

and licensees, and applicants for standard design certifications, and standard design approvals to use the Code Cases listed in these three DGs as alternatives to requirements in those Editions and Addenda of the ASME BPV and OM Codes which the NRC has incorporated by reference into 10 CFR 50.55a.

### III. Description of Draft Regulatory Guides

Code Cases provide ASME approved voluntary alternatives to the BPV and OM Codes. The DGs are incorporated by reference in 10 CFR 50.55a. The NRC-approved Code Cases provide an acceptable voluntary alternative to the mandatory ASME Code provisions, but all of the provisions of a Code Case must be used, with any identified limitations or modifications, if implemented by an applicant or licensee. The NRC approves Code Cases in the three DGs described below regarding the construction, in-service inspection, and in-service testing of nuclear power plant components.

The DG entitled, “Design, Fabrication and Materials Code Case Acceptability, ASME Section III,” is temporarily identified by its task number, DG–1230 (ADAMS Accession No. ML102590003). The DG–1230 is proposed Revision 36 of Regulatory Guide 1.84. Revision 35 of Regulatory Guide 1.84 was published in October 2010 (ADAMS Accession No. ML101800532).

The DG entitled, “Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1,” is temporarily identified by its task number, DG–1231 (ADAMS Accession No. ML102590004). The DG–1231 is proposed Revision 17 of Regulatory Guide 1.147. Revision 16 of Regulatory Guide 1.147 was published in October 2010 (ADAMS Accession No. ML101800536).

The DG entitled, “Operation and Maintenance code Case, Acceptability, ASME OM Code,” is temporarily identified by its task number, DG–1232 (ADAMS Accession No. ML102600001). The DG–1232 is proposed Revision 1 of Regulatory Guide 1.192. Revision 0 of Regulatory Guide 1.192 was published in June 2003 (ADAMS Accession No. ML030730430).

The DG–1230 lists the new and revised ASME BPV Section III, “Rules for Construction of Nuclear Power Plant Components,” Code Cases that the NRC has approved for use. The DG–1231 lists the new and revised ASME BPV Section XI, “Rules for Inservice Inspection of Nuclear Power Plant Components,”

Code Cases that the NRC has approved for use. The new and revised OM Code Cases that the NRC has approved for use are listed in DG–1232, “Operation and Maintenance Code Case Acceptability, ASME OM Code.” For these regulatory guide revisions, the NRC reviewed the Code Cases listed in Supplements 1 through 10 to the 2007 Edition of the ASME BPV Code and the 2002 through 2006 Addenda of OM Code.

### IV. Regulatory Analysis

The regulatory analysis for the underlying proposed rule also addresses these three DGs. Therefore, the NRC did not prepare a separate regulatory analysis for these DGs. The NRC is proposing to incorporate by reference these DGs into 10 CFR 50.55a, “Codes and standards” in of the aforementioned proposed rulemaking published elsewhere in the Proposed Rules section of today’s **Federal Register**.

### V. Backfitting and Issue Finality

These regulatory guides would approve for use (at the option of nuclear power plant applicants and licensees) the ASME Code Cases listed in the applicable regulatory guide. In some cases, the NRC’s approval is conditioned on meeting certain requirements or prerequisites (“conditions”). The NRC is proposing to incorporate by reference these DGs, with conditions, into 10 CFR 50.55a, Codes and standards, in the aforementioned proposed rulemaking published elsewhere in the Proposed Rules section of today’s **Federal Register**.

These DGs, if finalized, do not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and are not otherwise inconsistent with the issue finality provisions in 10 CFR Part 52, “Licenses, Certifications and Approvals for Nuclear Power Plants.” The backfitting and issue finality considerations for these regulatory guides are addressed in the **Federal Register** notice for the underlying proposed rule, and introduces no new backfitting or issue finality matters not already addressed in that **Federal Register** notice. Therefore, the NRC’s consideration of backfitting and issue finality matters for the underlying proposed rule also serves as the NRC’s consideration of the same backfitting and issue finality matters for the issuance of these DGs.

In addition, these DGs identify NRC-approved ASME Code Cases which applicants and licensees may voluntarily utilize as way of meeting the NRC requirements in 10 CFR 50.55a. An

applicant’s and/or licensees’ voluntary application of an approved Code Case does not constitute backfitting, inasmuch as there is no imposition of a new requirement or new position. Similarly, voluntary application of an approved Code Case by a 10 CFR Part 52 applicant or licensee does not represent NRC imposition of a requirement or action which is inconsistent with any issue finality provision in 10 CFR Part 52. Therefore, the NRC concludes that these DGs, if finalized, do not constitute backfitting as defined in 10 CFR 50.109 and are not otherwise inconsistent with the issue finality provisions in 10 CFR Part 52.

Dated at Rockville, Maryland, this 29th day of May, 2013.

For the Nuclear Regulatory Commission.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No.: FAA–2013–0142; Notice No. 25–139]

RIN 2120–AK12

#### Harmonization of Airworthiness Standards—Gust and Maneuver Load Requirements

##### Correction

In proposed rule document 2013–12445 appearing on pages 31851–31860 in the issue of Tuesday, May 28, 2013, make the following corrections:

#### § 25.341 [Corrected]

1. On page 31858, in § 25.341, in the second column, in the twelfth line from the bottom, “ $U_{\sigma_{pe\phi}}$ ” should read “ $U_{\sigma_{pe\phi}}$ ”.

2. On the same page, in the same section, in the same column, in the same line, “ $U_{\sigma}$ ” should read “ $U_{\sigma}$ ”.

3. On the same page, in the same section, in the same column, in the tenth and third lines from the bottom, “ $U_{\sigma}$ ” should read “ $U_{\sigma}$ ”.

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