



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

March 20, 2015

Administrative Judge
Ronald M. Spritzer, Chair
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
Washington, DC 20555-001

Administrative Judge
Dr. Gary S. Arnold
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
Washington, DC 20555-0001

Administrative Judge
Dr. Thomas J. Hirons
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
Washington, DC 20555-0001

In the Matter of
ENTERGY NUCLEAR OPERATIONS, INC.
(Palisades Nuclear Plant)
Docket No. 50-255-LA

Dear Administrative Judges:

The NRC Staff wishes to inform the Board that on March 6th, 2015, it issued two draft regulatory guidance documents for public comment: (1) Draft regulatory guide (DG), DG-1299, "Regulatory Guidance on the Alternate Pressurized Thermal Shock Rule," and (2) Draft NUREG-2163, "Technical Basis for Regulatory Guidance on the Alternate Pressurized Thermal Shock Rule." DG-1299 provides guidance for a method that the NRC Staff considers acceptable to permit use of the alternate fracture toughness requirements in 10 C.F.R. § 50.61a for protection against pressurized thermal shock events for pressurized water reactor (PWR) reactor pressure vessels. The draft NUREG provides the technical basis for DG-1299.

The Federal Register notice announcing the issuance of these documents, "Draft Guidance Regarding the Alternate Pressurized Thermal Shock Rule," 80 Fed. Reg. 13,449 (Mar. 13, 2015), is attached. DG-1299 can be found in the Agencywide Documents and Access Management System (ADAMS) at Accession No. ML14056A011. NUREG-2163 can be found in ADAMS at Accession No. ML15058A677.

Respectfully submitted,

/Signed (electronically) by/

Joseph A. Lindell
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Office of the General Counsel

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Date of signature: March 20, 2015

Enclosure: As stated

Cc w/Encl.: EIE

Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. System requirements for accessing the E-Submittal server are detailed in the NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email

notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <http://>

ehd1.nrc.gov/ehd/, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Dated at Arlington, Texas, this 27th day of February 2015.

For the Nuclear Regulatory Commission.

Jack E. Whitten,

*Chief, Nuclear Materials Safety Branch B,
Division of Nuclear Materials Safety, Region
IV Office.*

[FR Doc. 2015-05803 Filed 3-12-15; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

RIN 3150-AI01

[NRC-2014-0137]

Draft Guidance Regarding the Alternate Pressurized Thermal Shock Rule

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; draft NUREG; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG-1299, "Regulatory Guidance on the Alternate Pressurized Thermal Shock Rule" and accompanying draft NUREG-2163, "Technical Basis for Regulatory Guidance on the Alternate Pressurized Thermal Shock Rule." The DG provides new guidance for a method that the NRC considers acceptable to permit use of the alternate fracture toughness requirements for protection against pressurized thermal shock (PTS) events for pressurized water reactor (PWR) reactor pressure vessels (RPVs). The draft NUREG provides the technical basis for DG-1299.

DATES: Submit comments by May 12, 2015. 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.

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 Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2014–0137. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, 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: Gary Stevens, Office of Nuclear Reactor Regulation, telephone: 301–415–3608; email: Gary.Stevens@nrc.gov; Mark Kirk, Office of Nuclear Regulatory Research, telephone: 301–251–7631; email: Mark.Kirk@nrc.gov; or Steve Burton, telephone: 301–415–7000; email: Stephen.Burton@nrc.gov; 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–2014–0137 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2014–0137.

- *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. The ADAMS accession number for each

document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. Draft Guide-1299, “Regulatory Guidance on the Alternate Pressurized Thermal Shock Rule,” is available in ADAMS under Accession No. ML14056A011. Draft NUREG–2163, “Technical Basis for Regulatory Guidance on the Alternate Pressurized Thermal Shock Rule,” is available in ADAMS under Accession No. ML15058A677.

- *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–2014–0137 in the subject line of 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. Discussion

The NRC is issuing for public comment a draft guide (DG) in the NRC’s “Regulatory Guide” series. The DG, titled “Regulatory Guidance on the Alternate Pressurized Thermal Shock Rule,” is temporarily identified by its task number, DG–1299. This DG provides new guidance for a method that the NRC considers acceptable to permit use of the alternate fracture toughness requirements for protection against PTS events for PWR RPVs in part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), “Domestic Licensing of Production and Utilization Facilities,” 10 CFR 50.61a, “Alternate Fracture Toughness Requirements for Protection against Pressurized Thermal Shock Events” (RIN 3150–AI01). DG–1299 is accompanied by draft NUREG–

2163, “Technical Basis for Regulatory Guidance on the Alternate Pressurized Thermal Shock Rule.” This NUREG provides the technical basis for the guidance recommended in DG–1299. The NRC is issuing the draft NUREG for public comment at the same time as the DG to allow for common review of both documents.

The alternate PTS requirements are based on updated analysis methods, and are desirable because the requirements in 10 CFR 50.61a are based on overly conservative probabilistic fracture mechanics analyses.

