

**DEPARTMENT OF LABOR****Office of the Secretary****Agency Information Collection Activities; Submission for OMB Review; Comment Request; Surface Coal Mines Daily Inspection; Certified Person; Reports of Inspection**

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, "Surface Coal Mines Daily Inspection; Certified Person; Reports of Inspection," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before August 29, 2019.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201905-1219-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201905-1219-001) (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202-693-8073, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-MSHA Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Frederick Licari by telephone at 202-693-8073, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Surface Coal Mines Daily Inspection; Certified Person; Reports of Inspection information collection requirements codified in regulations 30 CFR 77.1713 that requires an operator of either or both a surface coal mine and surface facility to keep a record of the results of required examinations for hazardous conditions. These records consist of the nature and location of any hazardous condition found and the actions taken to abate the hazardous condition. Federal Mine Safety and Health Act of 1977 sections 101(a) and 103(h) authorize this information collection. See 30 U.S.C. 811(a), 813(h).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219-0083.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on July 31, 2019. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 3, 2019 (84 FR 19128).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty-(30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219-0083. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility:

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL-MSHA.

*Title of Collection:* Surface Coal Mines Daily Inspection; Certified Person; Reports of Inspection.

*OMB Control Number:* 1219-0083.

*Affected Public:* Private Sector—business or other for-profits.

*Total Estimated Number of Respondents:* 893.

*Total Estimated Number of Responses:* 357,200.

*Total Estimated Annual Time Burden:* 535,800 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

*Authority:* 44 U.S.C. 3507(a)(1)(D).

Dated: July 24, 2019.

**Frederick Licari,**

*Departmental Clearance Officer.*

[FR Doc. 2019-16104 Filed 7-29-19; 8:45 am]

**BILLING CODE 4510-43-P**

**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-390 and 50-391; NRC-2019-0138]

**Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued an exemption in response to a July 23, 2018, request from Tennessee Valley Authority (TVA or the licensee) to implement Optimized ZIRLO™ fuel rod cladding at the Watts Bar Nuclear Plant (Watts Bar), Units 1 and 2.

**DATES:** The exemption was issued on July 25, 2019.

**ADDRESSES:** Please refer to Docket ID NRC-2019-0138 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 <https://www.regulations.gov/> and search for Docket ID NRC-2019-0138. Address questions about NRC docket IDs to Jennifer Borges; telephone: 301-287-9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical questions, contact the individual 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 <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](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in the "Availability of Documents" section of this document.

- *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:** Robert Schaaf, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6020, email: [Robert.Schaaf@nrc.gov](mailto:Robert.Schaaf@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

TVA is the holder of Facility Operating License Nos. NPF-90 and NPF-96, which authorize operation of Watts Bar, Units 1 and 2, respectively. The licenses provide, among other things, that the facilities are subject to all rules, regulations, and orders of the NRC now or hereafter in effect. The facilities consist of pressurized-water reactors located in Spring City, Tennessee.

**II. Request/Action**

By application dated July 23, 2018 (ADAMS Accession No. ML18205A492), TVA, pursuant to section 50.12 of title 10 of the *Code of Federal Regulations*

(10 CFR), "Specific exemptions," requested an exemption from certain requirements of 10 CFR 50.46, "Acceptance criteria for emergency core cooling systems [ECCS] for light-water nuclear power reactors," and appendix K, "ECCS Evaluation Models," to 10 CFR part 50 to allow the use of fuel rod cladding with Optimized ZIRLO™ alloy for future reload applications. The regulations in 10 CFR 50.46 contain acceptance criteria for the ECCS for reactors fueled with zircaloy or ZIRLO™ fuel rod cladding material. In addition, 10 CFR part 50, appendix K, requires that the Baker-Just equation be used to predict the rates of energy release, hydrogen concentration, and cladding oxidation from the metal/water reaction. The Baker-Just equation assumes the use of a zirconium alloy, which is a material different from Optimized ZIRLO™. The licensee requested the exemption because these regulations do not have provisions for the use of fuel rod cladding material other than zircaloy or ZIRLO™. Because the material specifications of Optimized ZIRLO™ differ from the specifications for zircaloy or ZIRLO™, a plant-specific exemption is required to support the reload applications for Watts Bar, Units 1 and 2.

