

and Agriculture (CDFA), unless the Board is administering the foreign marketing program, such activities shall not be eligible for credit-back unless the handler certifies that he or she was not and will not be reimbursed by either FAS or CDFA for the amount claimed for credit-back, and has on record with the Board all claims for reimbursement made to FAS and/or the CDFA. Foreign market expenses paid by third parties as part of a handler's contract with FAS or CDFA shall not be eligible for credit-back.

(6) A handler must file claims with the Board to obtain credit-back for creditable expenditures, as follows:

(i) All claims submitted to the Board for any qualified activity must include:

(A) A description of the activity and when and where it was conducted;

(B) Copies of all invoices from suppliers or agencies;

(C) Copies of all canceled checks or other proof of payment issued by the handler in payment of these invoices; and

(D) An actual sample, picture or other physical evidence of the qualified activity.

(ii) Handlers may receive reimbursement of their paid assessments up to their pro-rata share of available dollars to be based on their percentage of the prior marketing year crop total. In all instances, handlers must remit the assessment to the Board when billed, and reimbursement will be issued to the extent of proven, qualified activities.

(iii) Checks from the Board in payment of approved credit-back claims will be mailed to handlers within 30 days of receipt of eligible claims.

(iv) Final claims for the marketing year pertaining to such qualified activities must be submitted with all required elements within 15 days after the close of the Board's marketing year.

(f) *Appeals.* If a determination is made by the Board staff that a particular marketing promotional activity is not eligible for credit-back because it does not meet the criteria specified in this section, the affected handler may request the Executive Committee review the Board staff's decision. If the affected handler disagrees with the decision of the Executive Committee, the handler may request that the Board review the Executive Committee's decision. If the handler disagrees with the decision of the Board, the handler, through the Board, may request that the Secretary review the Board's decision. Handlers have the right to request anonymity in the review of their appeal. The Secretary maintains the right to review any

decisions made by the aforementioned bodies at his or her discretion.

#### **§ 984.547 [Reserved]**

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2020-22334 Filed 10-19-20; 8:45 am]

**BILLING CODE P**

## **NUCLEAR REGULATORY COMMISSION**

### **10 CFR Part 50**

**[Docket No. PRM-50-110; NRC-2015-0028; NRC-2009-0196]**

#### **Risk-Informed Categorization and Treatment of Structures, Systems, and Components for Nuclear Power Reactors**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; consideration in the rulemaking process.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) will consider, within the scope of a Commission-directed rulemaking (Incorporation of Lessons Learned from New Reactor Licensing Process (Parts 50 and 52 Licensing Process Alignment)), the issue raised in a petition for rulemaking (PRM) submitted by Michael D. Tschiltz, on behalf of the Nuclear Energy Institute (NEI), dated January 15, 2015. The petitioner requested that the NRC amend its regulations to clarify and extend the applicability of its regulations related to risk-informed categorization and treatment of structures, systems, and components (SSCs) for nuclear power reactors. The petition was docketed by the NRC on February 6, 2015, and was assigned Docket No. PRM-50-110. The NRC has determined that the PRM has merit and is appropriate for consideration in the rulemaking process.

**DATES:** The docket for the petition for rulemaking, PRM-50-110, is closed on October 20, 2020.

**ADDRESSES:** Please refer to Docket IDs NRC-2015-0028 and NRC-2009-0196 when contacting the NRC about the availability of information for this petition. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket IDs NRC-2015-0028 and NRC-2009-0196. Address questions about NRC dockets to Dawn Forder;

telephone: 301-415-3407; email: [Dawn.Forder@nrc.gov](mailto:Dawn.Forder@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- The NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Document collection at <https://www.nrc.gov/reading-rm/adams.html>. 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). For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- Attention: The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** James O'Driscoll, Office of Nuclear Material Safety and Safeguards; U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1325; email: [James.O'Driscoll@nrc.gov](mailto:James.O'Driscoll@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. The Petition**

The NRC received and docketed a PRM<sup>1</sup> dated January 15, 2015, submitted by Michael D. Tschiltz, on behalf of NEI. On March 27, 2015, the NRC published a notice of docketing in the **Federal Register** (80 FR 16308). The NRC held a public meeting on September 16, 2015, to gain further

