

*2. Section IV. Policy Statement on Adequacy and Compatibility of Agreement State Programs, Item. Summary and Conclusions*

The NRC is requesting comments on alternative versions of wording regarding the expectation on the number of regulatory requirements that Agreement States will be requested to adopt in an identical manner to maintain compatibility. This language would cover all regulatory requirements as compatibility category A, B, and C. (Agreement States are required to adopt regulatory requirements listed as Health and Safety to ensure their program is adequate to protect public health and safety, but not for compatibility purposes). In the third paragraph under "Summary and Conclusions" of the original Policy Statement published in 1997, it stated, in part: "The Commission will minimize the number of NRC regulatory requirements that the Agreement States will be requested to adopt in an identical manner to maintain compatibility." The Working Group proposed keeping this sentence as written; however, some members of the Working Group believed that that this sentence could be interpreted to imply that there is a requirement that the Commission minimize such requests to Agreement States, rather than a statement that reflects the expectation that situations justifying such requests will not arise frequently. The sentence was revised as follows: "The Commission will identify regulatory requirements that the Agreement States will be requested to adopt in an identical manner to maintain compatibility. The expectation is that these requirements will be limited." Some members of the Working Group disagreed with this revision and believed that the original language should be retained. The details of this discussion are in Enclosure 3 of SECY-12-0112, "Policy Statements on Agreement State Programs." In summary, some members of the Working Group believed that the original text places emphasis on the effort to minimize unnecessary burden on the Agreement States' means to accomplish the same goals as the NRC. Additionally, the suggested changes do not encourage careful consideration as to whether there are other possible options to meet the same intended goal.

*3. Performance Based Approach for Determining Compatibility*

Currently, Agreement States are afforded some flexibility to use approaches other than rulemaking, such as license conditions or orders, to

implement requirements. The NRC staff is seeking additional input on whether a performance-based approach for determining compatibility of an Agreement State's radiation control program should be developed. Agreement States could be afforded additional flexibility to use other approaches to implement requirements. A performance-based approach would not rely on a requirement to adopt within 3 years from the effective date of the NRC regulation in order to determine compatibility of an Agreement State program. In a separate Commission vote paper, the NRC staff will use input from comments received on this topic to create a recommendation and an implementation plan to provide to the Commission for approval.

*4. Adequacy Determinations of Agreement State Programs*

The NRC staff is seeking additional input on whether: (1) a revised set of performance metrics could be used to replace, supplement, or expand upon IMPEP in determining adequacy of an Agreement State's radiation control program; and (2) a single holistic determination can be made that would accurately reflect the overall adequacy and compatibility of a program. Given the current environment of limited resources, it is imperative that the NRC be able to develop a clear set of performance based metrics that consider the limitations of an Agreement State program and provide increased flexibility without compromising public health and safety. In a separate Commission vote paper, the NRC staff will use input from comments received on this topic to create a recommendation or series of recommendations for Commission approval.

**VI. Paperwork Reduction Act**

This Policy Statement does not contain information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

*Public Protection Notification*

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting documents displays a currently valid Office of Management and Budget control number.

Dated at Rockville, Maryland, this 28th day of May, 2013.

For the Nuclear Regulatory Commission.  
**Annette L. Vietti-Cook,**  
*Secretary for the Commission.*  
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**NUCLEAR REGULATORY COMMISSION**

[NRC-2012-0072]

**Quality Verification for Plate-Type Uranium-Aluminum Fuel Elements for Use in Research and Test Reactors**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a revision to Regulatory Guide (RG) 2.3, "Quality Verification for Plate-Type Uranium-Aluminum Fuel Elements for Use in Research and Test Reactors." This guide describes a method that the staff of the NRC considers acceptable for complying with the Commission's regulations concerning establishing and executing a quality assurance program for verifying the quality of plate-type uranium-aluminum fuel elements used in research and test reactors (RTRs).