This exemption request relates solely to the specific type of cladding material specified in these regulations for use in light-water reactors. As written, the regulations presume use of either Zircaloy or ZIRLO™<sup>1</sup> fuel rod cladding. The exemption is required because Optimized ZIRLO™ has a slightly different composition than Zircaloy or ZIRLO™. Therefore, TVA has requested an exemption to consider Optimized ZIRLO™ as an approved fuel rod cladding material. TVA is not seeking an exemption from the acceptance and analytical criteria of 10 CFR 50.46 and appendix K to 10 CFR part 50. The requirements regarding the acceptance and analytical criteria will be maintained.

Along with the exemption request, the submittal from TVA described above also contains a license amendment request to modify Technical Specifications 4.2.1, "Fuel Assemblies," and 5.9.5, "Core Operating Limits Report (COLR)," to allow the use of Optimized ZIRLO™ as an approved fuel rod cladding material. This exemption and the proposed Technical Specification changes are subject to a concurrent review that is being documented in the safety evaluation

with the license amendments (ADAMS Accession No. ML19112A004).

The NRC has previously approved exemption requests that were similar in nature to that requested by TVA. Precedent exemptions have been approved for other pressurized-water reactor plants, including Beaver Valley Power Station, Units 1 and 2 (ADAMS Accession Nos. ML18022B116 and ML17313A550); Palo Verde Nuclear Generating Station, Units 1, 2, and 3 (ADAMS Accession Nos. ML17319A107 and ML17319A214); and Wolf Creek Generating Station, Unit 1 (ADAMS Accession Nos. ML16179A293 and ML16179A440).

**III. Discussion**

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when: (1) The exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Under 10 CFR 50.12(a)(2), special circumstances include, among other things, when application of the specific regulation in the particular circumstance would not serve, or is not necessary to achieve, the underlying purpose of the rule. The requested exemption to apply the acceptance criteria to Optimized ZIRLO™ fuel rod cladding rather than Zircaloy or ZIRLO™ at Watts Bar, Units 1 and 2, satisfies the criteria as described below.

*A. Special Circumstances*

The special circumstance that necessitates the request for exemption to 10 CFR 50.46 and appendix K to 10 CFR part 50 is that neither of these regulations explicitly allows the use of Optimized ZIRLO™ fuel rod cladding material. The ultimate objective of 10 CFR 50.46 is to ensure that nuclear power reactors fueled with uranium oxide pellets within Zircaloy or ZIRLO™ cladding must be provided with ECCS that must be designed to provide core cooling following postulated loss-of-coolant accidents. It has been demonstrated in the NRC-approved Westinghouse Topical Report WCAP-14342-A & CENPD-404-NP-A, Addendum 1-A (ADAMS Accession No. ML062080569) that the effectiveness of the ECCS will not be affected by a change from Zircaloy or ZIRLO™ clad fuel to Optimized ZIRLO™ clad fuel. Normal reload safety analyses will confirm that there is no adverse impact on ECCS performance.

<sup>1</sup> "Optimized ZIRLO" and "ZIRLO" are trademarks or registered trademarks of Westinghouse Electric Company, LLC.

The objective of 10 CFR 50.46(b)(2) and (b)(3) and paragraph I.A.5 of appendix K to 10 CFR part 50 is to ensure that cladding oxidation and hydrogen generation are appropriately limited during a loss-of-coolant accident and conservatively accounted for in the ECCS evaluation model. Appendix K of 10 CFR 50 requires that the Baker-Just equation be used in the ECCS evaluation model to determine the rate of energy release, cladding oxidation, and hydrogen generation. Westinghouse has shown in Addendum 1–A to WCAP–12610–P–A that the Baker-Just model is conservative in all post-loss-of-coolant accident scenarios with respect to the use of the Optimized ZIRLO™ advanced alloy as a fuel cladding material.

