

NUREG-2191, Volumes 1 and 2, "Generic Aging Lessons Learned for Subsequent License Renewal (GALL-SLR) Report," and NUREG-2192, "Standard Review Plan for Review of Subsequent License Renewal Applications for Nuclear Power Plants—Final Report," both underwent significant public interaction and extensive review by the Advisory Committee on Reactor Safeguards.

The guide applies to holders of operating licenses under 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities." The guide could also apply to holders of combined licenses under 10 CFR part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." However, because no combined license holder is expected to use this guide for at least two decades, the NRC is not expanding the guide's applicability to combined license holders at this time.

### III. Backfitting

DG-1341 describes one acceptable method for demonstrating compliance with 10 CFR part 54 for applicants for nuclear power plant license renewal and subsequent license renewal. This DG, if finalized, would not constitute backfitting as defined in 10 CFR 50.109, "Backfitting" (the Backfit Rule). Existing licensees and applicants for license renewal or subsequent license renewal will not be required to comply with the positions set forth in this DG. Further information on the staff's use of the DG, if finalized, is contained in the DG under Section D., "Implementation."

Applicants and potential applicants are not, with certain exceptions not applicable for this guide, protected by the Backfit Rule. The Backfit Rule—with certain exclusions discussed below—was not intended to apply to every NRC action that substantially changes the expectations of current and future applicants. Therefore, the positions in any RG, if imposed on applicants, would not represent backfitting (except as discussed below).

The exceptions to the general principle that applicants and potential applicants are not protected by the Backfit Rule are applicable whenever a 10 CFR part 50 operating license applicant references a construction permit. The staff does not, at this time, intend to impose the positions represented in DG-1341 in a manner that is inconsistent with the Backfit Rule. If, in the future, the staff seeks to impose a position in this RG in a manner that constitutes backfitting under the Backfit Rule, then the staff will address the backfitting provisions in the Backfit Rule.

Dated at Rockville, Maryland, this 11th day of September, 2019.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

*Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 2019-20005 Filed 9-16-19; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[NRC-2017-0187]

### Proposed Revisions to Standard Review Plan Section 14.3.3, Piping Systems and Components—Inspections, Tests, Analyses, and Acceptance Criteria

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Standard Review Plan—final section revision; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a final revision to Section 14.3.3, "Piping Systems and Components—Inspections, Tests, Analyses, and Acceptance Criteria," of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition."

**DATES:** This Standard Review Plan update takes effect on September 17, 2019.

**ADDRESSES:** Please refer to Docket ID NRC-2017-0187 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 Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2017-0187. Address questions about docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301-287-9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@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 obtain publicly-available documents online in the ADAMS Public Document collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, 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).

- *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.

- The NRC posts its issued staff guidance on the NRC's public website at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/>.

#### FOR FURTHER INFORMATION CONTACT:

Mark Notich, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-3053, email: [Mark.Notich@nrc.gov](mailto:Mark.Notich@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On September 25, 2018 (83 FR 48473), the NRC published for public comment a proposed revision to Section 14.3.3, "Piping Systems and Components—Inspections, Tests, Analyses, and Acceptance Criteria," of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition." The public comment period closed on November 26, 2018. Several public comments were received regarding draft Revision 1 of Standard Review Plan (SRP) Section 14.3.3. The public comments received and the associated staff responses are available in ADAMS under Accession No. ML17317A442. The final Revision 1 to NUREG-0800, Section 14.3.3, "Piping Systems and Components—Inspections, Tests, Analyses, and Acceptance Criteria," is available in ADAMS under Accession No. ML19002A478.

##### II. Backfitting and Issue Finality

Chapter 14 of the SRP provides guidance to the staff for reviewing inspections, tests, analyses, and acceptance criteria information in licensing applications. Section 14.3.3 of the SRP provides guidance for the review of information addressing piping systems and components.

Issuance of this SRP section revision does not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR) (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 do not constitute backfitting, inasmuch as the SRP is guidance directed to the NRC staff with respect to its regulatory responsibilities.*

The SRP provides guidance to the NRC staff on how to review an application for NRC regulatory approval in the form of licensing. 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(a)(1) or involve the issue finality provisions of 10 CFR part 52.

2. *Backfitting and issue finality—with certain exceptions discussed below—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 SRP positions on existing nuclear power plant licensees either now or in the future (absent a voluntary request for a change from the licensee, holder of a regulatory approval or a design certification applicant).*

The staff does not intend to impose or apply the positions described in this final SRP section to existing (already issued) licenses (e.g., operating licenses and combined licenses) and regulatory approvals. Hence, the issuance of this SRP guidance—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 SRP 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

The Office of Management and Budget makes the determination that the NRC action titled ‘NUREG–0800, ‘Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,’ Revision 1 of Standard Review Plan Section 14.3.3, ‘Piping Systems and Components—Inspections, Tests, Analyses, and Acceptance Criteria,’ is non-major under the Congressional Review Act. The Office of Management and Budget’s decision regarding SRP 14.3.3 is contained in ADAMS under Accession No. ML19239A003.

Dated at Rockville, Maryland, this 11th day of September, 2019.

For the Nuclear Regulatory Commission.

**Jason C. Paige,**

*Acting Chief, Licensing Branch 3, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.*

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### NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–275 and 50–323; NRC–2019–0131]**

#### **Pacific Gas and Electric Company; Diablo Canyon Nuclear Power Plant Units 1 and 2**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued exemptions in response to a December 13, 2018, request from Pacific Gas and Electric Company (PG&E or the licensee) from certain regulatory requirements for the Diablo Canyon Nuclear Power Plant, Units 1 and 2 (Diablo Canyon).

**DATES:** The exemptions were issued on September 10, 2019.

**ADDRESSES:** Please refer to Docket ID NRC–2019–0131 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 Website:* Go to <https://www.regulations.gov> and search

for Docket ID NRC–2019–0131. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@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 obtain publicly-available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, 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 (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *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.

#### **FOR FURTHER INFORMATION CONTACT:**

Balwant K. Singal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–3016; email: [Balwant.Singal@nrc.gov](mailto:Balwant.Singal@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The text of the exemption is attached.

Dated at Rockville, Maryland, this 12th day of September 2019.

For the Nuclear Regulatory Commission.

**Balwant K. Singal,**

*Senior Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

#### **ATTACHMENT—Exemptions**

### NUCLEAR REGULATORY COMMISSION

**Docket Nos. 50–275 and 50–323**

#### **Pacific Gas and Electric Company, Diablo Canyon Nuclear Power Plant, Units 1 and 2 Exemption**

##### **I. Background**

Pacific Gas and Electric Company (PG&E or the licensee) is the holder of Facility Operating License Nos. DPR–80 and DPR–82, which authorizes operation of Diablo Canyon Nuclear Power Plant (Diablo Canyon), Units 1 and 2, respectively. The licenses provide, among other things, that Diablo Canyon, Units 1 and 2 are subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in