

The NRC staff performs evaluations of proposed Digital I&C equipment to ensure equipment will perform required functions. These evaluations use the guidance in the Standard Review Plan, Chapter 7, and other associated guidance. When a licensee seeks to amend its license, the application for amendment must fully describe the changes desired. The application should describe the safety functions of identified in the Final Safety Analysis Report, as updated, and the Digital I&C equipment that performs each function. Additionally, licensees identify those parts of the licensing basis being updated as a result of the proposed change.

The Standard Review Plan, Appendix 7.0–A, and Branch Technical Position 7–14, guide the NRC staff in performing reviews of digital systems in support of safety evaluations. For reviews using the Alternate Process as defined in the ISG, the ISG provides additional guidance for performing early stage reviews of digital safety-related systems in support of safety evaluations. The NRC staff may review the system design and development process to support a determination that the design meets regulatory requirements and that in safety-related applications in nuclear power plants, the process is of sufficiently high quality to produce systems and software suitable for use. The NRC staff review processes include activities for evaluating documentation of plans and processes that are used to support system development activities and their outcomes.

## II. Backfitting and Issue Finality

The NRC is issuing a revision to interim guidance for the NRC staff regarding its review of requests from nuclear power plant licensees for license amendments involving installation of Digital I&C equipment. Issuance of the revised ISG does not constitute backfitting as defined in title 10 of the Code of Federal Regulations (10 CFR) section 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations.

1. *The ISG positions do not constitute backfitting, inasmuch as the ISG is guidance directed to the NRC staff with respect to its regulatory responsibilities.*

The ISG provides interim guidance to the staff on how to review certain requests for license amendments. Changes in guidance intended for use by only the staff are not matters that constitute backfitting as that term is defined in 10 CFR 50.109 or involve the

issue finality provisions of 10 CFR part 52.

2. *Backfitting and issue finality—with certain exceptions discussed in this section—do not apply to current or future applicants.*

Applicants and potential applicants are not, with certain exceptions, the subject of 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 of 10 CFR part 52 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 a 10 CFR part 50 operating license applicant references a construction permit or a 10 CFR part 52 combined license applicant references a license (e.g., an early site permit) and/or an NRC regulatory approval (e.g., a design certification rule) for which specified issue finality provisions apply.

The NRC staff does not currently intend to impose the positions represented in this final SRP section in a manner that constitutes backfitting or is inconsistent with any issue finality provision of 10 CFR part 52. If in the future the NRC staff seeks to impose positions stated in this SRP section in a manner that would constitute backfitting or be inconsistent with these issue finality provisions, the NRC staff must make the showing as set forth in the Backfit Rule or address the regulatory criteria set forth in the applicable issue finality provision, as applicable, that would allow the staff to impose the position.

3. *The NRC staff has no intention to impose the ISG positions on existing nuclear power plant licensees either now or in the future (absent a voluntary request for a change from the licensee).*

The staff does not intend to impose or apply the positions described in the ISG to existing (already issued) licenses (e.g., operating licenses and combined licenses). Hence, the issuance of this ISG—even if considered guidance subject to the Backfit Rule or the issue finality provisions in 10 CFR part 52—would 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 ISG on holders of already issued licenses in a manner that would constitute backfitting or does not provide issue finality as described in the applicable issue finality provision, then the staff must make a showing as set forth in the Backfit Rule or address the criteria set forth in the applicable issue

finality provision, as applicable, that would allow the staff to impose the position.

## III. Congressional Review Act

This Interim Staff Guidance document 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 2nd day of January 2019.

For the Nuclear Regulatory Commission.

**Eric J. Benner,**

*Director, Division of Engineering, Office of Nuclear Reactor Regulation.*

[FR Doc. 2019–00374 Filed 1–30–19; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

[NRC–2019–0001]

### Sunshine Act Meetings

**TIME AND DATE:** Week of January 28, 2019.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public.

**MATTERS TO BE CONSIDERED:**

**Week of January 28, 2019**

*Thursday, January 31, 2019*

1:25 p.m. Affirmation Session (Public Meeting) (Tentative)  
Powertech (USA), Inc. (Dewey-Burdock in Situ Uranium Recovery Facility), Response to Remand from D.C. Circuit in *Oglala Sioux Tribe v. NRC* (Tentative)

**ADDITIONAL INFORMATION:** By a vote of 5–0 on January 29, 2019, the Commission determined pursuant to U.S.C. 552b(e) and '9.107(a) of the Commission's rules that the above referenced Affirmation Session be held with less than one week notice to the public. The meeting is scheduled on January 31, 2019.

