

OSHA also granted Interlake an interim order to preserve the continuity of the experimental conditions pending a final decision on the variance.

(7) On March 6, 1979, OSHA published a notice in the **Federal Register** extending the experimental variance for an additional two-year period, March 6, 1979, to March 5, 1981, to continue collecting safety and productivity information, and to preserve the continuity of the experimental conditions (44 FR 12288).

(8) On May 29, 1981, OSHA published a **Federal Register** notice extending the experimental variance for an additional one-year period from May 29, 1981, to May 28, 1982 (46 FR 29010). The main purpose of this extension was to allow the Purdue Research Foundation, under contract to the National Institute for Occupational Safety and Health, to: (1) Observe and evaluate the self-tripping experiment at Interlake; (2) research the design and application practices that could develop if OSHA expanded the experiment to other sites or modified 29 CFR 1910.217(c)(3)(iii)(b); and (3) develop design and performance-criteria approval procedures, and continuing research strategies.

(9) In 1988, OSHA added paragraph (h) to 29 CFR 1910.217 (53 FR 8353). Paragraph (h) allows employers to install and use PSDI systems, but requires that OSHA-approved third parties validate the PSDI systems at the time of installation and annually thereafter. To date, no third party has requested OSHA's approval to validate PSDI systems. In the interim, Interlake continued operating mechanical power presses using PSDI systems under the interim order granted in 1978. However, on March 24, 2011, OSHA informed Interlake that it must submit an application for a permanent variance if it wanted to continue this practice (Ex. OSHA-2013-0011-002).

#### *B. Interlake's Application for a Permanent Variance*

On April 8, 2011, OSHA received Interlake's application seeking a permanent variance from Appendices A and C of 29 CFR 1910.217 (see Ex. OSHA-2013-0011-002). Appendix A sets forth requirements for certification/validation of PSDI systems, and Appendix C specifies requirements for OSHA recognition of third-party validation organizations for PSDI systems. Interlake proposed to use PSDI systems as tripping mechanisms under conditions similar to the conditions specified by the experimental variance granted to Interlake by OSHA in 1976 (see previous discussion).

In its variance application, and in its responses to OSHA's follow-up questions (Ex. OSHA-2013-0011-004), Interlake provided a detailed description of its proposed alternate means of worker protection during operation of the PSDI system, including a description of the power presses and light curtains used; the equipment-guarding means and worker training provided; and inspection, testing, and maintenance procedures. Additionally, in its responses to OSHA's follow-up questions, Interlake stated that it never had a worker injured while using PSDI systems during the 36 years it operated the systems under the conditions specified by the experimental variance.

On August 2, 2012, OSHA conducted a site-evaluation visit at Interlake's Willoughby, Ohio, plant. The purpose of the visit was to review and confirm the continued safe operation of the two mechanical power presses equipped with PSDI systems. Based on the results of the site-evaluation visit, OSHA, on March 13, 2013, proposed in a letter to Interlake several additional conditions that the Agency believed Interlake should include in its variance application (Ex. OSHA-2013-0011-005). On April 30, 2013, Interlake responded to this proposal (Ex. OSHA-2013-0011-006). OSHA reviewed Interlake's responses and modified several of the proposed conditions. In a letter dated September 4, 2013, OSHA notified Interlake of the Agency's revisions to the proposed conditions (Ex. OSHA-2013-0011-007). After reviewing these revisions, Interlake notified OSHA on September 17, 2013, that it is withdrawing its application for a permanent variance, stating:

[T]he management team at Interlake Stamping has decided not to pursue the permanent variance for use of the Presence Sensing Device Initiation (PSDI). We feel it would be too costly for us to comply with all of the requirements mandated in the OSHA response going forward, and would be more economical for us to discontinue its use completely. We understand that the experimental variance that Interlake was granted will no longer be in effect and we have removed the connections completely disabling the PSDI system as of this date. (Emphasis in original; Ex. OSHA-2013-0011-008.)

#### **II. Revocation of Interlake's Experimental Variance**

Based on its review of the record, and the applicant's request to withdraw its application for a permanent variance, OSHA finds that Interlake no longer needs the experimental variance. Therefore, under the authority specified by 29 CFR 1905.13(a)(2), OSHA is revoking the experimental variance

granted to Interlake on August 31, 1976, and extended through April 30, 1982. With this notice, OSHA also is revoking the interim order granted to Interlake on March 17, 1978, under which Interlake continued to comply with the conditions of the experimental variance from May 1, 1982, to September 17, 2013.

