

*At-reactor independent spent fuel storage installation* or *at-reactor ISFSI* means an ISFSI whose physical security program is conducted as a support activity of the co-located power reactor facility licensed under parts 50 or 52 of this chapter.

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■ 3. In § 73.18, paragraph (c), as proposed to be added at 76 FR 6233, February 3, 2011, is revised to read as follows:

**§ 73.18 Authorization for use of enhanced weapons and preemption of firearms laws.**

\* \* \* \* \*

(c) *Applicability.* (1) Stand-alone preemption authority. The following classes of facilities, radioactive material, or other property are designated by the Commission pursuant to 42 U.S.C. 2201a—

(i) Power reactor facilities;  
(ii) Facilities authorized to possess or use a formula quantity or greater of strategic special nuclear material, where the material has a radiation level less than or equal to 1 Gray (Gy) (100 Rad) per hour at a distance of 1 meter (m) (3.3 feet [ft]), without regard to any intervening shielding; and

(iii) At-reactor independent spent fuel storage installations.

(2) Combined enhanced-weapons authority and preemption authority. The following classes of facilities, radioactive material, or other property are designated by the Commission under 42 U.S.C. 2201a—

(i) Power reactor facilities;  
(ii) Facilities authorized to possess or use a formula quantity or greater of strategic special nuclear material, where the material has a radiation level less than or equal to 1 Gy (100 Rad) per hour at a distance of 1 m (3.3 ft), without regard to any intervening shielding; and

(iii) At-reactor independent spent fuel storage installations.

\* \* \* \* \*

■ 4. In § 73.19, paragraph (c), as proposed to be added at 76 FR 6237, February 3, 2011, is revised to read as follows:

**§ 73.19 Firearms background checks for armed security personnel.**

\* \* \* \* \*

(c) *Applicability.* For the purposes of firearms background checks, the following classes of facilities, radioactive material, or other property are designated by the Commission at 42 U.S.C. 2201a—

(1) Power reactor facilities;  
(2) Facilities authorized to possess or use a formula quantity or greater of strategic special nuclear material, where the material has a radiation level less

than or equal to 1 Gray (100 Rad) per hour at a distance of 1 meter (3.3 feet), without regard to any intervening shielding; and

(3) At-reactor independent spent fuel storage installations.

\* \* \* \* \*

■ 5. In § 73.51, paragraph (b)(4) is added to read as follows:

**§ 73.51 Requirements for the physical protection of stored spent nuclear fuel and high-level radioactive waste.**

\* \* \* \* \*

(b) \* \* \*

(4)(i) The licensee shall ensure that the firearms background check requirements of § 73.19 of this part are met for all members of the security organization whose official duties require access to covered weapons or who inventory enhanced weapons.

(ii) For licensees who are issued a license after [effective date of final rule], the licensee shall ensure that the firearms background check requirements of § 73.19 of this part are met for all members of the security organization whose official duties require access to covered weapons or who inventory enhanced weapons. Additionally and notwithstanding the implementation schedule provisions of § 73.19(b), such licensees shall ensure that the firearms background check requirements of § 73.19 are satisfactorily completed within 180 days of the issuance of the license, or within 180 days of the implementation of a protective strategy that uses covered weapons, whichever is later.

(iii) The provisions of this paragraph are only applicable to licensees subject to this section who store spent nuclear fuel in an at-reactor ISFSI.

\* \* \* \* \*

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 7th day of December, 2012.

**R.W. Borchardt,**

*Executive Director for Operations.*

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**BILLING CODE 7590-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2012-1305; Directorate Identifier 2010-SW-041-AD]

**RIN 2120-AA64**

**Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters**

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for Eurocopter Deutschland GmbH (Eurocopter) Model BO-105A, BO-105C, BO-105S, BO-105LS A-1, BO-105LS A-3, EC135 P1, EC135 P2, EC135 P2+, EC135 T1, EC135 T2, EC135 T2+, MBB-BK 117 A-1, MBB-BK 117 A-3, MBB-BK 117 A-4, MBB-BK 117 B-1, MBB-BK 117 B-2, MBB-BK 117 C-1, and MBB-BK 117 C-2 helicopters with certain part-numbered cantilever assemblies, cyclic stick locking devices, or cyclic stick holder assemblies installed. This proposed AD would require modifying and identifying the cyclic stick cantilever or lock. This proposed AD is prompted by pilots inadvertently taking off with the cyclic locked. The proposed actions are intended to prevent a pilot taking off with the cyclic in the locked position, which could result in loss of control of the helicopter.

