

while allowing flexibility in disposal options.

One high priority task (Task 2) in the Strategic Assessment was to address the challenge of alternative disposal of Very Low-Level Waste (VLLW), in accordance with § 20.2002 of title 10 of the *Code of Federal Regulations* (10 CFR), in non-traditional LLRW facilities such as Resource Conservation and Recovery Act facilities, as well as the regulatory review and approval needed for such disposal. In response to stakeholder input regarding the 2007 assessment, the NRC determined that the process for authorizing these disposals needed more consistency and clarity. The NRC committed to addressing these concerns through the development of new regulatory guidance.

On August 31, 2009, the NRC issued interim staff procedure, "Review, Approval, and Documentation of Low-Activity Waste Disposals in Accordance with 10 CFR 20.2002 and 10 CFR 40.13(a)" (ADAMS Accession No. ML092460058). Prior to its issuance, there had been no single procedure covering safety and security reviews, the preparation of an environmental assessment, and coordination with internal and external stakeholders for alternative disposal requests. Accordingly, this document was developed and issued to provide consistency and guidance for NRC staff's review of alternative disposal requests received from licensees, applicants, and other entities for alternative disposal of licensed material. In addition, the NRC determined that this guidance would be finalized after it had been implemented and used for more alternative disposal requests.

In order to set the direction for the NRC's LLRW regulatory program in the next several years, including the alternative disposal request review process, the NRC decided to conduct a new evaluation of the NRC's LLRW program (referred to as a Programmatic Assessment). The results of this assessment were published in October 2016, in SECY-16-0118, "Programmatic Assessment of Low-Level Radioactive Waste Regulatory Program" (ADAMS Accession No. ML15243A192). The objectives of the 2016 assessment were similar to the objectives of the 2007 Strategic Assessment. Both assessments also have considered future needs and changes that may occur in the nation's commercial LLRW management system. One of the high priority tasks (Task 5) included within Enclosure 1 (ADAMS Accession No. ML15243A205) of the Programmatic Assessment was to address the challenge of alternative

disposal of VLLW by finalizing the draft guidance document. Per the Programmatic Assessment, this final draft would be published for public comment, then issued as a final document.

Accordingly, the purpose of this draft revision to the guidance is to improve the alternative disposal process by providing more clarity, consistency, and transparency to the process. In addition, this draft revision to the guidance also clarifies the meaning of disposal relative to 10 CFR 20.2002 authorizations to include recycling and reuse of materials. The draft revision to the guidance is available for public comment as ADAMS Accession No. ML16326A063. The NRC is interested in receiving comments related to the draft revision to the guidance from stakeholders, including professional organizations, licensees, Agreement States, and members of the public. Comments will be considered to determine if additional changes to the draft revision to the guidance and the alternative disposal request process are needed.

During the comment period, the NRC will conduct a public meeting at the NRC's Headquarters that will explain the draft revision to the guidance and address questions. Information regarding the public meeting will be posted on the NRC's public meeting Web site at least 10 calendar days before the meeting. The NRC's public meeting Web site is located at <https://www.nrc.gov/public-involve.html>.

The NRC will also post the meeting notice on the Federal rulemaking Web site at <http://www.regulations.gov> under Docket ID NRC-2017-0198. The NRC may post additional materials related to this document, including public comments, on the Federal rulemaking Web site. The Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC-2017-0198); (2) click the "Sign up for Email Alerts" link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

### III. Requested Information and Comments

The NRC staff will treat all public feedback as public comments on the draft revision to the guidance and consider them as it finalizes the revision to the guidance.

Dated at Rockville, Maryland, this 16th day of October 2017.

For the Nuclear Regulatory Commission.

**Andrea Kock,**

*Deputy Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.*

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## NUCLEAR REGULATORY COMMISSION

[NRC-2017-0079]

### Quality Assurance Program Criteria (Design and Construction)

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 5 to Regulatory Guide (RG) 1.28, "Quality Assurance Program Criteria (Design and Construction)." This regulatory guide (RG 1.28) updates the guidance to endorse, with clarification or exceptions, multiple revisions of the American Society of Mechanical Engineers standard NQA-1 titled "Quality Assurance Requirements for Nuclear Facility Applications." The proposed revision describes methods that the NRC considers acceptable for establishing and implementing a quality assurance (QA) program for the design and construction of nuclear power plants and fuel reprocessing plants. **DATES:** Revision 5 to RG 1.28 is available on October 19, 2017.

