

security and thus, is consistent with the common defense and security.

E. Environmental Considerations

The NRC staff determined that the exemption discussed herein meets the eligibility criteria for the categorical exclusion set forth in 10 CFR 51.22(c)(9) because it is related to a requirement concerning the installation or use of a facility component located within the restricted area, as defined in 10 CFR Part 20, and the granting of this exemption involves: (i) No significant hazards consideration, (ii) no significant change in the types or a significant increase in the amounts of any effluents that may be released offsite, and (iii) no significant increase in individual or cumulative occupational radiation exposure. Therefore, in accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment need to be prepared in connection with the NRC's consideration of this exemption request. The basis for the NRC staff's determination is discussed in the following evaluation of the requirements in 10 CFR 51.22(c)(9)(i)–(iii).

Requirements in 10 CFR 51.22(c)(9)(i)

The NRC staff evaluated the issue of no significant hazards consideration, using the standards described in 10 CFR 50.92(c), as presented as follows:

1. Does the proposed exemption involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed exemption would allow the use of M5[®] fuel rod cladding material in the St. Lucie Plant Unit 1 reactor core. The NRC-approved topical reports, BAW-10227P-A and BAW-10240(P)(A), address the M5[®] material and demonstrate that it has essentially the same properties as currently licensed zircaloy. The fuel cladding itself is not an accident initiator and does not affect accident probability. Use of M5[®] fuel rod cladding material will continue to meet all 10 CFR 50.46 acceptance criteria and, therefore, will not increase the consequences of an accident. Therefore, the proposed exemption does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed exemption create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The use of M5[®] fuel rod cladding material will not result in changes in the operation or configuration of the facility. The NRC-approved topical

reports BAW-10227P-A and BAW-10240(P)(A) demonstrated that the material properties of M5[®] are similar to those of zircaloy. The M5[®] fuel rod cladding material will perform similarly to those fabricated from zircaloy, thus precluding the possibility of the fuel cladding becoming an accident initiator and causing a new or different type of accident. Therefore, the proposed exemption does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed exemption involve a significant reduction in a margin of safety?

No. The proposed exemption does not involve a significant reduction in a margin of safety because it has been demonstrated that the material properties of the M5[®] material are not significantly different from those of zircaloy. M5[®] is expected to perform similarly to zircaloy for all normal operating and accident scenarios, including both LOCA and non-LOCA scenarios. For LOCA scenarios, plant-specific LOCA analyses using M5[®] properties demonstrate that the acceptance criteria of 10 CFR 50.46 have been satisfied. Therefore, the proposed exemption does not involve a significant reduction in a margin of safety.

Based on the above, the NRC staff concludes that the proposed exemption presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of no significant hazards consideration is justified.

Requirements in 10 CFR 51.22(c)(9)(ii)

The proposed exemption would allow the use of M5[®] fuel rod cladding material in the reactors. AREVA M5[®] material has essentially the same properties as the currently licensed zircaloy cladding. The use of the M5[®] fuel rod cladding material will not significantly change the types of effluents that may be released offsite, or significantly increase the amount of effluents that may be released offsite. Therefore, the provisions of 10 CFR 51.22(c)(9)(ii) are met.

Requirements in 10 CFR 51.22(c)(9)(iii)

The proposed exemption would allow the use of the M5[®] fuel rod cladding material in the St. Lucie Plant, Unit 1 reactor core. M5[®] has essentially the same properties as the currently used zircaloy cladding. The use of the M5[®] fuel rod cladding material will not significantly increase individual occupational radiation exposure, or significantly increase cumulative occupational radiation exposure.

Therefore, the provisions of 10 CFR 51.22(c)(9)(iii) are met.

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(1), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances required by 10 CFR 50.12(a)(2)(ii) are present. Therefore, the Commission hereby grants the licensee an exemption from the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50, to allow the application of those criteria to, and the use of, M5[®] fuel rod cladding material at St. Lucie Plant Unit 1.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 31st day of March 2014.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2014-07972 Filed 4-8-14; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2014-0069]

Regulatory Guide 3.28, Welder Qualification for Welding in Areas of Limited Accessibility in Fuel Reprocessing Plants and in Plutonium Processing and Fuel Fabrication Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; withdrawal.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide 3.28, "Welder Qualification for Welding in Areas of Limited Accessibility in Fuel Reprocessing Plants and in Plutonium Processing and Fuel Fabrication Plants." This guide is being withdrawn because more recently updated guidance is provided in RG 1.71, Rev. 1, "Welder Qualification for Areas of Limited Accessibility," which was updated in March 2007.