**DATES:** We must receive comments on this proposed AD by March 11, 2013.

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

- *Federal eRulemaking Docket:* Go to <http://www.regulations.gov>. Follow the online instructions for sending your comments electronically.

- *Fax:* 202-493-2251.

- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

- *Hand Delivery:* Deliver to the "Mail" address 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 economic 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 service information identified in this proposed AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at <http://www.eurocopter.com/techpub>. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

**FOR FURTHER INFORMATION CONTACT:** Jim Grigg, Manager, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222-5110; email [jim.grigg@faa.gov](mailto:jim.grigg@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **Comments Invited**

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

#### **Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued AD No. 2008-0113, dated June 10, 2008, for the Model EC135, EC635 and MBB-BK 117 C-2

helicopters. EASA advises of several cases where takeoff was executed with a locked cyclic stick on EC135 series helicopters, which may lead to loss of control of the helicopter. EASA also advises that the stick-locking device installed on Model BO 105 and MBB-BK 117C-2 helicopters has a similar function as the device installed on the EC135 series helicopters. Therefore, EASA issued AD No. 2009-0079, dated April 1, 2009, to require modification of the cyclic-stick locking/centering device for the Model BO 105 and MBB-BK 117 helicopters.

After EASA AD No. 2009-0079 was issued, type design ownership for the Model BO-105 LS A3 was transferred from Canada to Germany. Because Transport Canada had not issued an AD prior to the transfer, EASA superseded AD No. 2009-0079 with AD No. 2010-0049, dated March 19, 2010, to include Model BO-105 LS A3 in its applicability. The EASA ADs also require amending the applicable Rotorcraft Flight Manual (RFM).

#### **FAA's Determination**

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

#### **Related Service Information**

Eurocopter has issued the following alert service bulletins (ASB) for each of its model helicopters:

- ASB BO105-40-106, dated December 19, 2008, for all Model BO105 helicopters, except Model BO105 CB-3.
- ASB-BO 105 LS 40-10, dated May 8, 2009, for all Model BO 105 LS A-3 helicopters.
- ASB EC135-67A-015, dated April 14, 2008, for certain serial-numbered Model EC135 and EC635 helicopters.
- ASB-MBB-BK117-40-113, dated December 22, 2008, for all Model MBB-BK117 Models A-1, A-3, A-4, B-1, B-2, C-1.
- ASB MBB BK117 C-2-67A-008, dated April 14, 2008, for certain serial-numbered Model MBB BK117 C-2 helicopters.

These ASBs specify procedures to modify the cantilever assembly or the cyclic stick locking device, which allows neutral positioning and centering

of the cyclic stick without the locking feature.

#### **Proposed AD Requirements**

This proposed AD would require compliance with the manufacturer's service bulletins for each applicable helicopter with a certain part-numbered cantilever assembly or a cyclic stick locking device installed as follows:

- ASB BO105-40-106, dated December 19, 2008, for Model BO-105A, BO-10C, BO-105S, and BO-105LS A-1 helicopters.
- ASB-BO 105 LS 40-10, dated May 8, 2009, for Model BO 105 LS A-3 ASB EC135-67A-015, dated April 14, 2008, for Model EC135 P1, P2, P2+, T2, and T2+, serial number (S/N) 0005 up to and including S/N 0699, excluding S/Ns 0076, 0093, 0098, 0099, 0102, 0104, 0106, 0108, 0110, 0111, 0113, 0114, 0116, 0117, and 0119.
- ASB-MBB-BK117-40-113, dated December 22, 2008, for Model MBB-BK117 A-1, A-3, A-4, B-1, B-2, and C-1 helicopters.
- ASB MBB BK117 C-2-67A-008, dated April 14, 2008, for all Model MBB BK117 C-2, S/N 9004 through S/N 9230 helicopters.

#### **Differences Between This Proposed AD and the EASA AD**

This proposed AD does not apply to Model BO-105D, BO-105DB, BO-105DB-4, BO-105DBS-4, BO-105DBS-5, BO-105DS, or the military Model EC635 helicopters because these models are not type certificated in the United States. The EASA AD requires amending the RFM, and the proposed AD does not because the RFM revisions have been incorporated by the type certificate holder.

#### **Costs of Compliance**

We estimate that this proposed AD would affect 416 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this proposed AD. It would take about .5 work hour to modify the cyclic stick lock at \$85 per work hour with no cost for parts. This results in a total estimated cost of \$43 per helicopter and \$17,680 for the fleet.

