

accommodate the scheduling priorities of the key participants.

**Patricia Rausch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

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**NUCLEAR REGULATORY  
COMMISSION**

**[NRC-2018-0196]**

**Standard Review Plan (SRP) 13.4,  
Operational Programs**

**AGENCY:** Nuclear Regulatory  
Commission.

**ACTION:** Standard review plan-final  
section revision; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory  
Commission (NRC) is issuing final  
Revision 4 to Section 13.4, “Operational  
Programs” of NUREG-0800, “Standard  
Review Plan (SRP) for the Review of  
Safety Analysis Reports for Nuclear  
Power Plants: LWR Edition.”

**DATES:** The effective date of this SRP  
update is April 8, 2019.

**ADDRESSES:** Please refer to Docket ID  
NRC-2018-0196 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 Website:* Go to  
<http://www.regulations.gov> and search  
for Docket ID NRC-2018-0196. Address  
questions about NRC dockets IDs in  
*Regulations.gov* to Jennifer Borges;  
telephone: 301-287-9127; email:  
[Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical  
questions, contact the individual(s)  
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](http://www.nrc.gov/reading-rm/adams.html). To begin the search, 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 final revision, is available  
in ADAMS under the following  
Accession No. ML18344A032.

- *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.

**FOR FURTHER INFORMATION CONTACT:**

Mark D. Notich, Office of New Reactors,  
U.S. Nuclear Regulatory Commission,  
Washington, DC 20555-0001; telephone:  
301-415-3053, email: [Mark.Notich@  
nrc.gov](mailto:Mark.Notich@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On September 11, 2018 (83 FR 45995),  
the NRC published for public comment  
proposed Revision 4 of Section 13.4,  
“Operational Programs” of NUREG-  
0800, “Standard Review Plan (SRP) for  
the Review of Safety Analysis Reports  
for Nuclear Power Plants: LWR  
Edition.” The public comment period  
closed on November 13, 2018.

**II. Backfitting and Issue Finality**

Chapter 13 of the SRP provides  
guidance to the staff for conduct of  
operations under part 52 of title 10 of  
the *Code of Federal Regulations* (10  
CFR). Section 13.4 of the SRP provides  
information on operational programs  
that must be addressed during the  
review of combined license (COL), early  
site permit (ESP), standard design  
certification, and operating license (OL)  
applications.

Issuance of this SRP section revision  
does not constitute backfitting as  
defined in 10 CFR 50.109 (the Backfit  
Rule) nor is it inconsistent with the  
issue finality provisions in 10 CFR part  
52. The NRC’s position is based upon  
the following considerations.

1. *The SRP positions do not constitute  
backfitting, inasmuch as the SRP is  
guidance direct to the NRC staff with  
respect to its regulatory responsibilities.*

The SRP provides guidance to the  
NRC staff on how to review an  
application for NRC regulatory approval  
in the form of licensing. Changes in  
guidance intended for use by only the  
staff are not matters that constitute  
backfitting as that term is defined in 10  
CFR 50.109(a)(1) or involve the issue  
finality provisions of 10 CFR part 52.

2. *Backfitting and issue finality—with  
certain exceptions discussed below—do  
not apply to current or future  
applicants.*

Applicants and potential applicants  
are not, with certain exceptions, the  
subject of either the Backfit Rule or any  
issue finality provisions under 10 CFR  
part 52. This is because neither the  
Backfit Rule nor the issue finality  
provisions under 10 CFR part 52 were  
intended to apply to every NRC action  
that substantially changes the  
expectations of current and future  
applicants.

The exceptions to the general  
principle are applicable whenever a 10

CFR part 50 operating license applicant  
references a construction permit or a 10  
CFR part 52 combined license applicant  
references a license (e.g., an early site  
permit) or an NRC regulatory approval  
(e.g., a design certification rule) for  
which specified issue finality provisions  
apply.

The NRC staff does not currently  
intend to impose the positions  
represented in this final SRP section in  
a manner that constitutes backfitting or  
is inconsistent with any issue finality  
provision of 10 CFR part 52. If in the  
future the NRC staff seeks to impose a  
position stated in this SRP section in a  
manner that would constitute  
backfitting or be inconsistent with these  
issue finality provisions, the NRC staff  
must make the showing as set forth in  
the Backfit Rule or address the  
regulatory criteria set forth in the  
applicable issue finality provision, as  
applicable, that would allow the staff to  
impose the position.

3. *The NRC staff has no intention to  
impose the SRP positions on existing  
nuclear power plant licensees either  
now or in the future (absent a voluntary  
request for a change from the licensee,  
holder of a regulatory approval or a  
design certification applicant).*

The NRC staff does not intend to  
impose or apply the positions described  
in this final SRP section to existing  
(already issued) licenses (e.g., operating  
licenses and combined licenses) and  
regulatory approvals. Hence, the  
issuance of this SRP guidance—even if  
considered guidance subject to the  
Backfit Rule or the issue finality  
provisions in 10 CFR part 52—would  
not need to be evaluated as if it were a  
backfit or as being inconsistent with  
issue finality provisions. If, in the  
future, the NRC staff seeks to impose a  
position in the SRP on holders of  
already issued licenses in a manner that  
would constitute backfitting or does not  
provide issue finality as described in the  
applicable issue finality provision, then  
the staff must make a showing as set  
forth in the Backfit Rule or address the  
criteria in the applicable issue finality  
provision, as applicable, that would  
allow the staff to impose the position.

**III. Congressional Review Act**

The Office of Management and Budget  
makes the determination that the United  
States Nuclear Regulatory Commission  
action titled NUREG-0800, “Standard  
Review Plan for the Review of Safety  
Analysis Reports for Nuclear Power  
Plants; LWR Edition,” Revision 4 of SRP  
13.4, “Operational Programs” is non-  
major under the Congressional Review  
Act.

Dated at Rockville, Maryland, this 3rd day of April 2019.

For the Nuclear Regulatory Commission.

**Jennivine K. Rankin,**

*Acting Chief, Division of Licensing, Siting, and Environmental Analysis, Licensing Branch 3, Office of New Reactors.*

[FR Doc. 2019-06837 Filed 4-5-19; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[NRC-2019-0091]

### Leakage Tests on Packages for Shipment of Radioactive Material

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft regulatory guide; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG-7010, “Leakage Tests on Packages for Shipment of Radioactive Material.” This proposed revision, Revision 2 to Regulatory Guide (RG) 7.4, endorses the methods and procedures developed by the Standards Committee on Packaging and Transportation of Radioactive and Nonnuclear Hazardous Materials (N14), Subcommittee of the American National Standards Institute (ANSI) in ANSI N14.5-2014, “American National Standard for Radioactive Materials—Leakage Tests on Packages for Shipment.”

**DATES:** Submit comments by June 7, 2019. Comments received after this 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.

**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-2019-0091. 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:* Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory

Commission, Washington, DC 20555-0001.

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

**FOR FURTHER INFORMATION CONTACT:**

JoAnn Ireland, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-6950, email: [JoAnn.Ireland@nrc.gov](mailto:JoAnn.Ireland@nrc.gov) and Harriet Karagiannis, Office of Nuclear Regulatory Research, telephone: 301-415-2493, email: [Harriet.Karagiannis@nrc.gov](mailto:Harriet.Karagiannis@nrc.gov). Both are 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-2019-0091 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-2019-0091.
- *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 “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 DG is electronically available in ADAMS under Accession No. ML19042A172.

- *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-2019-0091 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. Additional Information

The NRC is issuing for public comment a DG 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 NRC’s regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The DG, entitled, “Leakage Tests on Packages for Shipment of Radioactive Material” is temporarily identified by its task number, DG-7010. DG-7010 is proposed Revision 2 to RG 7.4, dated March 2012.

Revision 2 endorses an update to ANSI N14.5 that has new information, corrections, and clarifications, to ensure integrity of containers for radioactive materials, and minimize the distribution of contamination to the environment.

#### III. Backfitting and Issue Finality

As discussed in the “Implementation” section of DG-7010, the NRC does not intend or approve any imposition or backfitting of the guidance in this draft regulatory guide. Backfitting and issue finality considerations do not apply to licensees, CoC holders, and applicants when performing activities under part 71 of title 10 of the *Code of Federal Regulations* (10 CFR). Therefore, the NRC has determined that its backfitting and issue finality regulations would not apply to this draft regulatory guide, if ultimately issued as Revision 2 to RG 7.4, because the draft regulatory guide does not include any provisions within the scope of matters covered by the backfitting provisions in 10 CFR parts 50, 70, 72, or 76, or the issue finality provisions of 10 CFR part 52.

Dated at Rockville, Maryland, this 3rd day of April 2019.