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If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Additional Information

The NRC is issuing for public comment a DG in the NRC's "Regulatory Guide" series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The DG, entitled "Pressurized Water Reactor Control Rod Ejection and Boiling Water Reactor Control Rod Drop Accidents," is a proposed new guide temporarily identified by its task number, DG-1327. DG-1327 proposes new guidance for analyzing reactivity-initiated accidents such as control rod ejection for pressurized water reactors and control rod drop for boiling-water reactors. It defines fuel cladding failure thresholds for ductile failure, brittle failure, and pellet-clad mechanical interaction and provides radionuclide release reactions for use in assessing radiological consequences. It also describes analytical limits and guidance for demonstrating compliance with regulations governing reactivity limits.

The draft guide also incorporates new empirical data from in-pile, prompt power pulse test programs and analyses from several international publications on fuel rod performance under reactivity initiated accident conditions to provide guidance on acceptable analytical methods, assumptions, and limits for evaluating a pressurized water reactor control rod ejection accident.

The draft guide expands the existing guidance for control rod ejection accidents in Regulatory Guide (RG) 1.77, "Assumptions Used for Evaluation a Control Rod Ejection Accident for Pressurized Water Reactors." However, the NRC intends to maintain RG 1.77 for existing licensees who do not make any

design changes within the scope of RG 1.77.

III. Backfitting and Issue Finality

Draft regulatory guide DG-1327 describes one acceptable method for demonstrating compliance with Appendix A of part 50 of title 10 of the Code of Federal Regulations (10 CFR), "General Design Criteria 28, *Reactivity Limit*," with respect to control rod ejection (CRE) for pressurized-water reactors (PWRs) and a control rod drop (CRD) for boiling-water reactors (BWRs). It addresses fuel cladding failure thresholds for ductile failure, brittle failure, and pellet-clad mechanical interaction (PCMI), provides radionuclide release fractions for use in assessing radiological consequences, and describes analytical limits and guidance for demonstrating compliance with GDC 28 governing reactivity limits.

This draft regulatory guide, if finalized, would not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52, "Licenses, Certifications and Approvals for Nuclear Power Plants." Existing licensees and applicants of final design certification rules will not be required to comply with the positions set forth in this draft regulatory guide, unless the licensee or design certification rule applicant seeks a voluntary change to its licensing basis with respect to CRE for PWRs or CRD for BWRs, and where the NRC determines that the safety review must include consideration of these events. Further information on the staff's use of the draft regulatory guide, if finalized, is contained in the draft regulatory guide under Section D. Implementation.

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under part 52. Neither the Backfit Rule nor the issue finality provisions under part 52—with certain exclusions discussed below—were intended to apply to every NRC action which substantially changes the expectations of current and future applicants. Therefore, the positions in any final draft regulatory guide, if imposed on applicants, would not represent backfitting (except as discussed below).

The exceptions to the general principle are applicable whenever a combined license applicant references a part 52 license (*i.e.*, an early site permit or a manufacturing license) and/or part 52 regulatory approval (*i.e.*, a design certification rule or design approval). The staff does not, at this time, intend to impose the positions represented in

the draft regulatory guide in a manner that is inconsistent with any issue finality provisions in these part 52 licenses and regulatory approvals. If, in the future, the staff seeks to impose a position in this regulatory guide in a manner which does not provide issue finality as described in the applicable issue finality provision, then the staff will address the criteria for avoiding issue finality as described in the applicable issue finality provision.

Dated at Rockville, Maryland, this 10th day of November 2016.

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. 2016-27903 Filed 11-18-16; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 040-08943; NRC-2008-0208]

Crow Butte Resources, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption to Crow Butte Resources, Inc. (CBR) for the purpose of complying with occupational dose limits in response to a request from CBR dated September 21, 2015. Issuance of this exemption will allow CBR to disregard certain radionuclides that contribute to the total activity of a mixture when determining internal dose to assess compliance with occupational dose equivalent limits at its in situ uranium recovery (ISR) facility in Crawford, Nebraska.

ADDRESSES: Please refer to Docket ID NRC-2008-0208 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 Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2008-0208. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: Carol.Gallagher@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 <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 (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **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:

Ronald A. Burrows, Office of Nuclear Material Safety and Safeguards; U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-6443; email: Ronald.Burrows@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Crow Butte Resources, Inc. operates the Crow Butte ISR facility in Crawford, Nebraska (the Crow Butte Project) under NRC source materials license SUA-1534 (ADAMS Accession No. ML13324A101). At the Crow Butte Project, CBR performs airborne uranium particulate monitoring in the plant in accordance with Section 5.8.3.1 of its Technical Report (ADAMS Accession No. ML091470116). As described in its Technical Report, CBR measures airborne uranium by taking samples of particulate matter in air at locations within the plant using glass fiber filters and air pumps. The measurement of airborne uranium is performed by gross alpha counting of air filters.