**CONTACT PERSON FOR MORE INFORMATION:** For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at [Denise.McGovern@nrc.gov](mailto:Denise.McGovern@nrc.gov). The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: <http://www.nrc.gov/public-involve/public-meetings/schedule.html>.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you

need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301-287-0739, by videophone at 240-428-3217, or by email at [Kimberly.Meyer-Chambers@nrc.gov](mailto:Kimberly.Meyer-Chambers@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301-415-1969), or by email at [Wendy.Moore@nrc.gov](mailto:Wendy.Moore@nrc.gov) or [Diane.Garvin@nrc.gov](mailto:Diane.Garvin@nrc.gov).

Dated at Rockville, Maryland, this 29th day of January, 2019.

For the Nuclear Regulatory Commission.

**Denise L. McGovern**,  
Policy Coordinator, Office of the Secretary.  
[FR Doc. 2019-00804 Filed 1-29-19; 4:15 pm]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2019-0001]

### Sunshine Act Meetings

**TIME AND DATE:** Weeks of January 14, 21, 28, February 4, 11, 18, 2019.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

#### Week of January 14, 2019

There are no meetings scheduled for the week of January 14, 2019.

#### Week of January 21, 2019—Tentative

Thursday, January 24, 2019

10:00 a.m. Strategic Programmatic Overview of the New Reactors Business Line (Public Meeting), (Contact: Donna Williams: 301-415-1322)

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

#### Week of January 28, 2019—Tentative

Monday, January 28, 2019

1:30 p.m. NRC All Employees Meeting (Public Meeting), Marriott Bethesda North Hotel, 5701 Marinelli Road, Rockville, MD 20852

Thursday, January 31, 2019

9:00 a.m. Transformation at the NRC: Innovation (Public Meeting), (Contact: June Cai: 301-415-1771)

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

#### Week of February 4, 2019—Tentative

There are no meetings scheduled for the week of February 4, 2019.

#### Week of February 11, 2019—Tentative

There are no meetings scheduled for the week of February 11, 2019.

#### Week of February 18, 2019—Tentative

There are no meetings scheduled for the week of February 18, 2019.

#### CONTACT PERSON FOR MORE INFORMATION:

For more information or to verify the status of meetings, contact Denise McGovern at 301-415-0681 or via email at [Denise.McGovern@nrc.gov](mailto:Denise.McGovern@nrc.gov). The schedule for Commission meetings is subject to change on short notice.

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Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301-415-1969), or by email at [Wendy.Moore@nrc.gov](mailto:Wendy.Moore@nrc.gov) or [Diane.Garvin@nrc.gov](mailto:Diane.Garvin@nrc.gov).

Dated at Rockville, Maryland, this 10th day of January, 2019.

For the Nuclear Regulatory Commission.  
/RA/

**Denise L. McGovern**,  
Policy Coordinator, Office of the Secretary.  
[FR Doc. 2019-00595 Filed 1-29-19; 11:15 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-025 and 52-026; NRC-2008-0252]

### Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4, Passive Core Cooling System (PXS) Gutter Drain Line Vents

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption and combined license amendment; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment Nos. 149 and 148 to Combined Licenses (COLs), NPF-91 and NPF-92. The COLs were issued to Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, and the City of Dalton, Georgia (collectively SNC); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information asked for the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

**DATES:** The exemption and amendment were issued on December 18, 2018.

**ADDRESSES:** Please refer to Docket ID NRC-2008-0252 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, using any of the following methods:

- **Federal Rulemaking Website:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2008-0252. Address questions about Docket IDs in [Regulations.gov](http://www.Regulations.gov) to Krupskaya Castellon; telephone: 301-287-9221; email: [Krupskaya.Castellon@nrc.gov](mailto:Krupskaya.Castellon@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 access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading->