

2013, the name of the company would be changed to "DTE Electric Company."

An applicant may seek a COL in accordance with Subpart C of 10 CFR part 52. The information submitted by the applicant includes certain administrative information, such as financial qualifications submitted pursuant to 10 CFR 52.77, as well as technical information submitted pursuant to 10 CFR 52.79. This notice is being provided in accordance with the requirements in 10 CFR 50.43(a)(3).

A copy of the application is available for public inspection at the NRC's PDR, and online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. The application is also available at <http://www.nrc.gov/reactors/new-reactors/col.html>. Additional information about accessing the application and other publicly available documents related to the application, including revisions filed after the initial submission, are provided in the **ADDRESSES** section of this document.

Dated at Rockville, Maryland, this 22nd day of April 2014.

For the Nuclear Regulatory Commission,  
**Ronaldo Jenkins,**

Chief, Licensing Branch 3, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2014-09884 Filed 4-29-14; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2009-0515]

### Manual Operator Actions in Diversity and Defense-in-Depth Analyses

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Standard review plan section; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a final revision to the following section of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition," Appendix 18-A, "Guidance for Crediting Manual Operator Actions in Diversity and Defense-in-Depth Analyses."

**DATES:** The effective date of this Standard Review Plan (SRP) update is May 30, 2014.

**ADDRESSES:** Please refer to Docket ID NRC-2009-0515 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, by any of the following methods:

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2009-0515. 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(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). 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 Appendix 18-A, "Guidance for Crediting Manual Operator Actions in Diversity and Defense-in-Depth Analyses," is available under ADAMS Accession No. ML13115A156. The staff also prepared a redline version of SRP Appendix 18-A showing the differences between the proposed and final version of the document (ADAMS Accession No. ML13240A359).

- **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: [Jonathan.DeGange@nrc.gov](mailto:Jonathan.DeGange@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On November 27, 2009 (74 FR 62355), the NRC published for public comment the proposed appendix "Guidance for Crediting Manual Operator Actions in Diversity and Defense-in-Depth (D3) Analyses" in Chapter 18, "Human Factors Engineering". The staff received a total of 12 comments on the draft appendix from one industry stakeholder and the Advisory Committee for Reactor Safeguards. These comments can generally be characterized as: (1)

Requesting clarification of the draft guidance, (2) requesting additional guidance to address uncertainty in the analysis of time available and time required for operator action, and (3) requesting that the guidance be amended to allow for the crediting of actions in procedures other than emergency operating procedures (EOPs) and in locations other than the main control room. The staff made changes to the draft SRP in response to the first two categories of comments but did not make changes in response to the third category of comment. 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) Appendix 18-A, "Guidance for Crediting Manual Operator Actions in Diversity and Defense-in-Depth (D3) Analyses" (ADAMS Accession No. ML13115A144).

#### Backfitting and Issue Finality

Appendix 18-A of the SRP provides guidance to the staff for reviewing applications for a construction permit and an operating license under Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR) with respect to human factors engineering. The SRP also provides guidance for reviewing an application for a standard design approval, a standard design certification, a combined license, and a manufacturing license under 10 CFR part 52 with respect to those same subject matters.

Issuance of these SRP section revisions does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) nor is it inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations.

1. *The SRP positions would not constitute backfitting, in as much as the SRP is internal guidance as NRC staff.*

The SRP provides internal guidance to the NRC 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 plant applicants or licensees 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 existing licensees either now or in the future.*

The NRC staff does not intend to impose or apply the positions described in the SRP to existing licenses and regulatory approvals. Hence, the issuance of this SRP—even if considered guidance within the purview

of the issue finality provisions in 10 CFR part 52—does not need to be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the SRP on holders of already issued licenses in a manner that 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. Neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions—were intended to apply to every NRC action that 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) or NRC regulatory approval (e.g., a design certification rule) with specified issue finality provisions. The NRC 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 section in a manner that 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:**

This action is a rule as defined in the Congressional Review Act (5 U.S.C. §§ 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated at Rockville, Maryland, this 22nd day of April 2014.

For the Nuclear Regulatory Commission.

**Joseph Colaccino,**

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

[FR Doc. 2014–09882 Filed 4–29–14; 8:45 am]

**BILLING CODE 7590–01–P**

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 40–8907; NRC–2014–0096]

### **United Nuclear Corporation**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment application; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is seeking comment from interested parties on the license amendment application request from United Nuclear Corporation (UNC or the licensee), a subsidiary of General Electric (GE), for a 5-year extension for the final emplacement of the radon barrier and erosion protection for the UNC Church Rock Mill site located in McKinley County, New Mexico. Specifically, UNC is requesting an amendment to Source Material License No. SUA–1475, for License Conditions 35.A(3) and 35.B(1), which would extend the dates for emplacement of the final radon barrier and the erosion protection from December 31, 2014, to December 31, 2019.

**DATES:** Submit comments by May 30, 2014. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received 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–2014–0096. 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(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), 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:** Yolande Norman, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear

Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7741; email: [Yolande.Norman@nrc.gov](mailto:Yolande.Norman@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

### **I. Accessing Information and Submitting Comments**

#### *A. Accessing Information*

Please refer to Docket ID NRC–2014–0096 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–2014–0096.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may access 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](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.

- *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–2014–0096 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.