

In conclusion, OSHA is not initiating rulemaking to permit the use of an SDoC as an alternative to OSHA's current NRTL Program for approving electrical products for use in the workplace. By statute, OSHA must demonstrate, based on substantial evidence, that its safety regulations and standards will provide or maintain a high degree of protection for U.S. workers. The evidence in the record does not meet the burden required for OSHA to revise its standards to accommodate an SDoC system for electrical safety in the workplace. OSHA finds that such a revision would increase the risk that unsafe products will enter the workplace and harm workers because an SDoC system cannot control these risks effectively to provide the requisite level of worker protection. In addition, Congress would need to authorize and fund OSHA to regulate and enforce product-related activities of manufacturers, distributors, and retailers. The evidence in the record submitted in response to the 2008 RFI does not justify an expansion of, or funding for, OSHA's regulatory and enforcement authority for the purpose of implementing an SDoC system. However, notwithstanding this decision, OSHA remains open to discuss concerns regarding the NRTL Program, as well as means that may be available to mitigate the concerns expressed by the EC and other pro-SDoC commenters, provided these means are within the limits of OSHA's authority, funding, and staffing.

## VI. Authority and Signature

David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210, directed the preparation of this notice. This action is taken pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657), Secretary of Labor's Order No. 5-2007 (72 FR 31159), and 29 CFR Part 1911.

Signed at Washington, DC on December 13, 2010.

### David Michaels,

*Assistant Secretary of Labor for Occupational Safety and Health.*

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## NUCLEAR REGULATORY COMMISSION

[NRC-2010-0150]

### Notice of Availability of the Models for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-514, Revision 3, "Revise BWR Operability Requirements and Actions for RCS Leakage Instrumentation"

**AGENCY:** Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of availability.

**SUMMARY:** As part of the consolidated line item improvement process (CLIP), the NRC is announcing the availability of the model application (with model no significant hazards consideration determination) and model safety evaluation (SE) for the plant-specific adoption of Technical Specifications Task Force (TSTF) Traveler TSTF-514, Revision 3, "Revise BWR [boiling water reactor] Operability Requirements and Actions for RCS [reactor coolant system] Leakage Instrumentation." TSTF-514, Revision 3, is available in the Agencywide Documents Access and Management System (ADAMS) under Accession Number ML102300729. The proposed changes revise the Standard Technical Specifications (STS) to define a new time limit for restoring inoperable RCS leakage detection instrumentation to operable status and establish alternate methods of monitoring RCS leakage when one or more required monitors are inoperable. Changes to the Technical Specifications (TS) Bases are included, which reflect the proposed changes and more accurately reflect the contents of the facility design bases related to the operability of the RCS leakage detection instrumentation. The CLIP model SE will facilitate expedited approval of plant-specific adoption of TSTF-514, Revision 3.

**Documents:** You can access publicly available documents related to this notice using the following methods:

**NRC's Public Document Room (PDR):** The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**NRC's Agencywide Documents Access and Management System (ADAMS):**

Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not

have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

The model application (with model no significant hazards consideration determination) and model SE for the plant-specific adoption of TSTF-514, Revision 3, are available electronically under ADAMS Accession Number ML102300729. The NRC staff disposition of comments received on the Notice of Opportunity for Comment announced in the **Federal Register** on April 13, 2010 (75 FR 18907-18908), is available electronically under ADAMS Accession Number ML102300727.

**Federal rulemaking Web site:** The public comments received and supporting materials related to this notice can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2010-0150.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kristy Bucholtz, Reactor Systems Engineer, Technical Specifications Branch, Mail Stop: O7-C2A, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone 301-415-1295 or e-mail [Kristy.Bucholtz@nrc.gov](mailto:Kristy.Bucholtz@nrc.gov) or Mrs. Michelle Honcharik, Senior Project Manager, Licensing Processes Branch, Mail Stop: O12-D1, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone 301-415-1774 or e-mail at [Michelle.Honcharik@nrc.gov](mailto:Michelle.Honcharik@nrc.gov).

**SUPPLEMENTARY INFORMATION:** TSTF-514, Revision 3, is applicable to BWR plants. Licensees opting to apply for this TS change are responsible for reviewing TSTF-514, Revision 3, and the NRC staff's model SE, providing any necessary plant-specific information, and assessing the completeness and accuracy of their license amendment request (LAR). It is acceptable for licensees to use plant-specific system names, TS numbering and titles. The NRC will process each amendment application responding to this notice of availability according to applicable NRC rules and procedures.

