

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 2

#### LSSNet Communication Program; Licensing Support System Regulations

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** LSSNet Program: Notice of Availability.

**SUMMARY:** The Nuclear Regulatory Commission is announcing the availability of a computer-based communications program called "LSSNet" to maximize the interaction between the NRC, the LSS Advisory Review Panel, and the public on rulemaking issues related to the Licensing Support System (LSS). The LSS is an electronic information management system established in 10 CFR Part 2, Subpart J, of the Commission's regulations, designed to support the licensing proceeding for the national high-level waste repository. The LSS has not yet been developed. Many features of the rule first adopted in 1988 no longer provide optimal approaches to electronic information management. This topic was a primary discussion item at the May 3, 1996, meeting of the LSS Advisory Review Panel. LSSNet will allow the LSS Advisory Review Panel (LSSARP), other potential users of the LSS, and the public to communicate both with the NRC and among themselves, with a view toward defining LSS rulemaking issues, identifying alternatives to address those issues, and determining the extent of agreement on those alternatives.

**DATES:** The public can access the LSSNet site beginning November 1, 1996. LSSNet will run from November 20, 1996 through May 20, 1997.

**ADDRESSES:** The LSSNet World Wide Web site may be accessed with the Uniform Resource Locator <http://lssnet.llnl.gov>.

**FOR FURTHER INFORMATION CONTACT:** John C. Voglewede, U.S. Nuclear Regulatory

Commission, Washington, DC 20555-0001, telephone (301) 415-7415.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Nuclear Regulatory Commission is undertaking a project designed to use state-of-the-art computer technology to maximize interaction between the NRC, its LSS Advisory Review Panel (LSSARP), and the public on the issue of the integration of new computer technologies into the Licensing Support System (LSS). The LSS is an electronic information management system and was incorporated in the Commission's Rules of Practice at 10 CFR Part 2 Subpart J. The current project, called LSSNet, is intended to serve not only to provide the NRC and the public with valuable information, but also to maximize the usefulness of computer-based communications as a tool in the rulemaking process. LSSNet is intended to maximize the interaction between the NRC, the LSSARP, and the public on rulemaking issues related to the LSS. The LSSARP was chartered under the Federal Advisory Committee Act to advise the NRC on the design, development, and use of the LSS. LSSNet will allow the LSSARP, other potential users of the LSS, and the public to communicate both with the NRC and among themselves, with a view toward defining LSS rulemaking issues, identifying alternatives to address those issues, and determining the extent of agreement on those alternatives.

LSSNet builds on a pilot program, called RuleNet, which the Commission used to demonstrate the feasibility of increasing the interaction between the public and the NRC on the discussion of rulemaking issues through electronic communication technology (see SECY-96-188). Before the initiation of the RuleNet pilot program, the NRC had already introduced significant innovations in the area of rulemaking: through the concept of "enhanced participatory rulemaking," designed to promote early public comment and interaction on rulemaking issues before a proposed rule is developed; through the use of Negotiated Rulemaking as provided in the Negotiated Rulemaking Act of 1988; and through electronic bulletin boards, which allow comments on a proposed rule to be submitted electronically. RuleNet represented a

further step toward melding early public comment and interaction, as in the enhanced participatory rulemaking, together with communications technology, developed specially for this purpose, to permit participants to deal with one another and with the NRC by computer.

The potential for computer technology to improve the current rulemaking process can be readily illustrated. In a traditional rulemaking, if a particular matter raises questions in the minds of participants, they have no recourse other than to point out the issue in their written comments. If the rulemaking is on a proposed rule, the commenter may not learn the answer to the question until the final rule is issued. The computer, however, allows the agency staff to analyze the comments and questions received, ascertain which questions arise most often, and then post electronically a list of "Frequently Asked Questions" and their answers. In this way, doubtful points can be clarified before, not after, comments are filed.

The dialogue promoted through the LSSNet is not intended to supplant formal comments on any proposed rule that may eventually be developed from the LSSNet process. Rather, LSSNet is intended to provide additional opportunities for those interested in LSS rulemaking issues to provide input to agency personnel before the agency has developed text on which formal written comments are required to be filed. This can mean better informed, focused, and influential comments. Likewise, the ability of these commenters to interact among themselves before comments are filed means that misunderstandings and miscommunications can be corrected in a timely way. However, because the electronic communications will contribute to the information base used by the agency in the rulemaking process, a copy of these communications will be placed in the rulemaking record.

To facilitate the exchange of views, LSSNet provides discussion areas, designed to encourage dialogue among subgroups of participants. These discussion areas will allow participants of similar viewpoints to join together to discuss an issue to maximize their effectiveness. Discussion areas could also be used to allow a specific issue to be placed before all participants for

highly focused consideration. In this way, a particular topic can be considered in detail, the strengths and weaknesses of conflicting positions can be analyzed, and the possibilities of a compromise resolution can be explored. Dialogue may take place either separate from the discussion areas provided in LSSNet by the private interaction of participants, or through the LSSNet discussion areas.

Assistance to the participants will be provided by facilitators who will perform a variety of functions: helping to categorize comments on LSS issues; helping to maximize the usefulness of the electronic communications process; and providing assistance to facilitate on-line and offline discussions, including helping participants to articulate and refine their positions on issues. The facilitators' role will simply be to contribute to the smooth and productive functioning of the process.

#### *Phases of the LSSNet Process*

As a preliminary step, necessary to allow meaningful participation in the LSSNet process, the NRC is making relevant information on the LSS available to all who can use it: that is, both potential participants and those who want only to observe the process. Toward this end, the agency has made some basic documents pertaining to the LSS available through LSSNet in full text form.

In the first phase of the process, which will comprise approximately 10 days, the NRC will solicit comment on the challenges and issues identified by the staff and posted under the heading of "Discussion Topics" in the LSSNet FORUM. Participants will be permitted to suggest other "Topics". The NRC staff will review the comments/"Topics" posted during the first phase and use them to fashion a number of alternative solutions to the LSS rulemaking issues. During the second phase, participants will have an opportunity to comment on these alternative approaches or to suggest other alternative solutions but no new "Topics" will be solicited. After the second phase, the NRC staff will consolidate and synthesize the challenges and the proposed solutions, using them to develop more concrete proposals to the rulemaking issues, including draft rulemaking text if practicable, which will be posted electronically. During the third phase, the participants will then respond to the proposals the staff identified. As before, there will be the opportunity for participants to discuss either within the electronic rulemaking or outside of it. The staff will use the results of the LSSNet interactions in Phase 3 to

develop a draft proposed rule which will be submitted to the Commission for review and approval.

#### *Terms of Participation*

LSSNet is primarily intended as a forum through which the LSS Advisory Review Panel can advise the Commission on how best to integrate changes in technology into the framework of the LSS. Consequently, the electronic Forum will be reserved for the use of members of the LSSARP and their representatives. As would be the case with face to face meetings, the NRC will ensure compliance with the relevant provisions of the Federal Advisory Committee Act with respect to consensus documents. Thus, where consensus is requested, votes of FACA committee members will be cast and recorded. In keeping with the openness provisions of FACA, interested members of the public will be able to observe the dialogue between the LSSARP and the Commission, and will also be able to post comments on the public segment of LSSNet. The NRC staff will fully consider both LSSARP comments and public comments in refining the rulemaking issues for Commission consideration.

The NRC fully expects that all participants will recognize that certain norms of civility will be observed. (In the event that a participant's conduct was such as to warrant his or her severance from the electronic dialogue, the option of submitting paper comments would remain, but it seems unlikely that this issue would ever arise.)

#### *LSS Rulemaking Issues*

The LSS concept grew out of the Commission's concern regarding how best to review the DOE license application for a high-level radioactive waste (HLW) repository. A centralized, electronic database accessible by all parties appeared to offer the opportunity for significant time savings in conducting the licensing proceeding for the repository and, simultaneously, for the enhancement of any party's opportunity for effective participation. Plans for the LSS were first initiated in 1986 and were based on computer technology available in that time frame. It was intended to provide a central, shared, federally funded database of licensing information beginning in 1995. Budgetary shortfalls, however, and the unanticipated length of time that it has taken to develop the licensing application for the repository, not only delayed the development of the LSS, but also resulted in the accumulation of a tremendous amount of potential