III. Backfitting and Issue Finality

The DG, if finalized, would provide guidance on the methods acceptable to the NRC for complying with the NRC’s regulations associated with alternate fracture toughness requirements for protection against PTS events for PWR RPVs. The NUREG, if finalized, would provide technical bases that support the DG. The DG would apply to certain current holders of power reactor licenses and construction permits under 10 CFR part 50. The alternate PTS requirements of 10 CFR 50.61a apply to certain holders of operating licenses for a PWR whose construction permit was issued before February 3, 2010; however, this DG also provides guidance for licensees whose construction permits were issued after February 3, 2010, but wish to utilize the alternate PTS criteria via exemption. Therefore this guidance may also apply to future applicants for operating licenses and construction permits under 10 CFR part 50, as well as certain current holders of and future applicants for power reactor licenses under 10 CFR part 52.

Issuance of this DG and NUREG, if finalized, would not constitute backfitting under 10 CFR part 50 and would not otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the “Implementation” section of DG–1299, the NRC has no current intention to impose the DG, if finalized, on current holders of 10 CFR part 50 operating licenses or 10 CFR part 52 combined licenses. This DG, if finalized, could be applied to applications for certain 10 CFR part 50 operating licenses or construction permits and 10 CFR part 52 combined licenses. Such action would not constitute backfitting as defined in 10 CFR 50.109 or be otherwise inconsistent with the issue finality provisions in 10 CFR part 52, inasmuch as such applicants are not within the scope of entities protected by 10 CFR 50.109 or the issue finality provisions in 10 CFR part 52.

Dated at Rockville, Maryland, this 6th day of March 2015.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guide and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2015-05754 Filed 3-12-15; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2014-0080]

Low-Level Radioactive Waste Regulatory Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft programmatic assessment results; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting comment on a draft list of prioritized low-level radioactive waste (LLW) tasks based upon the assessment updates to the strategic assessment (now called a programmatic assessment) performed in 2007. The objective of this updated assessment remains the same as the 2007 assessment; that is, to identify and prioritize tasks that the NRC staff can undertake to ensure a stable, reliable, and adaptable regulatory framework for effective LLW management, while also considering future needs and changes that may occur in the nation's commercial LLW management system.

In 2014, through public meetings, webinars, and **Federal Register** notices, the NRC staff solicited public comment on what changes, if any, should be made to the current LLW program's regulatory framework, as well as specific actions that the staff might undertake to facilitate such changes. The NRC staff considered the comments received, performed an assessment of the comments, and developed a draft list of prioritized LLW tasks.

DATES: Submit comments by April 13, 2015. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

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 Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0080. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463;

email: Carol.Gallagher@nrc.gov. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN-12-H08, 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: Stephen Dembek, telephone: 301-415-2342, email: Stephen.Dembek@nrc.gov; or Melanie C. Wong, telephone: 301-415-2432, email: Melanie.Wong@nrc.gov, both are staff of the Office of Nuclear Material Safety and Safeguards, 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-2014-0080 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0080.

- *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. The "Strategic Assessment of Low-Level Radioactive Waste Regulatory Program" and "Transcript of Public Workshop on Low-Level Radioactive Waste Disposal Rulemaking and Strategic Assessment of Low-Level Radioactive Waste" are available in ADAMS under Accession Nos. ML071350291 and ML14086A540.

- *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-2014-0080 in the subject line of 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 submissions into ADAMS.

II. Background

In 2007, due to developments in the national program for LLW disposal, as well as changes in the regulatory environment, the NRC's LLW program faced new challenges and issues. New technical issues related to protection of public health and the environment and security emerged. These challenges and issues included (1) the need for greater flexibility and reliability in LLW disposal options; (2) increased storage of Class B and Class C LLW because of the potential closing of the Barnwell, South Carolina disposal facility to out-of-compact waste generators; (3) the potential need to dispose of large quantities of power plant decommissioning waste, as well as depleted uranium (DU) from enrichment facilities; (4) increased safety concerns; (5) the need for greater LLW program resources than were available; (6) increased security concerns related to storing LLW in general and sealed radioactive sources in particular; and (7) the potential for generation of new waste streams (for example, by the next generation of nuclear reactors and the potential reemergence of nuclear fuel reprocessing in the United States).

Based on these challenges and issues, the NRC staff conducted a Strategic Assessment of the NRC's LLW regulatory program. Based on extensive stakeholder input during public meetings, the NRC staff received a variety of tasks to be included in the

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
ENTERGY NUCLEAR OPERATIONS, INC.) Docket No. 50-255-LA
)
(Palisades Nuclear Plant))
)

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305, I hereby certify that a copy of the foregoing letter regarding the Issuance of Technical Basis and Draft Regulatory Guidance on 10 C.F.R. § 50.61a for Public Comment, dated March 20, 2015, has been filed through the Electronic Information Exchange, the NRC's E-Filing System, in the above captioned proceeding, this 20th day of March, 2015:

/Signed (electronically) by/

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Date of signature: March 20, 2015