://www.nrc.gov/public-involve/public-meetings/index.cfm>. The NRC staff will make a final determination regarding issuance of the RIS after it considers any public comments received in response to this request.

Dated at Rockville, Maryland, this day of March 7, 2018.

For the Nuclear Regulatory Commission.

**Tekia Govan,**

*Project Manager, ROP Support and Generic Communication Branch, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation.*

[FR Doc. 2018–04958 Filed 3–13–18; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[EPA–R03–OAR–2017–0290; FRL–9975–14–Region 3]

#### **Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Regulatory Amendments Addressing Reasonably Available Control Technology Requirements Under the 1997 and 2008 8-Hour Ozone National Ambient Air Quality Standards**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing rulemaking action on a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania (Pennsylvania or the Commonwealth). This revision consists of regulatory amendments intended to meet certain reasonably available control technology (RACT) requirements under the 1997 and 2008 8-hour ozone national ambient air quality standards (NAAQS). EPA is proposing to approve most parts of the Pennsylvania SIP revision as meeting RACT requirements under the Clean Air

Act (CAA). EPA is also proposing to conditionally approve certain provisions of this SIP revision, based upon Pennsylvania’s commitment to submit additional enforceable measures that meet RACT. This action is being taken under the CAA.

**DATES:** Written comments must be received on or before April 13, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0290 at <http://www.regulations.gov>, or via email to [Spielberger.susan@epa.gov](mailto:Spielberger.susan@epa.gov). For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the “For Further Information Contact” section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.  
**FOR FURTHER INFORMATION CONTACT:** Emlyn Vélez-Rosa, (215) 814–2038, or by email at [velez-rosa.emlyn@epa.gov](mailto:velez-rosa.emlyn@epa.gov).  
**SUPPLEMENTARY INFORMATION:** On May 16, 2016, the Pennsylvania Department of Environmental Protection (PADEP) submitted a revision to the Pennsylvania SIP consisting of amendments to regulations in 25 Pa. Code Chapters 121 and 129, to meet certain RACT requirements of the CAA for both the 1997 and 2008 8-hour ozone NAAQS.

#### **I. Background**

The Pennsylvania May 16, 2016 SIP revision submitted by PADEP includes the Pennsylvania regulations in 25 Pa. Code sections 129.96–129.100 titled “Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs” (the RACT II Rule) and amendments to 25 Pa. Code section 121.1, including