

Inasmuch as the SRP merely implements the AIA Rule, the SRP introduces no new backfitting or issue finality matters apart from those addressed in the underlying rulemaking. Therefore, the staff's position is that the NRC's consideration of backfitting and issue finality matters for the underlying AIA rulemaking also serves as the NRC's consideration of the same backfitting and issue finality matters for the issuance of this SRP.

3. *The NRC staff has no intention to impose the SRP positions on current licensees and regulatory approvals either now or in the future.*

The staff does not intend to impose or apply the positions described in the SRP to existing (already issued) licenses and regulatory approvals. Hence, the issuance of a final SRP—even if considered guidance which is within the purview of the issue finality provisions in part 52—need not be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the staff seeks to impose a position in the SRP on holders of already issued holders of licenses SRP in a manner which does not provide issue finality as described in the applicable issue finality provision, then the staff must make the showing as set forth in the Backfit Rule or address the criteria for avoiding issue finality as described applicable issue finality provision.

4. *Backfitting and issue finality do not—with limited exceptions not applicable here—protect current or future applicants.*

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under part 52. This is because neither the Backfit Rule nor the issue finality provisions under part 52—with certain exclusions discussed below—were intended to apply to every NRC action which substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a part 52 license (e.g., an early site permit) and/or NRC regulatory approval (e.g., a design certification rule) with specified issue finality provisions. The staff does not, at this time, intend to impose the positions represented in the SRP in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the SRP in a manner which does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding

issue finality as described in the applicable issue finality provision.

### Congressional Review Act

In accordance with the Congressional Review Act, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of the Office of Management and Budget.

Dated at Rockville, Maryland, this 25th day of April 2013.

For the Nuclear Regulatory Commission.

**Anna Bradford,**

*Acting Chief, Policy Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.*

[FR Doc. 2013-10920 Filed 5-7-13; 8:45 am]

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### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-264; NRC-2012-0026]

#### Dow Chemical Company, Dow TRIGA Research Reactor; License Renewal for the Dow Chemical TRIGA Research Reactor; Supplemental Information and Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice; supplemental information and correction.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) published a notice in the **Federal Register** on July 20, 2012 (77 FR 42771), "License Renewal for the Dow Chemical TRIGA Research Reactor," to inform the public that the NRC is considering issuance of a renewed Facility License No. R-108 for Dow Chemical Company which would authorize continued operation of the Dow TRIGA Research Reactor. The notice provided the NRC staff's review of the Environmental Assessment and Finding of No Significant Impact for the Dow TRIGA Research Reactor. This action is necessary to (1) correct a typographical error in Section II.A., "Radiological Impact;" and (2) provide the public with supplemental information regarding the U.S. Court of Appeals Waste Confidence Ruling and NRC staff review of the ruling showing the non-applicability to research and test reactor licensing.

**ADDRESSES:** Please refer to Docket ID NRC-2012-0026 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0026. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@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 access publicly available documents online in the NRC Library 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).

- *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:** Geoffrey A. Wertz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone 301-415-0893, email: [Geoffrey.Wertz@nrc.gov](mailto:Geoffrey.Wertz@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Correction

In the **Federal Register** (FR) of July 20, 2012, in FR Doc. 2012-17733, on page 42772, in the second column, first paragraph, second line, replace "retains" with "takes."

##### II. Supplemental Information

On June 8, 2012, the U.S. Court of Appeals for the District of Columbia Circuit found that some aspects of the 2010 Waste Confidence Rulemaking did not satisfy the NRC's National Environmental Policy Act obligations and vacated the rulemaking. On August 7, 2012, the Commission directed the NRC staff not to issue any licenses dependent on the Waste Confidence Rule until the court's remand has been appropriately addressed. The NRC staff analyzed the Waste Confidence Rule (part 51.23 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Temporary Storage of Spent Fuel after Cessation of Reactor Operation-Generic Determination of No Significant Environmental Impact"), as well as supplemental information, and concluded that 10 CFR 51.23 does not specifically refer to research and test reactors (RTRs), only to power reactors and independent spent fuel storage

installations. As such, RTR licensing does not rely or depend on the Waste Confidence Rule. The NRC staff's memo documenting this review can be found in the NRC's Agencywide Documents Access and Management System under Accession No. ML13071A642.