licensing information, much of which may no longer be relevant to a licensing proceeding which may not begin until about 2002. In addition, since document capture may now involve much larger backlogs than originally contemplated, the risk of failing to capture ALL relevant material in the LSS is substantially larger than originally assumed. While the development of the LSS remained stalled, the state of technology in document automation and retrieval overtook the technology of 1986 on which the original LSS was to be based. With the widespread and common place use of computers to generate and maintain the documents of a party to the HLW licensing proceeding, the universal availability of the Internet to tie disparate and geographically dispersed systems together, and the availability of commercially available software applications relevant to LSS functionalities, the centralized LSS envisioned at the time the LSS rule was developed may be obsolete. Consequently, the Commission intends to evaluate how these new technologies can be integrated into the LSS rule while still maintaining the primary functions of the LSS: (1) A mechanism for the discovery of documents before the license application is filed; (2) electronic transmission of filings by the parties during the proceeding; (3) electronic transmission of orders and decisions related to the proceeding; and (4) access to an electronic version of the docket. It is the intent of the NRC staff to focus this rulemaking on how best to address changes in technology in regard to the LSS. There is no intent to re-visit the basic functionalities of the LSS that are reflected in the current 10 CFR Part 2, Subpart J or the conditions of the negotiated rulemaking.

To attempt to address these issues, the NRC is posting the following "topics" to guide the discussion during the first phase of LSSNet:

- What are the costs and benefits of moving from a dedicated, centralized system to a distributed system based on the Internet?
- How should other improvements in computer technology be incorporated into the LSS?
- What provisions of the LSS rule will need to be changed to reflect the incorporation of new technologies?
- How should the backlog of "uncaptured", and possibly irrelevant, repository-related information be addressed?
- What would the role of the LSS Administrator be under a distributed system?

- How should advice from potential users of the LSS be provided for?

Dated at Rockville, Maryland, this 14th day of November, 1996.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

*Advisory Committee Management Officer.*

[FR Doc. 96-29673 Filed 11-19-96; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-SW-27-AD]

#### **Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214ST Helicopters**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Bell Helicopter Textron, Inc. (BHTI) Model 214ST helicopters. This proposal would require replacement of each emergency float inflation solenoid valve (valve). This proposal is prompted by two inadvertent inflations of emergency float systems that resulted from self-activations of the valves. The actions specified by the proposed AD are intended to prevent self-activation of the valves, and subsequent inadvertent inflation of the emergency float system, which could lead to loss of control of the helicopter.

**DATES:** Comments must be received by January 21, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-SW-27-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Bell Helicopter Textron Inc., P.O. Box 482, Fort Worth, Texas 76101.

**FOR FURTHER INFORMATION CONTACT:** Mr. Uday Garadi, Aerospace Engineer, FAA, Rotorcraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5157; fax (817) 222-5960.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 96-SW-27-AD." The postcard will be date stamped and returned to the commenter.

##### **Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-SW-27-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

##### **Discussion**

This document proposes the adoption of a new AD, applicable to BHTI Model 214ST helicopters, equipped with an emergency float kit, part number (P/N) 214-706-120, containing valves, P/N 214-073-929-103 or -105 in the solenoid valve assemblies, P/N 214-073-940-101 and -103. There have been two reported inadvertent inflations of emergency float systems that resulted from self-activations of the valves. An investigation of the two valves involved in the incidents revealed the actuating pins had not properly seated. Additionally, one pin showed evidence of an unauthorized field repair or modification. This condition, if not corrected, could result in self-activation of the valves, and subsequent inadvertent inflation of the emergency

float system, which could lead to loss of control of the helicopter.

The FAA has reviewed Bell Helicopter Textron, Inc. Alert Service Bulletin No. 214ST-96-74, dated May 28, 1996, which describes procedures for replacement of all existing valves, P/N 214-073-929-103 and -105, in solenoid valve assemblies, P/N 214-073-940-101 and -103.

Since an unsafe condition has been identified that is likely to exist or develop on other BHTI Model 214ST helicopters of the same type design, the proposed AD would require replacement of all existing valves, P/N 214-073-929-103 and -105, in valve assemblies, P/N 214-073-940-101 and -103.

The FAA estimates that 9 helicopters of U.S. registry would be affected by this proposed AD, that it would take 2 work hours per helicopter to replace the valves, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$2,100 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$19,980.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

##### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

##### **The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation