

NUCLEAR REGULATORY COMMISSION

[NRC-2012-0268]

Revisions to Radiation Protection

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan section; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing final revisions to the following sections of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition": Section 12.1, "Assuring that Occupational Radiation Exposures Are As Low As Is Reasonably Achievable," Section 12.2, "Radiation Sources," Section 12.3-12.4, "Radiation Protection Design Features," and Section 12.5, "Operational Radiation Protection Program."

DATES: The effective date of this Standard Review Plan update is October 30, 2013.

ADDRESSES: Please refer to Docket ID NRC-2012-0268 when contacting the NRC about the availability of information regarding this document. You may access 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-2012-0268. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: 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. The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The final revision for Section 12.1, "Assuring that Occupational Radiation Exposures are as Low as is Reasonably Achievable," (is available in ADAMS under Accession No. ML13151A061); Section 12.2,

"Radiation Sources," (ADAMS Accession No. ML13151A413); Section 12.3-12.4, "Radiation Protection Design Features," (ADAMS Accession No. ML13151A475); and Section 12.5, "Operational Radiation Protection Program," (ADAMS Accession No. ML13155A232). The staff also prepared redline versions of these Chapter 12 sections showing the differences between the proposed and the final SRP sections for Section 12.1 (ADAMS Accession No. ML13151A162), Section 12.2, (ADAMS Accession No. ML13151A453), Section 12.3-12.4, (ADAMS Accession No. ML13151A477) and Section 12.5, (ADAMS Accession No. ML12186A512).

- *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.

- The NRC posts its issued staff guidance on the NRC's external Web page (<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/>).

FOR FURTHER INFORMATION CONTACT:

Jonathan DeGange, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6992, email: <mailto:Jonathan.DeGange@nrc.gov>.

SUPPLEMENTARY INFORMATION: The changes to this final SRP Chapter reflect the current NRC staff review methods and practices based on lessons learned from NRC reviews of design certification (DC) and combined license (COL) applications completed since the last revision of this chapter in March 2007. Changes include: (1) Adding guidance to the staff for evaluating the acceptability of the radiation protection program, including the applicant's use of generic radiation protection and groundwater program templates, (2) providing additional guidance for review of existing regulatory requirements related to the material covered in Chapter 12 of the SRP, (3) updating the review interfaces to improve the efficiency and consistency of staff reviews, and (4) updating references covered in SRP Chapter 12.

On November 6, 2012 (77 FR 66650), the NRC published for public comment the proposed revisions to four sections in Chapter 12, "Radiation Protection." Comments were received on the proposed revision. The staff made changes to the proposed revision after consideration of the comments. A summary of the comments and the staff's disposition of the comments are available in a separate document, *Response to Public Comments on Draft Standard Review Plan (SRP) Chapter 12,*

"Radiation Protection" (ADAMS Accession No. ML13150A042).

Additionally, the NRC staff will incorporate the positions reflected in these revisions of SRP Sections in Chapter 12 into the next revision of Regulatory Guide 1.206, "Combined License Applications for Nuclear Power Plants" (ADAMS Accession No. ML070720184).

Backfitting and Issue Finality

Issuance of this final SRP section does not constitute backfitting as defined in § 50.109 of Title 10 of the *Code of Federal Regulations* (10 CFR) (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. The staff's position is based upon the following considerations:

1. *The SRP positions do not constitute backfitting, inasmuch as the SRP is internal guidance directed at the NRC staff with respect to their regulatory responsibilities*

The SRP provides guidance to the staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power reactor license applicants or holders are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. *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 within the purview of the issue finality provisions in 10 CFR 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 licenses 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 in the applicable issue finality provision.

3. *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 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR 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 10 CFR 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 19th day of September 2013.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

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

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OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: OPM Form 1203-FX, Occupational Questionnaire, 3206-0040

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Automated Services Management Group, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an existing information collection request (ICR) 3206-0040, Occupational Questionnaire, OPM Form 1203-FX. As required by the Paperwork Reduction

Act of 1995, (Pub. L. 104-13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104-106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on June 20, 2013 at Volume 78 FR 37245 allowing for a 60-day public comment period. We did not receive any comments. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of OPM, including whether the information will have practical utility;
2. Evaluate the accuracy of the OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. 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 submissions of responses.

DATES: Comments are encouraged and will be accepted until October 30, 2013. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent by email to oir_submission@omb.eop.gov or faxed to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent by email to oir_submission@omb.eop.gov or faxed to (202) 395-6974.

SUPPLEMENTARY INFORMATION: The Occupational Questionnaire is an optical scan form designed to collect applicant information and qualifications in a format suitable for automated processing and to create applicant

records for an automated examining system. The 1203 series was commonly referred to as the "Qualifications and Availability Form C." OPM has re-titled the series as "Occupational Questionnaire" to fit a more generic need. OPM uses this form to carry out its responsibility for open competitive examining for admission to the competitive service in accordance with section 3304, of title 5, United States Code. One change has been made to the form under *Section 14, Veterans' Preference*. The addition of *Sole Survivorship Preference* was added to reflect the amended eligibility categories for veterans' preference per Public Law 110-317, the Hubbard Act. Subparagraph (H) established the new category for veterans released or discharged from a period of active duty from the armed forces, after August 29, 2008, by reason of a "sole survivorship discharge."

Analysis

Agency: Automated Systems Management Group, Office of Personnel Management.

Title: Occupational Questionnaire, OPM Form 1203-FX.

OMB Number: 3260-0040.

Frequency: On occasion.

Affected Public: Individuals or households.

Number of Respondents: 10,286,701.

Estimated Time per Respondent: 45 minutes.

Total Burden Hours: 7,715,026.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintaining): \$200,000.

U.S. Office of Personnel Management.

Elaine Kaplan,

Acting Director.

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OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Information Collection 3206-NEW; Questionnaire for Non-Sensitive Positions, Standard Form 85 (SF 85)

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-Day Notice and request for comments.

SUMMARY: Federal Investigative Services (FIS), U. S. Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an information collection request (ICR),