

Title of Collection: Labor Standards for the Registration of Apprenticeship Programs.

OMB Control Number: 1205-0223.

Affected Public: Private Sector—businesses or other for-profits; Individuals and Households; State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 141,129.

Total Estimated Number of Responses: 141,779.

Total Estimated Annual Time Burden: 14,775 hours.

Total Estimated Annual Other Costs Burden: \$0.

Dated: March 30, 2015.

Michel Smyth,

Departmental Clearance Officer.

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NUCLEAR REGULATORY COMMISSION

[NRC-2013-0161]

Missiles Generated by Extreme Winds

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan- section revision; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a final revision to the following section in Chapter 3 of NUREG-0800, “Standard Review Plan (SRP) for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,” Section 3.5.1.4, “Missiles Generated by Extreme Winds.”

DATES: The effective date of this Standard Review Plan revision is May 4, 2015.

ADDRESSES: Please refer to Docket ID NRC-2013-0161 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-2013-0161. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; 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 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 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 SRP Section 3.5.1.4, “Missiles Generated by Extreme Winds,” is available in ADAMS under Accession No. ML14190A180. The previously issued draft revision for public comment is available in ADAMS under Accession No. ML13043A004.

- 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, telephone: 301-415-6992; email: Jonathan.DeGange@nrc.gov, or Nishka Devaser, telephone: 301-415-5196; email: Nishka.Devaser@nrc.gov, both are staff of the Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

I. Background

On August 8, 2013 (78 FR 48503), the NRC staff published for public comment the proposed revision to SRP Section 3.5.1.4, “Missiles Generated by Extreme Winds.” The staff received no comments on the proposed revision. The staff is issuing the guidance in final form for use. There have been no changes made to the guidance since it was issued in proposed form for public comment. Details of specific changes between current SRP guidance and the revised guidance issued here are included at the end of each of the revised sections themselves, under the “Description of Changes,” subsections.

II. Backfitting and Issue Finality

This SRP section revision provides guidance to the NRC 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 the impacts of external missiles generated by tornadoes and extreme winds. 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 this final 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 the 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 and regulatory approvals 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 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 24th day of March, 2015. For the Nuclear Regulatory Commission.

Joseph Colaccino,

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

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NUCLEAR REGULATORY COMMISSION

[NRC–2008–0252; Docket Nos. 52–025 & 52–026; Combined License Nos. NPF–91 & NPF–92]

In the Matter of Municipal Electric Authority of Georgia (Vogtle Electric Generating Plant, Units 3 & 4); Order Extending the Date by Which the Direct Transfer of Licenses Is To Be Completed

I

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia (MEAG Power), the City of Dalton, Georgia, an incorporated municipality in the State of Georgia citing by and through its Board of Water, Light and Sinking Fund Commissioners (City of Dalton), and Southern Nuclear Operating Co., Inc. (SNC) (collectively, the owners) are holders of combined license (COL) Nos. NPF–91 and NPF–92. These COLs authorize SNC to construct, possess, use, and operate Vogtle Electric Generating Plant (VEGP), Units 3 and 4, and the owners to possess but not operate VEGP, Units 3 and 4. The facility, which is currently under construction, is adjacent to existing VEGP, Units 1 and 2, on a 3,169-acre coastal plain bluff on the southwest side of the Savannah River in eastern Burke County, GA. The facility is

approximately 15 miles east-northeast of Waynesboro, GA, and 26 miles southeast of Augusta, GA.

II

The U.S. Nuclear Regulatory Commission's (NRC's) order, dated April 29, 2014, approved three direct transfers of portions of MEAG Power's 22.7 percent undivided ownership interest in VEGP, Units 3 and 4. Each of these three transfers may occur independently of, or in conjunction with, the others, as follows:

(1) Transfer of a 7.6886571 percent undivided interest in VEGP, Units 3 and 4, from MEAG Power to MEAG Power SPVM, LLC (Project M);

(2) transfer of a 9.3466423 percent undivided interest in VEGP, Units 3 and 4, from MEAG Power to MEAG Power SPVJ, LLC (Project J); and

(3) transfer of a 5.6647006 percent undivided interest in VEGP, Units 3 and 4, from MEAG Power to MEAG Power SPVP, LLC (Project P).