This CLIP does not prevent licensees from requesting an alternate approach or proposing changes other than those proposed in TSTF-514, Revision 3. However, significant deviations from the approach recommended in this notice or the inclusion of additional changes to the license require additional

NRC staff review and would not be reviewed as a part of the CLIP. This may increase the time and resources needed for the review or result in NRC staff rejection of the LAR. Licensees desiring significant deviations or additional changes should instead submit an LAR that does not claim to adopt TSTF-514, Revision 3.

Dated at Rockville, Maryland, this 7th day of December 2010.

For the Nuclear Regulatory Commission.  
**Melissa S. Ash,**

*Acting Chief, Licensing Processes Branch,  
Division of Policy and Rulemaking, Office  
of Nuclear Reactor Regulation.*

[FR Doc. 2010-31730 Filed 12-16-10; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[ NRC-2009-0353 ]

### **Final Regulatory Guide: Issuance, Availability**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Issuance and Availability of Regulatory Guide (RG) 5.80, "Pressure-Sensitive and Tamper-Indicating Device Seals for Material Control and Accounting of Special Nuclear Material."

**FOR FURTHER INFORMATION CONTACT:** Mekonen M. Bayssie, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-251-7489 or e-mail: [Mekonen.Bayssie@nrc.gov](mailto:Mekonen.Bayssie@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC or Commission) is issuing a new guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

Regulatory Guide 5.80, "Pressure-Sensitive and Tamper-Indicating Device Seals for Material Control and Accounting of Special Nuclear Material," was issued with a temporary identification as Draft Regulatory Guide, DG-5029. This regulatory guide replaces the existing RG 5.10, "Selection and Use of Pressure-Sensitive Seals on

Containers for Onsite Storage of Special Nuclear Material," issued July 1973, and the existing RG 5.15, "Tamper-Indicating Seals for the Protection and Control of Special Nuclear Material," issued March 1997, with a new regulatory guide titled, "Pressure-Sensitive and Tamper-Indicating Device Seals for MC&A Use." As a replacement, this guide describes a number of improved tamper-indicating devices (TIDs) and pressure-sensitive (PS) seals developed in recent years, primarily in response to commercial interests outside the nuclear industry. This guide, among other things, distinguishes between genuine and nongenuine manufactured seals and stresses serial number identification to aid in the control of material or to alert shipping and receiving personnel to containers that were opened in transit. This guide also incorporates suggestions for ensuring that TIDs are properly applied.

##### **II. Further Information**

In June 2009, DG-5029 was published with a public comment period of 60 days from the issuance of the guide. The public comment period closed on October 13, 2009. The staff's responses to the public comments received can be located in the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession Number ML101810238. The regulatory analysis may be found in ADAMS under Accession Number ML101800517. Electronic copies of RG 5.80 are available through the NRC's public Web site under "Regulatory Guides" at <http://www.nrc.gov/reading-rm/doc-collections/>.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR) located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached by telephone at 301-415-4737 or 1-800-397-4205, by fax at 301-415-3548, and by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland, this 10th day of December, 2010.

For the Nuclear Regulatory Commission.

**John N. Ridgely,**

*Acting Chief, Regulatory Guide Development  
Branch, Division of Engineering, Office of  
Nuclear Regulatory Research.*

[FR Doc. 2010-31729 Filed 12-16-10; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[NRC-2008-0427]

### **Notice of Issuance of Regulatory Guide**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Issuance and Availability of Regulatory Guide 3.12, Revision 1, "General Design Guide for Ventilation Systems of Plutonium Processing and Fuel Fabrication Plants."

**FOR FURTHER INFORMATION CONTACT:** Angelisa L. Hicks, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-251-7448 or e-mail: [Angelisa.Hicks@nrc.gov](mailto:Angelisa.Hicks@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is issuing a revision to an existing guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

Revision 1 of Regulatory Guide 3.12, "General Design Guide for Ventilation Systems of Plutonium Processing and Fuel Fabrication Plant," was issued with a temporary identification as Draft Regulatory Guide, DG-3034. This guide describes a method that the staff of the NRC considers acceptable for use in complying with Title 10, § 70.23(a)(3), of the *Code of Federal Regulations* (10 CFR 70.23(a)(3)), and 10 CFR 70.23(a)(4) on the design of ventilation systems for plutonium processing and fuel fabrication plants. At plutonium processing and fuel fabrication plants, a principal risk to health and safety is the release and dispersal of radioactive materials. The prevention of such release and dispersal is an important function of the ventilation systems. To meet these objectives, this guide provides recommendations for achieving defense in depth and for minimizing the release of radioactive materials to the environment.

Each applicant for a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant, as defined in 10 CFR