<sup>1</sup> On February 25, 2014, Anthony Pietrangolo, on behalf of NEI (petitioner), submitted a letter (ADAMS Accession No. ML14056A278) requesting that the NRC issue a direct final rulemaking to amend § 50.69, "Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors," making it applicable to holders of combined licenses (COLs). The NRC staff reviewed the petitioner's request and concluded that it did not meet the NRC's acceptance criteria in § 2.802(c) for a PRM because the request did not include a description of the petitioner's grounds for and interest in the requested action. On April 11, 2014, under § 2.802(c), the NRC offered the petitioner an opportunity to meet the NRC's petition acceptance criteria within 90 days. On January 15, 2015, Michael D. Tschiltz, on behalf of NEI, filed a PRM on the same topic, and included a description of the petitioner's grounds for and interest in the requested action. The NRC determined that the petition met the threshold sufficiency requirements for a petition for rulemaking under § 2.802, "Petition for rulemaking," and the petition was docketed as PRM-50-110.

understanding of the scope and bases for the PRM. The meeting summary<sup>2</sup> is publicly available.

The petitioner asked the NRC to amend its regulations to clarify and extend the applicability of section 50.69 of title 10 of the *Code of Federal Regulations* (10 CFR), “Risk-informed categorization and treatment of structures, systems and components (SSCs) for nuclear power reactors.” The regulations in § 50.69 allow nuclear power plant licensees and certain applicants to seek NRC approval to implement the § 50.69 requirements as an alternative to compliance with the requirements for Risk-Informed Safety Class (RISC)-3 and RISC-4 SSCs listed in § 50.69(b)(1)(i)–(xi). Currently, the applicability provisions in § 50.69 allow holders of a nuclear power plant license under 10 CFR parts 50, “Domestic Licensing of Production and Utilization Facilities,” and 54, “Requirements for Renewal of Operating Licenses for Nuclear Power Plants,” and certain applicants under 10 CFR parts 50 and 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants,” to voluntarily request the NRC’s review and approval to implement the provisions in § 50.69. However, because the “applicability” provisions in § 50.69(b) do not include COL holders under 10 CFR part 52, they cannot request the NRC’s review and approval to implement the provisions in § 50.69. The petitioner proposed a change to § 50.69 to allow COL holders to use the voluntary provisions of this regulation.

The petitioner asserted that preventing COL holders from using the provisions in § 50.69 is inappropriate and provided the following arguments in support of its position:

- A COL applicant that requests and receives NRC approval to implement the provisions in § 50.69 could later become

a COL holder and, therefore, would no longer be allowed to use the previous approval.

- As written, the regulation denies applicability to plants possessing COLs for the life of the plant. A plant that currently holds a COL and that has been in operation for 15 years is in all practical matters no different than the current operating fleet, which, under the current rule language, can implement the provisions in § 50.69.

- Combined license holders must comply with the regulations in § 50.71(h)(1) and (2), which require COL holders to produce and maintain probabilistic risk assessments (PRAs) using NRC-endorsed PRA consensus standards. Therefore, under the NRC’s existing rules, COL holders will possess the necessary PRA infrastructure to implement the provisions in § 50.69 effectively. In particular, these plants will have developed Level 1 and Level 2 PRAs before fuel load. These PRAs will have covered those initiating events and modes for which NRC-endorsed consensus standards exist. Additionally, the NRC requires these plants to periodically (every 4 years) maintain and upgrade the PRA consistent with NRC-endorsed consensus standards until the permanent cessation of operations under § 52.110(a).

**II. Reasons for Consideration**

The NRC agrees that the PRM has technical merit. The NRC will consider the issue raised in the PRM in its rulemaking process. The COL holders under 10 CFR part 52 currently cannot use the provisions in § 50.69 to risk-inform the categorization of SSCs and change the treatment of those SSCs.

The NRC did not receive public comment about the absence of an applicability provision in § 50.69 for COL holders in the 2003 proposed rule

(68 FR 26511; May 16, 2003). The final provisions in § 50.69 issued on November 22, 2004 (69 FR 68008) retained this feature of the proposed rule. In 2007, the NRC issued a final rule to revise 10 CFR part 52 (72 FR 49352; August 28, 2007) and left the applicability provisions unchanged. Therefore, COL holders currently cannot request the NRC’s review and approval to implement the provisions in § 50.69.

Upon further consideration, the NRC agrees with the petitioner that a nuclear power plant that meets the requirements of § 50.69, whether licensed under part 50 or part 52, should have the opportunity to implement the provisions in § 50.69. The NRC agrees that all COL holders that have developed a PRA under § 50.71(h) should possess the necessary PRA infrastructure to support an application for a license amendment to use the provisions in § 50.69.

