

Document title	Proposed Revision ADAMS Accession No.	Redline ADAMS Accession No.
Interim Staff Guidance—026, Environmental Issues Associated with New Reactors .....	ML14092A402 .....	ML13350A059.
Attachment 1—Staff Guidance for Greenhouse Gas and Climate Change Impacts .....	ML14100A157 .....	ML13350A134.
Attachment 2—Staff Guidance for Socioeconomics and Environmental Justice .....	ML14100A535 .....	ML13350A399.
Attachment 3—Staff Guidance for Cultural and Historical Resources .....	ML14100A025 .....	ML13347B223.
Attachment 4—Staff Guidance for Cumulative Impacts .....	ML14100A454 .....	ML13347B214.
Attachment 5—Staff Guidance for Need for Power .....	ML14100A461 .....	ML13350A444.
Attachment 6—Staff Guidance for Alternatives .....	ML14100A471 .....	ML13347B173.

  

ADAMS Accession No.	Document title
ML14049A011 .....	Interim Staff Guidance 26–27 Comment Resolution Summary Table.
ML13347B127 .....	Interim Staff Guidance 26–27 Comment Resolution Detailed Table.

The NRC staff issues COL/ESP–ISGs to facilitate timely implementation of current staff guidance and to facilitate activities associated with review of applications for ESPs, design certifications, and COLs by the Office of New Reactors. The NRC staff intends to incorporate the final approved COL/ESP–ISG–026 into the next revision of the Environmental Standard Review Plan and related guidance documents.

The NRC posts all final ISGs on the NRC’s public Web page at <http://www.nrc.gov/reading-rm/doc-collections/isg/>, which is where the public may easily obtain access to COL/ESP–ISG–026.

**Backfitting and Issue Finality**

Issuance of this ISG does not constitute backfitting as defined in § 50.109 of Title 10 of the *Code of Federal Regulations* (10 CFR) (the Backfit Rule), or be regarded as backfitting under Commission and Executive Director for Operations guidance, and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. The NRC staff’s position is based upon the following considerations.

1. *The ISG positions do not constitute backfitting, inasmuch as the ESRP is internal guidance to NRC staff*

The ISG provides interim 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 plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

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

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 ESP) 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 ISG in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the ISG 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.

3. *The NRC’s consideration of environmental impacts to address the requirements of the National Environmental Policy Act of 1969 (NEPA) are outside the scope of matters subject to backfitting protection, and are not a violation of issue finality provisions*

The NRC’s consideration of environmental impacts to address the requirements of the National Environmental Policy Act of 1969 (NEPA), and an applicant’s submission of environmental information needed to support the NRC’s consideration of environmental impacts under NEPA, do not fall within the scope of matters which constitute backfitting. Consideration of environmental impacts to address NEPA compliance falls within the scope of matters protected under issue finality provisions of an ESP and a COL application referencing an ESP. However, this protection

applies only after an ESP is issued, or if a COL application references an ESP. The NRC staff does not intend to apply the guidance to already-issued ESPs or COL applications referencing an ESP. Therefore, issuance of this ISG does not constitute a violation or inconsistency of the issue finality provisions applicable to ESPs or COL applications referencing an ESP.

**Congressional Review Act**

This ISG 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 25th day of August, 2014.

For the Nuclear Regulatory Commission.

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

[FR Doc. 2014–20976 Filed 9–2–14; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

[NRC–2014–0142]

**Conducting the Section 106 Process of the National Historic Preservation Act for Uranium Recovery Licensing Actions**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft interim staff guidance; extension of public comment period.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) published on June 18, 2014, a notice requesting public comment on draft Interim Staff Guidance (ISG), FSME–ISG–02, “Guidance for Conducting the Section 106 Process of the National Historic Preservation Act for Uranium Recovery

Licensing Actions.” The purpose of this notice is to extend the comment period for the draft ISG. The public comment period was originally scheduled to close on September 2, 2014. The NRC has decided to extend the public-comment period on this document until November 17, 2014, to allow more time for members of the public to submit their comments.

**DATES:** The due date of comments requested in the document published on June 18, 2014 (79 FR 34792) is extended. Comments should be filed no later than November 17, 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 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–2014–0142. 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 “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Diana Diaz Toro, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0930; email: [Diana.Diaz-Toro@nrc.gov](mailto:Diana.Diaz-Toro@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Obtaining Information and Submitting Comments**

*A. Obtaining Information*

Please refer to Docket ID NRC–2014–0142 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–2014–0142.

- 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](mailto:pdr.resource@nrc.gov). The draft ISG, FSME–ISG–02, is available in ADAMS under Accession No. ML14163A049.

- 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–2014–0142 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 into ADAMS.

**II. Discussion**

On June 18, 2014 (79 FR 34792), the NRC published a request for public comments on draft ISG FSME–ISG–02, “Guidance for Conducting the Section 106 Process of the National Historic Preservation Act for Uranium Recovery Licensing Actions.” The purpose of this draft ISG is to assist NRC staff in conducting the Section 106 process of

the National Historic Preservation Act of 1966, as amended (NHPA), specific to uranium recovery licensing actions. This guidance document is primarily intended for the NRC staff and does not impose regulatory requirements. This draft ISG also provides useful information to participants in the Section 106 process for uranium recovery licensing actions. The public comment period was originally scheduled to close on September 2, 2014. The NRC has decided to extend the public comment period on this document until November 17, 2014, to allow more time for members of the public to submit their comments.

Dated at Rockville, Maryland, this 26th day of August 2014.

For the U.S. Nuclear Regulatory Commission.

**Andrew Persinko,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. 2014–20996 Filed 9–2–14; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

[Docket No. 72–10; NRC–2013–0002]

**Northern States Power Company; Prairie Island Independent Spent Fuel Storage Installation**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment application; opportunity to request a hearing and to petition for leave to intervene.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has docketed a license amendment application from Northern States Power Company (NSPM). NSPM is requesting a revision to the Technical Specifications of the TN–40 and TN–40HT casks utilized at the Prairie Island Independent Spent Fuel Storage Installation located in Welch, Minnesota. The NRC is evaluating whether approval of this request would be categorically excluded from the requirement to prepare an environmental assessment.

**DATES:** A request for a hearing must be filed by November 3, 2014. Any potential party as defined in § 2.4 of Title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must request document access by September 15, 2014.