**ADDRESSES:** Please refer to Docket ID NRC-2012-0072 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 Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0072. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto: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 access publicly available documents online in the NRC Library 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 ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a

document is referenced. Revision 2 of Regulatory Guide 2.3 is available in ADAMS under Accession No. ML12160A492. The regulatory analysis may be found in ADAMS under Accession No. ML12160A494.

- *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.

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**FOR FURTHER INFORMATION CONTACT:** Harriet Karagiannis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-251-7477; email:

*Harriet.Karagiannis@nrc.gov*, or Geoffrey Wertz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-0893; email: *Geoffrey.Wertz@nrc.gov*,

**SUPPLEMENTARY INFORMATION:**

## I. Introduction

The NRC is issuing a revision to an existing guide in the NRC'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 2 of RG 2.3 was issued with a temporary identification as Draft Regulatory Guide, DG-2005. This guide describes a method that the staff of the NRC considers acceptable for complying with the Commission's regulations concerning establishing and executing a quality assurance program for verifying the quality of plate-type uranium-aluminum fuel elements used in RTRs. This guide describes methods that the NRC's staff considers acceptable to implement Section 50.34(a)(7) of Title 10 of the *Code of Federal Regulations* (10 CFR), which requires each applicant for a construction permit to build a production or utilization facility to describe in its preliminary safety analysis report the quality assurance program that will be applied to the design, fabrication, construction, and testing of the facility's structures, systems, and components.

## II. Additional Information

The NRC published DG-2005 in the **Federal Register** on March 22, 2012 (77 FR 16868) for a 60-day public comment period. The public comment period closed on May 21, 2012. Public comments on DG-2005 and the NRC staff responses to the public comments are available in ADAMS under Accession No. ML12160A496.

## III. Congressional Review Act

This regulatory guide is a rule as designated 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 designated in the Congressional Review Act.

## IV. Backfitting and Issue Finality

The NRC's backfit provisions are found in its regulations at 10 CFR 50.109, 70.76, 72.62, and 76.76, and its issue finality provisions are located in 10 CFR part 52. Under Section 50.2, non-power reactors are research or test reactors licensed in accordance with Sections 103 or 104.c of the AEA and 10 CFR 50.21(c) or 50.22 for research and development. Accordingly, the backfit provisions of Part 50 would be the only backfit provisions potentially implicated by the issuance of this regulatory guide. The NRC has determined that the backfit provisions in Section 50.109 do not apply to test, research, or training reactors because the rulemaking record for Section 50.109 indicates that the Commission intended to apply this provision to only power reactors, and NRC practice has been consistent with this rulemaking record. The Part 52 issue finality provisions do not apply to test, research, or training reactors because these reactors are not licensed under Part 52. Therefore, no backfit determination need be made regarding the issuance of this regulatory guide.

Dated at Rockville, Maryland, this 23rd day of May, 2013.

For the Nuclear Regulatory Commission,  
**Thomas H. Boyce**,  
Chief, Regulatory Guide Development Branch,  
Division of Engineering, Office of Nuclear  
Regulatory Research.

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## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

**SUMMARY:** In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

1. *Title and purpose of information collection:* Employer Service and Compensation Reports; OMB 3220-0070. Section 2(c) of the Railroad Unemployment Insurance Act (RUIA) specifies the maximum normal unemployment and sickness benefits that may be paid in a benefit year. Section 2(c) further provides for extended benefits for certain employees and for beginning a benefit year early for other employees. The conditions for these actions are prescribed in 20 CFR part 302.

All information about creditable railroad service and compensation needed by the RRB to administer Section 2(c) is not always available from annual reports filed by railroad employers with the RRB (OMB 3220-0008). When this occurs, the RRB must obtain supplemental information about service and compensation.

The RRB utilizes Form UI-41, *Supplemental Report of Service and Compensation*, and Form UI-41a, *Supplemental Report of Compensation*, to obtain the additional information about service and compensation from railroad employers. Completion of the forms is mandatory. One response is required of each respondent.

The RRB proposes no changes to Form UI-41 and UI-41a. The completion time for Form UI-41 and UI-41a is estimated at 8 minutes per response.