The application for the transfers was in connection with the finalization of three loans from the U.S. Federal Finance Bank (U.S. FFB) or one or more third-party lenders to be guaranteed by the U.S. Department of Energy (DOE) through its loan guarantee program for the development of advanced nuclear energy facilities. By its terms, the April 29, 2014, order stated that, "Should the transfer of the license not be completed within one year of this Order's date of issue, this Order shall become null and void, provided, however, that upon written application and for good cause shown, such date may be extended by order."

III

By letter dated February 12, 2015, SNC on behalf of MEAG Power requested that the April 29, 2014, order be extended by 6 months, to October 29, 2015. SNC, in its February 12, 2015, letter states that:

Diligent efforts have been made to negotiate the definitive financing agreements with the DOE. Those negotiations have, for the most part, concluded. However, certain provisions in those agreements necessitated amendments to preexisting long term "cost passthrough [sic]" contracts between MEAG Power and the counterparties (offtakers) to those contracts. While those negotiations took much longer than MEAG Power anticipated when the license transfer application was submitted in December 2013, those negotiations have concluded, and amended contracts, dated December 31, 2014, were executed by MEAG Power and each of the off-takers. In addition, on December 23, 2014, MEAG Power's board approved, in substantially final form, the definitive financing agreements among

MEAG Power, the Project Companies, and DOE. All that remains at this juncture is the receipt of certain promissory notes and other financing documents from the U.S. FFB. At that point, MEAG Power will be in a position to cause judicial proceedings to be instituted in State court to validate the DOE-guaranteed loans (including the definitive agreements) and the new offtake arrangements with the project companies and to re-validate the existing arrangements (including the bond resolutions and the amended offtake arrangements with the off-takers), all of which include a validation of the enforceability of all of these arrangements in connection with the planned DOE-guaranteed loans. In addition to the validation proceedings, DOE must also conclude its internal agency review of the definitive agreements, which includes input from the U.S. Office of Management and Budget (OMB). While MEAG Power is optimistic that the judicial proceedings will result in validation of the agreements and amended bond resolutions, which is a condition of the financial closing of the DOE-guaranteed loans from the U.S. FFB, and that DOE and OMB will favorably review the definitive loan agreements, it is difficult to be certain that the final Federal review will be concluded and the required State court order will be issued in time to support a closing of the transactions by April 29, 2015.

SNC further states that there have been no changes in the information and technical and financial qualifications presented in its December 2, 2013, request to transfer the licenses. Moreover, the basis for granting that request has not changed and remains valid. The NRC staff notes that its basis for approving the transfers of MEAG Power's licenses for VEGP, Units 3 and 4, is documented in its safety evaluation supporting the April 29, 2014, order. Based on the foregoing representations of SNC, the NRC staff concludes that the basis for approval has not changed since the issuance of the April 29, 2014, order.

The NRC staff has considered the submittal of February 12, 2015, and has determined that good cause has been shown to extend by 6 months, until October 29, 2015, the date by which the license transfers must be completed.

IV

Accordingly, under Sections 161b, 161i, and 184 of the Act, 42 U.S.C. Sections 2201(b), 2201(i), and 2234; and under Title 10, "Energy," of the *Code of Federal Regulations* Part 50.80, "Transfers of Licenses—Creditors' Rights—Surrender of Licenses," *It Is Hereby Ordered* that the order granting the direct license transfer, "Order Approving Transfer of License and Conforming Amendment," dated April 29, 2014, be extended by 6 months, to October 29, 2015. If the proposed direct transfer of licenses is not completed by October 29, 2015, this order and the