In Section 5.7.4.3.1, "Airborne Particulate Uranium Monitoring," of the NRC staff's 2014 Safety Evaluation Report (SER) for the renewal of CBR's license for the Crow Butte Project (ADAMS Accession No. ML14149A433), the NRC staff stated that CBR did not demonstrate that gross alpha counting would differentiate all airborne radioactivity in air samples, including radionuclides that are not uranium, some of which may not emit alpha particles and, therefore, will not be detected. As a result, the NRC staff imposed license condition 10.8 in CBR's license SUA-1534, which states that the licensee shall conduct isotopic analyses for alpha- and beta-emitting radionuclides on airborne samples at each in-plant air particulate sampling location at a frequency of once every 6

months for the first 2 years and annually thereafter to ensure compliance with section 20.1204(g) of title 10 of the Code of Federal Regulations (10 CFR). The license condition also states that for any changes to operations, the licensee shall conduct an evaluation to determine if more frequent isotopic analyses are required for compliance with 10 CFR 20.1204(g).

In its September 21, 2015, response to NRC staff requests for additional information (RAIs), CBR clarified its approach to determining internal dose by air sampling, including an analysis of how CBR meets the requirement in 10 CFR 20.1204(g) for disregarding certain radionuclides contained in mixtures of radionuclides in air (ADAMS Accession No. ML15310A373). As part of its analysis, CBR stated that it accounts for all of the alpha-emitting radioactive material in air when measuring uranium, as described in its Technical Report, but it does not account for total activity (*i.e.*, the sum of all alpha-emitting and beta-emitting radioactive material in air) when determining internal dose. In accordance with 10 CFR 20.1204(g)(1), a licensee may only disregard certain radionuclides in a mixture if it uses the total activity of the mixture, which includes both alpha-emitting and beta-emitting radionuclides, to demonstrate compliance with the dose limits in 10 CFR 20.1201 and to comply with the monitoring requirements in 10 CFR 20.1502(b). In addition to meeting the condition of 10 CFR 20.1204(g)(1), a licensee must also show that the concentration of any radionuclide disregarded is less than 10 percent of its derived air concentration (DAC), and the sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30 percent, in accordance with 10 CFR 20.1204(g)(2) and 10 CFR 20.1204(g)(3), respectively, in order to disregard certain radionuclides in a mixture.

In its September 21, 2015, RAI response, CBR requested an exemption from including the internal dose from beta-emitting radionuclides in occupational dose calculations. In support of this request, CBR provided the following information: (1) CBR accounts for all alpha activity on the sample filters used in its air sampling program, which accounts for nearly all of the internal dose received from airborne radionuclides typically present at an in-situ recovery facility other than radon-222 (radon) and its short-lived progeny; (2) the contribution to occupational dose from internal exposure to airborne beta-emitting radionuclides (other than radon-222 and

its short-lived progeny) is very small relative to other sources of occupational dose (such as external dose and internal dose from inhalation of radon-222 and its short-lived progeny, which are accounted for separately); and (3) it would be administratively complex to attempt to track, and account for, a comparatively small internal dose from airborne non-radon beta-emitting radionuclides at the Crow Butte Project.

II. Description of Action

The NRC may, under 10 CFR 20.2301, upon application by a licensee or upon its own initiative, grant an exemption from the requirements of the regulations in 10 CFR part 20, if the NRC determines the exemption is authorized by law and would not result in undue hazard to life or property. As described in the NRC staff's safety evaluation report for this exemption request (ADAMS Accession No. ML16078A238), the NRC staff found that this exemption is authorized by law and will not result in undue hazard to life or property. Therefore, the NRC is granting CBR an exemption from the requirement in 10 CFR 20.1204(g)(1) to use the total activity of the mixture in demonstrating compliance with the dose limits specified in § 20.1201. The licensee must still consider all radionuclides in demonstrating compliance with the requirements in § 20.1502(b). In conjunction with granting this exemption, the NRC is revising license condition 10.8 of CBR's license SUA-1534 to reflect the terms of the exemption.

