

Dates: November 30, 2015–June 30, 2016.

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NUCLEAR REGULATORY COMMISSION

[NRC–2014–0184]

Chilled Water System

AGENCY: Nuclear Regulatory
Commission.

ACTION: Standard review plan-final
section; issuance.

SUMMARY: The U.S. Nuclear Regulatory
Commission (NRC) is issuing a final
revision to Section 9.2.7, “Chilled Water
System,” of NUREG–0800, “Standard
Review Plan (SRP) for the Review of
Safety Analysis Reports for Nuclear
Power Plants: LWR Edition.”

DATES: The effective date of this
Standard Review Plan update is October
26, 2015.

ADDRESSES: Please refer to Docket ID
NRC–2014–0184 when contacting the
NRC about the availability of
information regarding this document.
You may obtain publicly-available
information related to this document
using any of the following methods:

- Federal Rulemaking Web site: Go to
<http://www.regulations.gov> and search
for Docket ID NRC–2014–0184. Address
questions about NRC dockets to Carol
Gallagher; telephone: 301–415–3463;
email: Carol.Gallagher@nrc.gov. For
technical questions, contact the
individual listed in the **FOR FURTHER
INFORMATION CONTACT** section of this
document.

- 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](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 (if it available in
ADAMS) is provided the first time that
a document is referenced. The final
revision for the SRP, Section 9.2.7,
“Chilled Water System,” is available in

ADAMS under Accession No.
ML15103A559. A redline strikeout
comparing the proposed and final
revision of the document can be found
in ADAMS under Accession No.
ML14328A622.

- 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/](http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/)).

FOR FURTHER INFORMATION CONTACT:

Mark Notich, Office of New Reactors,
U.S. Nuclear Regulatory Commission,
Washington, DC 20555–0001, telephone:
301–415–6256, email: Mark.Notich@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On August 5, 2014 (79 FR 45498), the
NRC published for public comment the
proposed SRP Section 9.2.7, “Chilled
Water,” in Chapter 9, “Auxiliary
Systems,” of NUREG–0800. The NRC
staff received comments on the draft
section. After consideration of
comments received on the proposed
revision, the NRC staff reformatted
guidance for the review of nonsafety-
related structures, systems, and
components (SSCs) into a tabular
format, and separated it from the core
review guidance used for review of
safety-related SSCs. A summary of
comments received and the staff’s
disposition of the comments are
available in a separate document,
“Response to Public Comments on Draft
Standard Review Plan, Section 9.2.7,
“Chilled Water System,” (ADAMS
Accession No. ML14328A663).

II. Backfitting and Issue Finality

The SRP Section 9.2.7, 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
systems associated with chilled water.
The SRP Section 9.2.7 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 the same subject matters.

Issuance of this SRP section revision
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, inasmuch as the
SRP is internal guidance to 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.

III. 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 10th day of September, 2015.

For the Nuclear Regulatory Commission.

Kimyata Morgan Butler,

Acting Chief, New Reactor Rulemaking and Guidance Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2015–24306 Filed 9–24–15; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC–2015–0226]

Review and Submission of Updates to the Final Safety Analysis Reports, Emergency Preparedness Documents, and Fire Protection Documents

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory issue summary; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is seeking public comment on a draft regulatory issue summary (RIS), RIS 2015–XX, “Review and Submission of Updates to the Final Safety Analysis Reports, Emergency Preparedness Documents, and Fire Protection Documents.” This RIS reminds addressees of the review and submission requirements regarding information to be withheld from public disclosure, and recommends a format for submission of updates to the Final Safety Analysis Reports (FSARs).

DATES: Submit comments by October 26, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure 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–2015–0226. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463;

email: 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, Office of Administration, Mail Stop: O–12H8, 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:

Matthew Humberstone, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1464; email:

Matthew.Humberstone@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0226 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2015–0226.

- *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 draft RIS, “Review and Submission of Updates to the Final Safety Analysis Reports, Emergency Preparedness Documents, and Fire Protection Documents” is available in ADAMS under Accession No. ML15177A074.

- *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–2015–0226 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 in comment submissions 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, and 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

The NRC issues RISs to communicate with stakeholders on a broad range of regulatory matters. This may include communicating and restating staff technical positions on regulatory matters. The NRC staff has developed draft RIS 2015–XX to remind licensees of the review and submission requirements of section 2.390 of Title 10 of the *Code of Federal Regulations* (CFR), “Public Inspections, Exemptions, Requests for Withholding,” regarding information to be withheld from public disclosure, as well as to recommend that the updates to the FSARs required by paragraph (e) of 10 CFR 50.71, “Maintenance of records, making of reports,” be made electronically on a total FSAR replacement basis, as described in paragraph (b)(6) of 10 CFR 50.4, “Written communications.”

Specifically, the NRC is issuing this RIS for the following purposes:

- To remind licensees of the potential for physical protection information, which the NRC is required to protect in the same manner as commercial or financial information for the purposes of withholding from public disclosure pursuant to 10 CFR 2.390(d)(1), to be contained in documents that will be proactively released to the public in accordance with the Commission direction in Staff Requirements Memorandum (SRM)–SECY–15–0032 (ADAMS Accession No. ML15167A090). Specifically, the NRC reminds licensees of the potential for physical protection information to be contained in Preliminary Safety Analysis Reports,