**ADDRESSES:** Please refer to Docket ID NRC-2017-0079 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-2017-0079. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individuals 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](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. The RG is available in ADAMS under Accession No. ML17207A293.

- *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:

Ashley Ferguson, Office of New Reactors, telephone: 301-415-6638, email: [Ashley.Ferguson@nrc.gov](mailto:Ashley.Ferguson@nrc.gov), and Stephen Burton, Office of Nuclear Regulatory Research, telephone: 301-415-7000, email: [Stephen.Burton@nrc.gov](mailto:Stephen.Burton@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Discussion

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 regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Revision 5 of RG 1.28 was issued with a temporary identification of Draft Regulatory Guide, DG-1326. This revision of the guide (Revision 5) updates the guidance to endorse, with clarification or exceptions, multiple revisions of the American Society of Mechanical Engineers standard NQA-1 titled "Quality Assurance Requirements for Nuclear Facility Applications."

##### II. Additional Information

The NRC published a notice of the availability of DG-1326 in the **Federal Register** on March 27, 2017 (82 FR 15242), for a 60-day public comment period. The public comment period closed on May 26, 2017. Public comments on DG-1326 and the staff responses to the public comments are available in ADAMS under Accession No. ML17207A289.

##### III. Congressional Review Act

This RG is a rule as defined 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 defined in the Congressional Review Act.

##### IV. Backfitting and Issue Finality

This RG 1.28 describes methods that the NRC considers acceptable for establishing and implementing a QA program for the design and construction of nuclear power plants and fuel reprocessing plants. Issuance of this RG does not constitute backfitting as defined in § 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR), (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in part 52. As discussed in the "Implementation" section of this RG, the NRC has no current intention to impose this guidance on holders of current operating licenses or combined licenses.

This RG may be applied to applications for operating licenses, combined licenses, early site permits, and certified design rules docketed by the NRC as of the date of issuance of this RG, as well as future applications submitted after the issuance of the regulatory guide. Such action would not constitute backfitting as defined in the Backfit Rule or be otherwise inconsistent with the applicable issue finality provision in part 52, inasmuch as such applicants or potential applicants are not within the scope of entities protected by the Backfit Rule or the relevant issue finality provisions in part 52.

Dated at Rockville, Maryland, this 13th day of October, 2017.

For the Nuclear Regulatory Commission.

**Edward O'Donnell,**

*Acting Chief, Regulatory Guidance and Generic Issues 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:* RUIA Claims Notification and Verification System; OMB 3220-0171. Section 5(b) of the Railroad Unemployment Insurance Act (RUIA), requires that effective January 1, 1990, when a claim for benefits is filed with the Railroad Retirement Board (RRB), the RRB shall provide notice of the claim to the claimant's base year employer(s) to provide them an opportunity to submit information relevant to the claim before making an initial determination. If the RRB determines to pay benefits to the claimant under the RUIA, the RRB shall notify the base-year employer(s).

The purpose of the RUIA Claims Notification and Verification System is to provide two notices, pre-payment Form ID-4K, Prepayment Notice of Employees' Applications and Claims for Benefits Under the Railroad Unemployment Insurance Act, and post-payment Form ID-4E, Notice of RUIA Claim Determination. Prepayment Form ID-4K provides notice to a claimant's base-year employer(s), of each unemployment application and unemployment and sickness claim filed for benefits under the RUIA and provides the employer an opportunity to convey information relevant to the proper adjudication of the claim.

The railroad employer can elect to receive Form ID-4K by one of three options: A computer-generated paper notice, by Electronic Data Interchange (EDI), or online via the RRB's Employer Reporting System (ERS). The railroad employer can respond to the ID-4K notice by telephone, manually by mailing a completed ID-4K back to the RRB, or electronically via EDI or ERS. Completion is voluntary. The RRB proposes to replace using EDI with the use of secure File Transfer Protocol (FTP), which is the standard network protocol used for transferring files between a railroad employer and the RRB. The RRB proposes no changes to the other versions of the ID-4K.

Once the RRB determines to pay a claim post-payment Form Letter ID-4E, Notice of RUIA Claim Determination, is used to notify the base-year employer(s). This gives the employer a second