

# 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 Parts 26, 50, 52, 73, and 140

[NRC-2015-0070]

RIN 3150-AJ59

#### Regulatory Improvements for Power Reactors Transitioning to Decommissioning

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory basis.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is publishing a regulatory basis to support a rulemaking that would amend the NRC's regulations for the decommissioning of nuclear power reactors. The NRC's goals in amending these regulations would be to provide for an efficient decommissioning process; reduce the need for exemptions from existing regulations; address other decommissioning issues deemed relevant by the NRC staff; and support the principles of good regulation, including openness, clarity, and reliability.

**DATES:** The regulatory basis is available on November 27, 2017.

**ADDRESSES:** Please refer to Docket ID NRC-2015-0070 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2015-0070. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-

available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section. The regulatory basis can be accessed in ADAMS at accession number ML17215A010.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:**

Alysia G. Bone, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-1034, email: [Alysia.Bone@nrc.gov](mailto:Alysia.Bone@nrc.gov); U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**SUPPLEMENTARY INFORMATION:** On December 30, 2014, the Commission directed the NRC staff to proceed with a rulemaking on power reactor decommissioning in the staff requirements memorandum (SRM) for SECY-14-0118, "Request by Duke Energy Florida, Inc., for Exemptions from Certain Emergency Planning Requirements" (ADAMS Accession No. ML14364A111). The Commission also stated that the rulemaking should address: Issues discussed in SECY-00-0145, "Integrated Rulemaking Plan for Nuclear Power Plant Decommissioning" (ADAMS Accession No. ML003721626), such as the graded approach to emergency preparedness (EP); lessons learned from the plants that have already gone or are currently going through the decommissioning process; the advisability of requiring a licensee's post-shutdown decommissioning activities report (PSDAR) to be approved by the NRC; the appropriateness of maintaining the three existing options for decommissioning and the timeframes associated with those options; the appropriate role of state and local governments and non-governmental stakeholders in the decommissioning process; and any

other issues deemed relevant by the NRC staff.

The NRC issued an advance notice of proposed rulemaking (ANPR) in the **Federal Register** (80 FR 72358; November 19, 2015) to obtain stakeholder feedback on the regulatory issues included in the SRM for SECY-14-0118. The NRC received public comments related to each of the regulatory issues outlined in the ANPR. Most public feedback pertained to the level of public involvement in the decommissioning process, the 60-year limit for power reactor decommissioning, the NRC's approval of the PSDAR, the use of decommissioning trust funds (DTFs), and EP considerations. The NRC reviewed the comments and used input received from the comments to develop the options presented in the draft regulatory basis, which was issued for a 90-day public comment period on March 15, 2017 (82 FR 13778). The NRC received input from stakeholders in every area addressed in the draft regulatory basis. The NRC also received the most stakeholder input on the current regulatory approach to decommissioning, EP, and DTFs. The comments received on the draft regulatory basis were considered in the development of the regulatory basis.

In the regulatory basis, the NRC staff concludes that it has sufficient justification to proceed with rulemaking in the areas of EP, physical security, cyber security, drug and alcohol testing, training requirements for certified fuel handlers (CFHs), DTFs, offsite and onsite financial protection requirements and indemnity agreements, and application of the backfit rule. Further, the NRC staff is recommending rulemaking: (1) to require that decommissioning documents in § 50.54(bb) of title 10 of the *Code of Federal Regulations* (10 CFR); § 50.82, "Termination of license"; and § 52.110, "Termination of license," or a combination thereof, contain information on spent fuel management planning, in accordance with the regulatory requirements in § 72.218, "Termination of Licenses"; (2) to amend § 51.53, "Postconstruction environmental reports," and § 51.95, "Postconstruction environmental impact statements," to clarify the environmental reporting requirements and add a reference to § 52.110; (3) to

amend §§ 50.82(a) and 52.110 to clarify that licensees must evaluate the environmental impacts of decommissioning, and whether they are bounded, in the PSDAR; (4) to amend § 50.59(d)(3); § 50.71(c); 10 CFR part 50, appendix A, Criterion 1, “Quality standards and records”; 10 CFR part 50, appendix B, Criterion XVII, “Quality Assurance Records”; and § 72.72(d) to remove certain record-retention requirements for structures, systems, and components (SSCs) that no longer remain in service during decommissioning, as well as duplication requirements for spent fuel storage records; and (5) to amend 10 CFR part 20, appendix G, Section III.E, for investigating shipments of low-level radioactive waste (LLW) if the shipper has not received notification of receipt within 20 days after transfer, to allow a 45-day notification window based on operating experience that shows this is a reasonable delay for LLW shipments.

Additionally in this regulatory basis, the NRC staff recommends guidance development and inspection procedure updates for minimum staffing of non-licensed operators and aging management of certain SSCs. The NRC staff also determined that fatigue management would not be addressed in this decommissioning rule.

In the regulatory basis, the NRC staff reiterated conclusions from the draft regulatory basis that regulatory activities other than rulemaking—such as guidance development—can be pursued to address the appropriate role of State and local governments in the decommissioning process, the level of NRC review of the PSDAR, and the 60-year limit for power reactor decommissioning.

In addition to the regulatory basis, staff plans to publish a revised preliminary draft of the regulatory analysis, which will update and refine the analysis of costs and benefits.

The NRC staff plans to publish a proposed rule for public comment in 2018.

Dated at Rockville, Maryland, this 21st day of November 2017.

For the Nuclear Regulatory Commission.

**Patricia K. Holahan,**

*Director, Division of Rulemaking, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2017–25552 Filed 11–24–17; 8:45 am]

**BILLING CODE 7590–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2017–1093; Product Identifier 2017–NM–018–AD]

RIN 2120–AA64

#### Airworthiness Directives; Airbus Airplanes

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A318 series airplanes; Model A319 series airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. This proposed AD was prompted by reports of early cracking on certain holes of the crossbeam splicing at certain fuselage frames. This proposed AD would require repetitive inspections for cracking of the fastener holes in certain fuselage frames, and depending on airplane configuration, would provide an optional terminating action to the repetitive inspections. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by January 11, 2018.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus, Airworthiness Office–EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); Internet: <http://www.airbus.com>. You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on

the availability of this material at the FAA, call 425–227–1221.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2017–1093; 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 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:** Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2017–1093; Product Identifier 2017–NM–018–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 Union, has issued EASA AD 2016–0139, dated July 14, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Model A318 series airplanes; A319 series airplanes; A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

Following addition of a new airworthiness limitation item (ALI) task 531110 in the