Dated at Rockville, Maryland, this 1st day of May 2013.

For the Nuclear Regulatory Commission.

**Alexander Adams, Jr.,**

*Chief, Research and Test Reactors Licensing Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.*

[FR Doc. 2013-10927 Filed 5-7-13; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-326; NRC-2010-0217]

### University of California, Irvine; License Renewal for University of California, Irvine Nuclear Reactor Facility; Supplemental Information

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice; supplemental information.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) published a notice in the **Federal Register** on February 13, 2012 (77 FR 7610-7613), "Notice of Availability of Environmental Assessment and Finding of No Significant Impact for the License Renewal for University of California, Irvine Nuclear Reactor Facility," to inform the public that the NRC is considering issuance of a renewed Facility License No. R-116 for the Regents of the University of California (the licensee) which would authorize continued operation of the University of California, Irvine Nuclear Reactor Facility. The notice provided the NRC staff's review of the Environmental Assessment and Finding of No Significant Impact for the University of California, Irvine Nuclear Reactor Facility. This action is necessary to provide the public with supplemental information regarding the U.S. Court of Appeals Waste Confidence Ruling and NRC staff review of the ruling showing the non-applicability to research and test reactor licensing.

**ADDRESSES:** Please refer to Docket ID NRC-2010-0217 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2010-0217. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@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 access publicly available documents online in the NRC Library 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).

- *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:**

Jason A. Lising, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone 301-415-3841, email: [Jason.Lising@nrc.gov](mailto:Jason.Lising@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On June 8, 2012, the U.S. Court of Appeals for the District of Columbia Circuit found that some aspects of the 2010 Waste Confidence Rulemaking did not satisfy the NRC's National Environmental Policy Act obligations and vacated the rulemaking. On August 7, 2012, the Commission directed the NRC staff not to issue any licenses dependent on the Waste Confidence Rule until the court's remand has been appropriately addressed. NRC staff analyzed the Waste Confidence Rule (part 51.23 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Temporary Storage of Spent Fuel after Cessation of Reactor Operation- Generic Determination of No Significant Environmental Impact,") as well as supplemental information, and concluded that 10 CFR 51.23 does not specifically refer to research and test reactors (RTRs), only to power reactors and independent spent fuel storage installations. As such, RTR licensing does not rely or depend on the Waste Confidence Rule. The NRC staff's memo documenting this review can be found in the NRC Agencywide Documents Access and Management System under Accession No. ML13071A642.

Dated at Rockville, Maryland, this 1st day of May, 2013.

For the Nuclear Regulatory Commission.

**Alexander Adams, Jr.,**

*Chief, Research and Test Reactors Licensing Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

### Request To Amend a License To Export Radioactive Waste

Pursuant to 10 CFR 110.70 (b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission (NRC) has received the following request for an export license amendment. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link <http://www.nrc.gov/reading-rm.html> at the NRC Home page.

A request for a hearing or petition for leave to intervene may be filed within thirty days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

A request for a hearing or petition for leave to intervene may be filed with the NRC electronically in accordance with NRC's E-Filing rule promulgated in August 2007, 72 FR 49139 (Aug. 28, 2007). Information about filing electronically is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. To ensure timely electronic filing, at least 5 (five) days prior to the filing deadline, the petitioner/requestor should contact the Office of the Secretary by email at [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV), or by calling (301) 415-1677, to request a digital ID certificate and allow for the creation of an electronic docket.

In addition to a request for hearing or petition for leave to intervene, written comments, in accordance with 10 CFR 110.81, should be submitted within thirty (30) days after publication of this notice in the **Federal Register** to Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemaking and Adjudications.