III. Discussion

A. The Exemption Is Authorized by Law

The NRC staff concluded that the exemption is authorized by law as 10 CFR 20.2301 expressly allows for an exemption to the requirements in 10 CFR part 20, and the exemption will not be contrary to any provision of the Atomic Energy Act of 1954, as amended.

B. The Exemption Presents No Undue Hazard to Life or Property

The exemption is related to the requirement in 10 CFR 20.1501(a) for licensees to make, or cause to be made, appropriate surveys. In accordance with 10 CFR 20.1204(g), when concentrations of radioactive material in air are relied upon to determine internal dose, a licensee may disregard certain radionuclides contained in a mixture of radionuclides in air if the following three conditions are met: (1) the licensee uses the total activity of the mixture in demonstrating compliance with the dose limits in § 20.1201 and in

complying with the monitoring requirements in § 20.1502(b); (2) the concentration of any radionuclide disregarded is less than 10 percent of its DAC; and (3) the sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30 percent.

CBR has demonstrated, and the NRC staff has verified, that its surveys under § 20.1501(a) and its method of determination under § 20.1204 account for nearly all of the occupational dose and that any additional contribution to occupational dose from internal exposure to airborne non-radon beta-emitting radionuclides is very small. Furthermore, in conjunction with granting this exemption, the NRC staff is revising CBR license condition 10.8 to require CBR to periodically assess the mixture of airborne radionuclides present at its facility against a specific regulatory limit. This will ensure that CBR will be aware of changes in the mixture of airborne radionuclides at the Crow Butte Project and that the contribution to occupational dose from internal exposure to beta-emitting radionuclides will remain small. Therefore, granting this exemption presents no undue hazard to life or property.

C. Environmental Considerations

The NRC staff has determined that granting of an exemption from the requirements of 10 CFR 20.1204(g)(1) belongs to a category of regulatory actions which the NRC, by regulation, has determined do not individually or cumulatively have a significant effect on the environment, and as such do not require an environmental assessment or environmental impact statement. Specifically, the exemption from the requirement to include all radionuclides that contribute to total activity under 10 CFR 20.1204(g)(1) is eligible for categorical exclusion under 10 CFR 51.22(c)(25) based on the NRC staff's determinations that requirements from which exemption is sought involve inspection or surveillance requirements (a survey under 10 CFR 20.1501(a)), and that the exemption will result in no significant change in the types or

significant increase the amount of any offsite effluents; no significant increase to individual or cumulative public or occupational radiation exposure; no significant construction impact; and no significant increase to the potential for, or consequence from, radiological accidents.

Section 7 of the Endangered Species Act (the Act) [16 U.S.C. 1531 *et seq.*] outlines the procedures for Federal interagency cooperation to conserve Federally-listed species and designated critical habitats. Section 7(a)(2) of the Act states that each Federal agency shall, in consultation with the Secretary, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. The NRC staff has determined that a Section 7 consultation is not required because the proposed action is administrative/procedural in nature and will not affect listed species or critical habitat. The NRC staff has also determined that the proposed action is not a type of activity that has potential to cause effects on historic properties because it is an administrative/procedural action. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act [54 U.S.C. 300101 *et seq.*].

IV. Conclusion

Accordingly, the NRC has determined that, pursuant to 10 CFR 20.2301, the exemption is authorized by law and will not present an undue hazard to life or property. The NRC hereby grants CBR an exemption from the requirement in 10 CFR 20.1204(g)(1) to use the total activity of the mixture in demonstrating compliance with the dose limits in § 20.1201.

Dated at Rockville, Maryland, this 14th day of November 2016.

For the Nuclear Regulatory Commission.
Andrea Kock,
Deputy Director, Division of Decommissioning, Uranium Recovery and Environmental Programs, Office of Nuclear Material Safety and Safeguards.
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OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from March 1, 2016, to March 31, 2016.

FOR FURTHER INFORMATION CONTACT: Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, 202-606-2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at www.gpo.gov/fdsys/. OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

- Schedule A
No Schedule A Authorities to report during March 2016.
- Schedule B
No Schedule B Authorities to report during March 2016.
- Schedule C

The following Schedule C appointing authorities were approved during March 2016.

Agency name	Organization name	Position title	Authorization No.	Effective date
Department of Agriculture	Farm Service Agency	State Executive Director—Rhode Island.	DA160077	3/4/2016
		State Executive Director	DA160091	3/30/2016
	Rural Housing Service	Senior Advisor	DA160081	3/17/2016
		State Director	DA160090	3/30/2016
	Office of Communications	Senior Advisor for Strategic Communications.	DA160083	3/17/2016