ADDRESSES: Please refer to Docket ID NRC-2014-0069 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site*: Go to <http://www.regulations.gov> and search for Docket ID NRC–2014–0069. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; 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 access 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 in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The bases document for the withdrawal of RG 3.28 is available in ADAMS under Accession No. ML13274A526.

- *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, MD 20852.

FOR FURTHER INFORMATION CONTACT: Jose Cuadrado, Office of Nuclear Material Safety and Safeguards, telephone: 301–287–9127, email: Jose.Cuadrado@nrc.gov; or Jazel Parks, Office of Nuclear Regulatory Research, telephone: 301–251–7690, email: Jazel.Parks@nrc.gov, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTAL INFORMATION:

I. Introduction

The NRC is withdrawing Regulatory Guide (RG) 3.28, "Welder Qualification for Welding in Areas of Limited Accessibility in Fuel Reprocessing Plants and in Plutonium Processing and Fuel Fabrication Plants," which was published in May 1975 (ADAMS Accession No. ML003739371). RG 3.28 provides guidance on methods acceptable to the NRC for meeting quality assurance (QA) requirements for welding nuclear components for fuel reprocessing plants and for plutonium processing and fuel fabrication plants in areas of limited accessibility. RG 3.28 is being withdrawn because the guidance it provides is duplicated in RG 1.71, Rev. 1, "Welder Qualification for Areas of Limited Accessibility," which was

updated in March 2007 (ADAMS Accession No. ML070320476).

II. Further Information

The withdrawal of RG 3.28 does not alter any prior or existing licensing commitments based on its use. Regulatory guides may be withdrawn when their guidance no longer provides useful information, or is superseded by technological innovations, Congressional actions, or other events.

Regulatory guides are revised for a variety of reasons and the withdrawal of a regulatory guide should be thought of as the final revision of the guide. Although a regulatory guide is withdrawn, current licensees may continue to use it, and withdrawal does not affect any existing licenses or agreements. Withdrawal of a guide means that the guide should not be used for future NRC licensing activities. Changes to existing licenses can be accomplished using other regulatory products.

Dated at Rockville, Maryland, this 28th day of March 2014.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

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

[FR Doc. 2014–07928 Filed 4–8–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0070]

Regulatory Guide 3.29, Preheat and Interpass Temperature Control for the Welding of Low-Alloy Steel for Use in Fuel Reprocessing Plants and in Plutonium Processing and Fuel Fabrication Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; withdrawal.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide (RG) 3.29, "Preheat and Interpass Temperature Control for the Welding of Low-Alloy Steel for Use in Fuel Reprocessing Plants and in Plutonium Processing and Fuel Fabrication Plants." This guide is being withdrawn because the guidance can be found in RG 1.50, Rev. 1, "Control of Preheat Temperature for Welding of Low-Alloy Steel."

ADDRESSES: Please refer to Docket ID NRC–2014–0070 when contacting the NRC about the availability of

information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site*: Go to <http://www.regulations.gov> and search for Docket ID NRC–2014–0070. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; 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 access 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 in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The bases document for the withdrawal of RG 3.29 is available in ADAMS under Accession No. ML13274A528.

- *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, MD 20852.

FOR FURTHER INFORMATION CONTACT: Jose Cuadrado, Office of Nuclear Material Safety and Safeguards, telephone: 301–287–9127, email: Jose.Cuadrado@nrc.gov; or Jazel Parks, Office of Nuclear Regulatory Research, telephone: 301–251–7690, email: Jazel.Parks@nrc.gov, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTAL INFORMATION:

I. Introduction

The NRC is withdrawing Regulatory Guide (RG) 3.29, "Preheat and Interpass Temperature Control for the Welding of Low-Alloy Steel for Use in Fuel Reprocessing Plants and in Plutonium Processing and Fuel Fabrication Plants," which was published in May 1975 (ADAMS Accession No. ML003739381). RG 3.29 provides guidance on methods acceptable to the NRC for meeting quality assurance (QA) requirements with regard to controlling the welding of low-alloy steel components for fuel reprocessing plants and for plutonium processing and fuel fabrication facilities.