

# 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 72

RIN 3150-AI09

[NRC-2008-0361]

### License and Certificate of Compliance Terms

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Availability of preliminary draft rule language.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is making available preliminary draft rule language to amend its regulations concerning licensing requirements for the independent storage of spent nuclear fuel. This proposed rulemaking includes changes that clarify the license term limits for dry storage cask Certificates of Compliance (CoCs) and independent spent fuel storage installation (ISFSI) licenses, provide consistency between the general license requirements and the site-specific ISFSI license requirements, and allow part 72 general licensees to implement changes authorized by an amended CoC to a cask loaded under the initial CoC or an earlier amended CoC (a "previously loaded cask"). More specifically, the proposed amendments would allow for longer initial and renewal terms for part 72 CoCs and licenses, clarify the general license storage term, clarify the difference between CoC "approval" and "renewal," allow a licensee to apply the changes associated with a CoC amendment to a previously loaded cask without express NRC approval, provided the cask then fully conforms to the terms, conditions, and specifications of the amended CoC, and make certain administrative and clarification changes. The availability of the preliminary draft rule language is intended to inform stakeholders of the current status of the NRC's activities and solicit public comments on the information at this time.

**DATES:** Submit comments by August 31, 2008. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any one of the following methods. Please include the following number, RIN 3150-AI09, in the subject line of your comments. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. The NRC may post updates periodically under Docket ID [NRC-2008-0361] on the Federal eRulemaking Portal at <http://www.regulations.gov> that may be of interest to stakeholders.

*Federal e-Rulemaking Portal:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID [NRC-2008-0361]. Address questions about NRC dockets to Carol Gallagher 301-415-5905; e-mail [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

*Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

*E-mail comments to:* [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at 301-415-1966.

*Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. (Telephone 301-415-1677).

*Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101. You can access publicly available documents related to this document using the following methods:

*NRC's Public Document Room (PDR):* The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Public File Area O1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852-2738.

*NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic

Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-899-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Keith K. McDaniel, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-5252, e-mail, [keith.mcdaniel@nrc.gov](mailto:keith.mcdaniel@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The preliminary draft rule language can be viewed and downloaded electronically via the Federal eRulemaking Portal at <http://www.regulations.gov> by searching for Docket #NRC-2008-0361 as well as in ADAMS (ML081970262).

The goal of this rulemaking is to both clarify the license term limits for part 72 CoCs and licenses and to allow part 72 general licensees to implement changes authorized by an amended CoC to a previously loaded cask. The proposed changes would also provide consistency between the general license requirements and the site-specific ISFSI license requirements within 10 CFR part 72.

The NRC is making a preliminary version of the draft proposed rule language available to inform stakeholders of the current status of this proposed rulemaking. The NRC is inviting stakeholders to comment on the draft proposed rule language. The NRC specifically asks for stakeholder review and comment on the draft provisions in 72.212(b)(3)-(5) with regard to implementation of the requirements to allow a licensee to apply the changes authorized by an amended Certificate of Compliance to a previously loaded cask. This preliminary draft rule language may be subject to significant revisions during the rulemaking process. The NRC will review and consider any comments received for information only; the NRC will not respond to any comments received at this pre-rulemaking stage. As appropriate, the Statements of Consideration for the proposed rule will briefly discuss any substantive changes made to the proposed rule language as a result of

comments received. Once published as a proposed rule in the **Federal Register**, stakeholders will have an opportunity to comment on the proposed rule language and, the NRC will respond to any such comments in the Statements of Consideration for the final rule.

Dated at Rockville, Maryland, this 28th day of July 2008.

For the Nuclear Regulatory Commission.

**Dennis K. Rathbun,**

*Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. E8-17796 Filed 8-1-08; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2008-0832; Directorate Identifier 2008-NM-067-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

In-service experience has shown that a fracture of the gerotor pump of the A320 RAT [ram air turbine] may occur. This may lead to the non-operation of the RAT in case of an in-flight deployment.

The Non-Deployment or Non-Pressurization of the RAT, associated with a double engine failure or a total loss of normal electrical power generation constitutes an unsafe condition.

\* \* \* \* \*

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by September 3, 2008.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* (202) 493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Tim Dulin, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2141; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2008-0832; Directorate Identifier 2008-NM-067-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

##### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2008-0034, dated February 20, 2008 [corrected February 21, 2008] (referred to after this as "the MCAI"), to correct an unsafe

condition for the specified products. The MCAI states:

In-service experience has shown that a fracture of the gerotor pump of the A320 RAT [ram air turbine] may occur. This may lead to the non-operation of the RAT in case of an in-flight deployment.

The Non-Deployment or Non-Pressurization of the RAT, associated with a double engine failure or a total loss of normal electrical power generation constitutes an unsafe condition.

This AD mandates the replacement of the affected gerotor pump assembly, which will provide the required improved reliability of the RAT.

The implementation of this modification was originally managed by an AIRBUS monitoring campaign. However, the rate of installation of the modification by operators has not met the predicted target. As such and to ensure continued compliance with the certification requirements it is considered necessary to require compliance by use of [an] AD.

\* \* \* \* \*

You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

Airbus has issued Service Bulletin A320-29-1122, dated July 27, 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are