#### **Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701: General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect 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.

For the reasons discussed, I certify 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);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
4. 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.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**Eurocopter Deutschland GmbH:** Docket No. FAA–2012–1305; Directorate Identifier 2010–SW–041–AD.

#### (a) Applicability

This AD applies to the following Eurocopter Deutschland GmbH (Eurocopter) model helicopters, with a listed cantilever assembly, cyclic stick locking device, or cyclic stick holder assembly part number (P/N) installed, certificated in any category:

- (1) Model BO–105A, BO–105C, BO–105S, and BO–105LS A–1 helicopters with a cantilever assembly, P/N 105–40132 or 105–40139, installed.
- (2) Model BO 105 LS A–3 helicopters with a cantilever assembly, P/N 105–40139, installed.
- (3) Model EC135 P1, EC135 P2, EC135 P2+, EC135 T1, EC135 T2, and EC135 T2+ helicopters, serial number (S/N) 0005 up to and including S/N 0699 except S/Ns 0076, 0093, 0098, 0099, 0102, 0104, 0106, 0108, 0110, 0111, 0113, 0114, 0116, 0117, and 0119, with a cyclic stick locking device, P/N L670M1045101, L670M1045102, L670M1045104, L670M1045105, L670M1045106, or L670M1045107, and Pin, P/N L311M1038205 or L311M1099205, installed.
- (4) Model MBB–BK117 A–1, MBB–BK117 A–3, MBB–BK117 A–4, MBB–BK117 B–1, MBB–BK117 B–2, and MBB–BK117 C–1 helicopters, with a cyclic stick holder assembly, P/N 117–41140–01, 117–41230–01, or 117–41230–03, installed.
- (5) Model MBB–BK117 C–2 helicopters, S/N 9004 up to and including S/N 9230, with a cyclic stick locking device, P/N B856M1011101, and Pin, P/N L311M1038205 or L311M1099205, installed.

(b) **Unsafe Condition**  
This AD defines the unsafe condition as inadvertent locking of the cyclic prior to take off, which could result in loss of control of the helicopter.

#### (c) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

#### (d) Required Actions

Within 100 hours time-in-service:

- (1) For Model BO–105A, BO–105C, BO–105S, and BO–105LS A–1 helicopters, modify and identify the cyclic stick locking device by following the Accomplishment Instructions, paragraphs 2.B.1. through 2.B.2.4 and 2.B.3. through 2.B.3.3., of Eurocopter Alert Service Bulletin (ASB) No. BO105–40–106, dated December 19, 2008.
- (2) For Model BO–105 LS A–3 helicopters, modify and identify the cyclic stick locking device by following the Accomplishment Instructions, paragraphs 2.B.1. through 2.B.1.3, of Eurocopter ASB No. ASB–BO 105 LS 40–10, dated May 8, 2009.
- (3) For Model EC135 P1, EC135 P2, EC135 P2+, EC135 T1, EC135 T2, and EC135 T2+, helicopters, modify and identify the cyclic stick cantilever by following the Accomplishment Instructions, paragraphs 3.B. through 3.C., of Eurocopter ASB EC135–67A–015, dated April 14, 2008.

(4) For Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters, modify and identify the cyclic stick locking device by following the Accomplishment Instructions, paragraphs 2.B.1. through 2.B.2.2., of Eurocopter ASB No. ASB–MBB–BK117–40–113, dated December 22, 2008.

(5) For Model MBB–BK117 C–2 helicopters, modify and identify the cyclic stick cantilever by following the Accomplishment Instructions, paragraphs 3.B. through 3.C., of Eurocopter ASB MBB BK117 C–2–67A–008, dated April 14, 2008.

#### (e) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Jim Grigg, Manager, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email [jim.grigg@faa.gov](mailto:jim.grigg@faa.gov).

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

#### (f) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2010–0049, dated March 19, 2010, which superseded EASA AD No. 2009–0079, dated April 1, 2009; and EASA AD No. 2008–0113, dated June 10, 2008.

#### (g) Subject

Joint Aircraft Service Component (JASC)  
Code: 6710 Main Rotor Control.

Issued in Fort Worth, Texas, on January 2, 2013.

#### Lance T. Gant,

*Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2013–00311 Filed 1–9–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket Number USCG–2012–1073]

RIN 1625–AA08

### Special Local Regulation; 2013 Lauderdale Air Show, Atlantic Ocean; Fort Lauderdale, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish special local regulations on