#### *B. The Exemption Is Authorized by Law*

The NRC has the authority under 10 CFR 50.12 to grant exemptions from the requirements of 10 CFR part 50 upon showing proper justification. The fuel that will be irradiated at Watts Bar, Units 1 and 2, contains cladding material that does not conform to the cladding material that is explicitly defined in 10 CFR 50.46 and implicitly defined in appendix K to 10 CFR part 50. However, the criteria of these sections will continue to be satisfied for the operation of the Watts Bar, Units 1 and 2, core containing Optimized ZIRLO™ fuel cladding.

#### *C. The Exemption Presents No Undue Risk to Public Health and Safety*

The standards for exemption are also satisfied since the exemption will not present an undue risk to public health and safety. The NRC-approved Westinghouse topical report discussed above has demonstrated that predicted chemical, thermal, and mechanical characteristics of the Optimized ZIRLO™ alloy cladding are bounded by those approved for ZIRLO™ under anticipated operational occurrences and postulated accidents. Reload cores are required to be operated in accordance with the operating limits specified in the Technical Specifications and COLR. Thus, the granting of this exemption request will not pose an undue risk to public health and safety.

#### *D. The Exemption Is Consistent With the Common Defense and Security*

The exemption request is to allow the licensee to use an improved fuel rod cladding material. The licensee has documented compliance with the conditions and limitations of the NRC safety evaluation regarding the use of Optimized ZIRLO™ fuel rod cladding at Beaver Valley Power Station, Units 1

and 2, and has committed to ensuring compliance for future reloads in the current application for Watts Bar, Units 1 and 2. Use of Optimized ZIRLO™ fuel rod cladding in the Watts Bar, Units 1 and 2, cores will not affect plant operations and is consistent with common defense and security.

#### *E. Environmental Considerations*

A review has determined that the proposed amendments would change a requirement with respect to installation or use of a facility component located within the restricted area, as defined in 10 CFR part 20, or would change an inspection or surveillance requirement. However, the proposed amendments do not involve (i) a significant hazards consideration, (ii) a significant change in the types or significant increase in the amounts of any effluents that may be released offsite, or (iii) a significant increase in individual or cumulative occupational radiation exposure. Accordingly, the proposed amendments meet the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendments.

#### **IV. Conclusion**

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Therefore, the Commission hereby grants TVA an exemption from the requirements of 10 CFR 50.46 and appendix K to 10 CFR part 50 to allow the use of Optimized ZIRLO™ fuel rod cladding material at Watts Bar, Units 1 and 2. As stated in this notice, this exemption relates solely to the cladding material specified in these regulations.

Dated at Rockville, Maryland, this 25th day of July 2019.

For the Nuclear Regulatory Commission.

**Blake D. Welling,**

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

[FR Doc. 2019–16147 Filed 7–29–19; 8:45 am]

**BILLING CODE 7590–01–P**

## **NUCLEAR REGULATORY COMMISSION**

[NRC–2016–0233]

### **Pressurized Water Reactor Control Rod Ejection and Boiling Water Reactor Control Rod Drop Accidents**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of reissuance of draft regulatory guide; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is reissuing for public comment draft regulatory guide (DG), DG–1327, “Pressurized Water Reactor Control Rod Ejection and Boiling Water Reactor Control Rod Drop Accidents.” This DG proposes new guidance for analyzing accidents such as a control rod ejection for pressurized water reactors and a control rod drop for boiling-water reactors. It defines fuel cladding failure thresholds for ductile failure, brittle failure, and pellet-clad mechanical interaction and provides radionuclide release fractions for use in assessing radiological consequences. It also describes analytical limits and guidance for demonstrating compliance with regulations governing reactivity limits.

**DATES:** Submit comments by October 28, 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 (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov/> and search for Docket ID NRC–2016–0233. Address questions about docket 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 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, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments,