

# 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 50

[Docket No. PRM-50-72]

#### Union of Concerned Scientists; Denial of Petition for Rulemaking

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Denial of petition for rulemaking.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking submitted by the Union of Concerned Scientists (PRM-50-72). The petitioner requested that the NRC revise its regulations to require nuclear power plant licensees to submit the performance indicator (PI) information needed for the NRC's Reactor Oversight Process (ROP). Currently, licensees are submitting the PI information needed for the ROP on a voluntary basis. The current voluntary program meets the NRC's regulatory needs. If circumstances change in the future (for example, if licensees decide to stop submitting the information voluntarily) the NRC can reevaluate its position on whether a rulemaking or other regulatory action is necessary at that time. The rulemaking requested by the petition might enhance public confidence to some degree by making the NRC appear more authoritative in the view of some individuals. However, it would consume resources to develop a rulemaking to codify the current practice, even though the current voluntary program meets the NRC's regulatory needs. Furthermore, if the current practice were codified, any future changes in the definitions or guidance for reporting PI information might be more difficult, use greater resources, and consume more time, as compared with changing a voluntary program.

**ADDRESSES:** Copies of the petition for rulemaking, the public comments received, and the NRC's letter of denial

to the petitioner may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. These documents are also available electronically at the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. For further information contact the PDR Reference staff at 1 (800) 397-4209, (301) 415-4737 or by email to [pdr@nrc.gov](mailto:pdr@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Dennis P. Allison, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-1178, e-mail address [dpa@nrc.gov](mailto:dpa@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### The Petition

The NRC published a notice of receipt of a petition for rulemaking and request for public comments in the **Federal Register** on March 5, 2001 (66 FR 13267). The comment period closed on May 21, 2001. The petition requested that the NRC revise its regulations to require that nuclear power plant licensees submit the PI information needed for the ROP. The petition acknowledged that licensees are now submitting this information on a voluntary basis. It also noted that PI information is an important part of the ROP. The petitioner stated that the NRC should require PI information in order to appear more authoritative and enhance public confidence. The petitioner also argued that currently, if one or two plants stop providing PI information, the NRC can compensate by performing more inspection but it is not clear that NRC will have the resources to compensate if many plants stop providing PI information in the future.

##### Public Comments on the Petition

None of the three public comment letters received supported the petition. The Nuclear Energy Institute (NEI) contended there is no indication that a problem exists necessitating the requested rulemaking. Further, NEI indicated that licensees are already

required to report or collect almost all of the information used to develop the PIs. Finally, NEI stated that if PI information were not reported by licensees, no unique and undue burden would be placed on NRC inspection resources. Exelon Corporation submitted a letter that supported NEI's comments. Robert Leyse submitted a letter that did not indicate whether the petition should be granted or denied.

##### NRC Evaluation of the Petition

The NRC has evaluated the advantages and disadvantages of the rulemaking requested by the petition, as follows.

(1) *Maintaining Safety:* The requested rulemaking would not affect safety for the following reasons. Currently, licensees are submitting the PI information needed for the ROP on a voluntary basis. The current voluntary program meets the NRC's regulatory needs. If circumstances change in the future (for example, if licensees decide to stop submitting the information voluntarily) the NRC can reevaluate its position on whether a rulemaking or other regulatory action is necessary at that time. The options available would include: imposition of mandatory reporting requirements by rulemaking or order; request for information under oath or affirmation under 10 CFR 50.54(f); direct gathering of PI information by inspection; and/or additional inspection of basic cornerstone areas. If necessary, during the time it would take to implement one of these options, the NRC could gather sufficient information to continue the ROP using modest inspection resources.

(2) *Enhancing Public Confidence:* The requested rulemaking might enhance public confidence to some degree by making the NRC appear more authoritative in the view of some individuals. There would be no change, however, in the public availability of the PI information because it is already being made publicly available.

(3) *Improving Efficiency and Effectiveness:* The requested rulemaking would result in a decrease in the efficiency and effectiveness of the NRC's use of resources for the following reasons. The requested rulemaking would consume resources to develop a rulemaking to codify the current practice, even though the current voluntary program meets the NRC's regulatory needs. Furthermore, the

guidance and definitions used in reporting PI information are adjusted from time to time based on experience. In the future, changing a rule and/or regulatory guide might be more difficult, use greater resources, and consume more time than changing the voluntary program.

(4) *Reducing Unnecessary Regulatory Burden*: The requested rulemaking would not affect the regulatory burden on licensees because the PI information needed for the ROP is already being provided on a voluntary basis by all licensees.

#### Reasons for Denial

The Commission is denying the petition based on this evaluation. Currently, licensees are submitting the PI information needed for the ROP on a voluntary basis. The current voluntary program meets the NRC's regulatory needs. If circumstances change in the future (for example, if licensees decide to stop submitting the information voluntarily) the NRC can reevaluate its position on whether a rulemaking or other regulatory action is necessary at that time. The requested rulemaking might enhance public confidence to some degree by making the NRC appear more authoritative in the view of some individuals. However, it would consume resources to develop a rulemaking to codify the current practice, even though the current voluntary program meets the NRC's regulatory needs. Furthermore, if the current practice were codified, any future changes in the definitions or guidance for reporting PI information might be more difficult, use greater resources, and consume more time, as compared with changing a voluntary program.

For these reasons, the Commission denies the petition.

Dated at Rockville, Maryland, this 13th day of September, 2002.

For the Nuclear Regulatory Commission.

**Annette Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 02-23812 Filed 9-18-02; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NE-48-AD]

RIN 2120-AA64

#### Airworthiness Directives; Hartzell Propeller Inc., Model HC-C2YR-4CF Propellers

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

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

**SUMMARY:** The Federal Aviation Administration (FAA) proposes to adopt a new airworthiness directive (AD) that is applicable to Hartzell Propeller Inc. model HC-C2YR-4CF propellers. This proposal would require the reduction of the original hub and blades certified service (fatigue) life from unlimited hours to 2,000 hours. This proposal is prompted by a reevaluation by Hartzell Propeller Inc. of the original hub and blades service life certification calculations. The actions specified by the proposed AD are intended to prevent fatigue failure of the original propeller hub and blades which may result in loss of airplane control.

**DATES:** Comments must be received by October 21, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001-NE-48-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may be inspected at this location, by appointment, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov". Comments sent via the Internet must contain the docket number in the subject line. The service information referenced in the proposed rule may be obtained from Hartzell Propeller Inc., Technical Publications Department, One Propeller Place, Piqua, OH 45356; telephone (937) 778-4200; fax (937) 778-4391. This information may be examined, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

**FOR FURTHER INFORMATION CONTACT:** Tomaso DiPaolo, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Des Plaines, IL

60018, telephone (847) 294-7031; fax (847) 294-7834.

#### 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 action 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 action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NE-48-AD." The postcard will be date stamped and returned to the commenter.

##### Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention:

Rules Docket No. 2001-NE-48-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

##### Discussion

The FAA and Hartzell Propeller Inc. have received reports of several engine crankshaft failures on Sky International Inc. (Pitts) S-2S and S-2B airplanes, which are manufactured by Aviat Aircraft Inc. of Afton, WY. Hartzell Propeller Inc. reevaluated the service (fatigue) life of the original propeller hubs part number (P/N) D-6522-1 or D-2201-16 and blades P/N FC8477A-4 installed in the model HC-C2YR-4CF propellers. Hartzell has reduced the certified service (fatigue) life of these original propeller hubs and blades from unlimited hours to 2,000 hours. Exceeding these life limits could result in fatigue failure of the hubs or blades