Accordingly, Interlake must comply fully with the requirements of 29 CFR 1910.217(h) if it decides to use PSDI systems.

#### **III. Authority and Signature**

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC, authorized the preparation of this notice. OSHA is issuing this notice under the authority specified by 29 U.S.C. 655, Secretary of Labor's Order No. 1-2012 (76 FR 3912; Jan. 25, 2012), and 29 CFR part 1905.

Signed at Washington, DC, on March 4, 2014.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

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#### **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-346; NRC-2010-0298]

#### **License Renewal Application for Davis-Besse Nuclear Power Station, Unit 1**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft supplemental generic environmental impact statement; issuance, public meeting, and request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft plant-specific Supplement 52 to the "Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants," NUREG-1437, regarding the renewal of operating license NPF-3 for an additional 20 years of operation for Davis-Besse Nuclear Power Station, Unit 1 (Davis-Besse). Davis-Besse is located in Ottawa County, Ohio. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. The NRC staff plans to hold two public meetings during the public comment period to present an overview of the draft plant-specific supplement to the

GEIS and to accept public comments on the document.

**DATES:** Submit comments by April 21, 2014. Comments received after this date will be considered, if it is practical to do so, but the NRC staff 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-2010-0298. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, Office of Administration, Mail Stop: 3WFN-06-44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on accessing information and submitting comments, see "Accessing Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Elaine Keegan, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-8517 or by email at [Elaine.Keegan@nrc.gov](mailto:Elaine.Keegan@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Accessing Information and Submitting Comments**

*A. Accessing Information*

Please refer to Docket ID NRC-2010-0298 when contacting the NRC about the availability of information regarding this document. You may access 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-2010-0298.

- *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 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 in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The draft plant-specific Supplement 52 to the GEIS, is available in ADAMS under Accession No. ML14050A290.

- *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. In addition, paper copies of the draft plant specific Supplement 52 are available to the public at the Ida Rupp Public Library, 310 Madison Street, Port Clinton, OH, 43452; and the Toledo-Lucas County Public Library, 325 North Michigan Street, Toledo, OH, 43452.

*B. Submitting Comments*

Please include Docket ID NRC-2010-0298 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 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. Discussion**

The NRC is issuing for public comment a draft plant-specific Supplement 52 to the GEIS, regarding the renewal of operating license NPF-3 for an additional 20 years of operation for Davis-Besse. Supplement 52 to the GEIS includes the preliminary analysis that evaluates the environmental impacts of the proposed action and alternatives to the proposed action. The NRC's preliminary recommendation is

that the adverse environmental impacts of license renewal for Davis-Besse are not great enough to deny the option of license renewal for energy planning decisionmakers.

**III. Public Meetings**

The NRC staff will hold public meetings prior to the close of the public comment period to present an overview of the draft plant-specific supplement to the GEIS and to accept public comment on the document. Two meetings will be held at the Camp Perry Conference Center, 1000 Lawrence Road, Bldg. 600, Port Clinton, Ohio 43453 on Tuesday, March 25, 2014. The first session will convene at 2:00 p.m. and will continue until 4:00 p.m., as necessary. The second session will convene at 7:00 p.m. and will continue until 9:00 p.m., as necessary. The meetings will be transcribed and will include: (1) A presentation of the contents of the draft plant-specific supplement to the GEIS, and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the same location. No comments on the draft supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meeting or in writing. Persons may pre-register to attend or present oral comments at the meeting by contacting Elaine Keegan, the NRC Environmental Project Manager, at 1-800-368-5642, extension 8517, or by email at [Elaine.Keegan@nrc.gov](mailto:Elaine.Keegan@nrc.gov) no later than Wednesday, March 19, 2014. Members of the public may also register to provide oral comments within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Ms. Keegan's attention no later than Monday, March 10, 2014, to provide the NRC staff adequate notice to determine whether the request can be accommodated.

Dated at Rockville, Maryland, this 24th day of February, 2014.

For the Nuclear Regulatory Commission.

**Brian D. Wittick,**

*Chief, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation.*

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