

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 71

[Docket No. PRM-71-13]

Christine O. Gregoire, Governor of the State of Washington; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing for public comment a notice of receipt of a petition for rulemaking, dated January 25, 2007, which was filed with the Commission by Christine O. Gregoire, Governor of the State of Washington. The petition was docketed by the NRC on March 15, 2007, and has been assigned Docket No. PRM-71-13. The petitioner requests that the NRC adopt the use of global positioning satellite (GPS) tracking as a national requirement for mobile or portable uses of highly radioactive sources. The petitioner states that another alternative is for the Commission to grant states the flexibility to impose more stringent requirements than those required under current NRC regulations.

DATES: Submit comments by July 11, 2007. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments on this petition by any one of the following methods. Please include PRM-71-13 in the subject line of your comments. Comments on petitions 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.

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

E-mail comments to: SECY@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. You may also submit comments via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking Web site to Carol Gallagher (301) 415-5905; e-mail cag@nrc.gov. Comments can also be submitted via the Federal eRulemaking Portal <http://www.regulations.gov>.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. (Telephone (301) 415-1966).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101.

Publicly available documents related to this petition may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), Room O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking Web site at <http://ruleforum.llnl.gov>.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room 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. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

A copy of the petition can be found in ADAMS under accession number ML070810940. A paper copy of the petition may be obtained by contacting Betty Golden, Office of Administration, Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-6863, toll-free 1-800-368-5642, or by e-mail bkg2@nrc.gov.

FOR FURTHER INFORMATION CONTACT:

Michael T. Lesar, Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone: 301-415-7163 or toll-free: 1-800-368-5642.

SUPPLEMENTARY INFORMATION:

Petitioner's Request

The petitioner requests that the NRC adopt the use of global positioning satellite (GPS) tracking as a national requirement for mobile or portable uses of highly radioactive sources. The petitioner also states that an alternative is for the Commission to grant states the flexibility to impose more stringent requirements than those required under current NRC regulations. The petitioner believes that allowing states to do so would clear the way for individual states to set GPS requirements as needed.

Background

The petitioner believes that GPS technology is an effective and relatively inexpensive tool that will help when a vehicle with radioactive material is missing. The petitioner stated that a source in a portable gauge was quickly recovered because the licensee had provided a cellular phone with a GPS tracking feature to its operator. When the operator did not return with the portable gauge, the licensee was able to locate the cell phone, the operator, the truck, and the portable gauge. The petitioner further states that if a device as small as a cell phone can be GPS-enabled, certainly a truck or even a radiography device can be similarly equipped.

The petitioner states that in August 2006, a truck containing an industrial radiography source was stolen in Everett, Washington. The truck and its highly radioactive contents were recovered quickly, but it took significant efforts by Federal, state and local law enforcement agencies. The petitioner further states that this event and a similar occurrence in Garland, Texas, illustrate that better systems are needed to recover stolen vehicles that transport highly radioactive materials. The petitioner notes that the State of Washington cannot require licensees or any other out-of-state licensee to install GPS devices in its vehicles because of

the NRC rules on compatibility and the potential effect on interstate commerce. Therefore, the petitioner requests that NRC consider adopting the use of GPS tracking as a national requirement for mobile or portable uses of highly radioactive sources. The petitioner further notes that a possible alternative would be to grant states the flexibility to impose more stringent requirements than those required under current NRC regulations.

The petitioner acknowledges that requiring a GPS on these vehicles does not ensure that the radiological source will be found. However, the petitioner believes that these suggestions would give law enforcement a significant advantage.

Dated at Rockville, Maryland, this 20th day of April 2007.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Acting Secretary of the Commission.

[FR Doc. E7-8094 Filed 4-26-07; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-27519; Directorate Identifier 2007-NE-09-AD]

RIN 2120-AA64

Airworthiness Directives; SICMA Aero Seat 50XXX Passenger Seats

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) issued 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:

A release of smoke was experienced in the passenger compartment during flight after an overheating of a reading lights power box of a PN 5039201-4T SICMA seat. An analysis put into evidence that this overheating was caused by a short-circuit produced by the rupture of an electrical power supply component (PN 78147-B). It has been noticed that this power supply is not in compliance with DO 160 environmental standard.

The short circuiting could result in arcing and consequent smoke or fire.

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 May 29, 2007.

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

- *DOT Docket Web Site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- *Fax:* (202) 493-2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://dms.dot.gov>; or in person at the Docket Management Facility 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 Office (telephone (800) 647-5227) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Lee, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: Jeffrey.lee@faa.gov; telephone (781) 238-7161; fax (781) 238-7170.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. This streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public. This process continues to follow all FAA AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to meet our technical decision-making responsibilities to identify and correct unsafe conditions on U.S.-certificated products.

This proposed AD references the MCAI and related service information

that we considered in forming the engineering basis to correct the unsafe condition. The proposed AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

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-2007-27519; Directorate Identifier 2007-NE-09-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://dms.dot.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 Direction Generale De L'Aviation Civile (DGAC), which is the aviation authority for France, has issued French Airworthiness Directive F-2005-135, dated August 3, 2005, (EASA reference number 2005-6123) (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

A release of smoke was experienced in the passenger compartment during flight after an overheating of a reading lights power box of a PN 5039201-4T SICMA seat. An analysis put into evidence that this overheating was caused by a short-circuit produced by the rupture of an electrical power supply component (PN 78147-B). It has been noticed that this power supply is not in compliance with DO 160 environmental standard.

The short circuiting could result in arcing and consequent smoke or fire.

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

Relevant Service Information

SICMA Aero Seat has issued Service Bulletin No. 50-25-210, dated June 27, 2005. 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