

STS 4.2.1 allows for the irradiation of a limited number of LTAs that have not completed representative testing if placed in nonlimiting regions of the reactor core.

In the past, licensees have taken different approaches when conducting LTA campaigns. Some licensees obtained prior NRC approval by license amendments approving changes to Technical Specification (TS) 4.2.1 or exemptions from § 50.46, “Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors,” of title 10 of the *Code of Federal Regulations* (10 CFR), or both, for their LTA campaigns. Other licensees conducted LTA campaigns under 10 CFR 50.59, “Changes, tests, and experiments,” without prior NRC approval.

This letter clarifies the NRC staff’s views on the regulatory positions regarding LTAs previously discussed in the NRC’s letter to NEI dated June 29, 2017. The letter provides: Clarification on the LTA provision in STS 4.2.1; clarification on the use of approved methods for LTA campaigns; a regulatory path for LTA campaigns; guidance on the use of NEI 96–07, Revision 1, “Guidelines for 10 CFR 50.59 Implementation,” regarding LTAs; and guidance on exemptions from the requirements in 10 CFR 50.46 for LTAs.

II. Opportunity for Public Participation

The NRC published a notice of the availability of a draft letter to NEI

regarding the clarification of regulatory paths for lead test assemblies in the **Federal Register** on June 7, 2018 (83 FR 26503) for a 20-day public comment period. The public comment period closed on June 27, 2018. After consideration of comments requesting additional time to comment on the draft letter, the NRC reopened the public comment period for an additional 20 days on July 2, 2018. The additional comment period closed on July 23, 2018.

The NRC received 272 comment submissions on the draft guidance letter consisting of approximately 900 comments. Public comments on the draft letter and the staff responses to the public comments are available electronically in ADAMS under Accession No. ML19126A101 (the comment response document). A compilation of all comment submissions with annotated comments is also available.

Table 1, “Commenters on Guidance Letter,” in the comment response document contains a listing of persons or entities that provided comments. The name of the individual and affiliation, if provided, a unique identifier for the commenter, and the ADAMS accession number are listed. Some individuals are listed more than once because they provided more than one comment letter.

Each comment letter was segmented into individual comments, and each comment was then categorized by topic.

The topics are provided in Table 2 of the comment response document. The comments are summarized and are followed by a response. If the NRC staff determined that a change to the letter was warranted, because of the comment, it is indicated in the response.

III. Congressional Review Act

This guidance letter is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting and Issue Finality

The letter provides additional clarification on previous staff preliminary statements and positions regarding the use of LTAs made in a letter to NEI dated June 29, 2017. Issuance of the letter does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. The NRC has no current intention to impose the positions described in the letter on holders of current operating licenses or combined licenses.

V. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the methods previously indicated.

Document	ADAMS Accession No.
Letter from U.S. Nuclear Regulatory Commission to Nuclear Energy Institute, Entergy Services, Inc., and NextEra Energy, Subject: Clarification of Regulatory Path for Lead Test Assemblies, dated June 24, 2019.	ML18323A169
Letter from Mirela Gavrilas, U.S. NRC, to Mr. Andrew Mauer, Nuclear Energy Institute. Subject: Response to Nuclear Energy Institute Letter Concerning the Regulatory Path for Lead Test Assemblies. June 29, 2017.	ML17150A443
NUREG–1430, Standard Technical Specifications—Babcock and Wilcox Plants, Volume 1, Revision 4	ML12100A177
NUREG–1431, Standard Technical Specifications—Westinghouse Plants, Volume 1, Revision 4	ML12100A222
NUREG–1432, Standard Technical Specifications—Combustion Engineering Plants, Volume 1, Revision 4	ML12102A165
NUREG–1433, Standard Technical Specifications—General Electric Plants (BWR/4), Volume 1, Revision 4	ML12104A192
NUREG–1434, Standard Technical Specifications—General Electric Plants (BWR/6), Volume 1, Revision 4	ML12104A195
NEI 96–07, Revision 1, Guidelines for 10 CFR 50.59 Implementation	ML003771157
Draft letter from U.S. Nuclear Regulatory Commission to Nuclear Energy Institute. Subject: Clarification of Regulatory Paths for Lead Test Assemblies, dated May 31, 2018.	ML18100A045
Public comments on the draft letter and the staff responses to the public comments	ML19126A101
Compilation of comment submissions with annotated comments	ML19141A222

Dated at Rockville, Maryland, this 27th day of June, 2019.

For the Nuclear Regulatory Commission.

Craig G. Erlanger,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[NRC–2018–0233]

Information Collection: NRC Forms 540 and 540A, Uniform Low-Level Radioactive Waste Manifest (Shipping Paper) and Continuation Page

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, “NRC Forms 540 and 540A, Uniform Low-Level Radioactive Waste

Manifest (Shipping Paper) and Continuation Page.”

DATES: Submit comments by September 3, 2019. 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 on or before this date.

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

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov/> and search for Docket ID NRC–2018–0233. Address questions about docket IDs in [Regulations.gov](https://www.regulations.gov/) to Jennifer Borges; telephone: 301–287–9127; email: Jennifer.Borges@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **Mail comments to:** David Cullison, Office of the Chief Information Officer, Mail Stop: T6–A10M, 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: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0233 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 <https://www.regulations.gov/> and search for Docket ID NRC–2018–0233. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2018–0233 on this website.

- **NRC’s Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <https://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. A copy of NRC Forms 540 and 540A and related instructions may be obtained without charge by accessing ADAMS Accession Nos. ML18313A144, ML18313A145, and ML071870172, respectively. The supporting statement is available in ADAMS under Accession No. ML18337A413.

- **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.

- **NRC’s Clearance Officer:** A copy of the collection of information and related instructions may be obtained without charge by contacting NRC’s Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

Please include Docket ID NRC–2018–0233 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

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

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB’s approval for the information collection summarized below.

1. *The title of the information collection:* “NRC Forms 540 and 540A,

Uniform Low-Level Radioactive Waste Manifest (Shipping Paper) and Continuation Page.”

2. *OMB approval number:* 3150–0164.

3. *Type of submission:* Extension.

4. *The form number, if applicable:*

NRC Forms 540 and 540A.

5. *How often the collection is required or requested:* Forms are used by shippers whenever radioactive waste is shipped. Quarterly or less frequent reporting is made to Agreement States depending on specific license conditions. No reporting is made to the NRC.

6. *Who will be required or asked to respond:* All NRC or Agreement State low-level waste facilities licensed pursuant to part 61 of title 10 of the *Code of Federal Regulations* (10 CFR) or equivalent Agreement State regulations. All generators, collectors, and processors of low-level waste intended for disposal at a low-level waste facility must complete the appropriate forms.

7. *The estimated number of annual responses:* 5,740.

8. *The estimated number of annual respondents:* 220.

Note that the NRC does not collect or retain data on manifest forms and the forms are not sent to or received by the NRC. The estimates provided in items seven and eight above are from the previous form renewal Notice. The NRC did not receive any public comment on the previous renewal suggesting that these estimates should be revised. NRC is requesting comment on the accuracy of these estimates in Section III of this document.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 4,305.

10. *Abstract:* NRC Forms 540 and 540A provide a set of standardized forms to meet Department of Transportation (DOT), NRC, and State requirements. The forms were developed by NRC at the request of low-level waste industry groups. The forms provide uniformity and efficiency in the collection of information contained in manifests which are required to control transfers of low-level radioactive waste intended for disposal at a land disposal facility. The NRC Form 540 contains information needed to satisfy DOT shipping paper requirements in 49 CFR part 172, and the waste tracking requirements of the NRC in 10 CFR part 20.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to

properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 27th day of June, 2019.

For the Nuclear Regulatory Commission.

Kristen E. Benney,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

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NUCLEAR REGULATORY COMMISSION

[NRC-2019-0024]

Information Collection: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled,

“Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.

DATES: Submit comments by August 2, 2019. 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 on or before this date.

ADDRESSES: Submit comments directly to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (3150-0209), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, DC 20503; email: oir_submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2019-0024 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 <https://www.regulations.gov/> and search for Docket ID NRC-2019-0024. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC-2019-0024 on this website.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <https://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. A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession Nos. ML18333A272 and ML18333A284. The supporting statement Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance is available in ADAMS under Accession No. ML19169A155.

- *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.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov/> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.” The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on March 25, 2019 (84 FR 11139).

1. *The title of the information collection:* Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.

2. *OMB approval number:* 3150-0209.

3. *Type of submission:* Extension.

4. *The form number if applicable:* NRC Form 781 and NRC Form 782.

5. *How often the collection is required or requested:* title 10 of the *Code of Federal Regulations* (10 CFR) part 5 follows provisions covered in 10 CFR 4.331. Compliance reviews, which indicates that the NRC may conduct compliance reviews and Pre-Award reviews of recipients or use other similar procedures that will permit it to investigate and correct violations of the act and these regulations. The NRC may conduct these reviews even in the absence of a complaint against a recipient. The reviews may be as comprehensive as necessary to determine whether a violation of these regulations has occurred.

6. *Who will be required or asked to respond:* Recipients of federal financial assistance (FFA) provided by the NRC (including educational institutions, other nonprofit organizations receiving FFA, and Agreement States).

7. *The estimated number of annual responses:* 800.