In 2015, the Commission directed the staff to revise the regulations in 10 CFR part 50 for new power reactor applications so that they align with the requirements in 10 CFR part 52. In addition, the staff was directed to revise the regulations in 10 CFR part 52 to reflect lessons learned from recent new reactor licensing activities.<sup>3</sup> The NRC began this rulemaking in fiscal year 2019.

Therefore, the NRC will consider the issue raised in PRM-50-110 in the “Incorporation of Lessons Learned From New Reactor Licensing Process” (Parts 50 and 52 Licensing Process Alignment) rulemaking.

**III. Availability of Documents**

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No. Federal Register Citation
Petition for Rulemaking to Amend 10 CFR 50.69, “Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors,” dated January 15, 2015 .....	ML15037A481
Notice of Docketing, “Applicability of Risk-Informed Categorization Regulation to Combined Licenses,” dated March 27, 2015 .....	80 FR 16308
Meeting Summary, “Discussion on the Petition for Rulemaking Related to 10 CFR 50.69, Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors,” dated September 25, 2015 .....	ML15268A353
Petition for Rulemaking, “Applicability of 10 CFR 50.69 to Holders of Combined Operating Licenses Under Part 52,” dated February 25, 2014 .....	ML14056A278
Proposed Rule, “Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors; Proposed Rule,” dated May 16, 2003 .....	68 FR 26511
Final Rule, “Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors; Final Rule,” dated November 22, 2004 .....	69 FR 68008

<sup>2</sup> The meeting summary indicated that the NRC might issue a generic communication to clarify a misunderstanding of the reasons that COL holders were excluded from the § 50.69 provisions. The NRC will conduct rulemaking to determine if COL

holders can use § 50.69; NRC will not issue a separate generic communication on this issue.

<sup>3</sup> See SECY-15-0002, “Proposed Updates of Licensing Policies, Rules, and Guidance for Future

New Reactor Applications,” dated January 8, 2015, and Staff Requirements Memorandum (SRM)-SECY-15-0002, “Proposed Updates of Licensing Policies, Rules, and Guidance for Future New Reactor Applications,” dated September 22, 2015.

Document	ADAMS Accession No. Federal Register Citation
Final Rule, "Licenses, Certifications, and Approvals for Nuclear Power Plants; Final Rule," dated August 28, 2007 .....	72 FR 49352
SECY-15-0002, "Proposed Updates of Licensing Policies, Rules, and Guidance for Future New Reactor Applications," dated January 8, 2015 .....	ML13281A382
SRM-SECY-15-0002, "Staff Requirements—SECY-15-0002—Proposed Updates of Licensing Policies, Rules, and Guidance for Future New Reactor Applications," dated September 22, 2015 .....	ML15266A023

**IV. Conclusion**

For the reasons cited in this document, the NRC will consider the issue raised in the PRM in an ongoing rulemaking process.

The NRC tracks the status of PRMs on its website at <https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html>. In addition, the Federal rulemaking website (<https://www.regulations.gov>) allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC-2009-0196); (2) click the "Email Alert" link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly). As in all rulemakings, the NRC will solicit and consider public comments during the proposed rule phase of the rulemaking, before determining the approach that will become the basis for the final rule. Publication of this document in the **Federal Register** closes Docket ID NRC-2015-0028 for PRM-50-110.

Dated: October 13, 2020.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 2020-23022 Filed 10-19-20; 8:45 am]

**BILLING CODE 7590-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2019-0576; Product Identifier 2019-NM-049-AD]

RIN 2120-AA64

**Airworthiness Directives; The Boeing Company Airplanes**

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The FAA is withdrawing a notice of proposed rulemaking (NPRM) that proposed to adopt a new airworthiness directive (AD) that would have applied to all The Boeing Company Model 747-400, 747-400F,

747-8F, and 747-8 series airplanes. The NPRM was prompted by reports of dual flight management computer (FMC) cold starts during a critical flight phase such as takeoff and approach. The NPRM would have required an inspection to determine if certain software is installed, installation of FMC operational program software (OPS) and a software configuration check, and applicable concurrent requirements. Since issuance of the NPRM, the FAA determined that the installation of new software, as proposed in the NPRM, does not resolve the unsafe condition identified in the NPRM. Accordingly, the NPRM is withdrawn.

**DATES:** The FAA is withdrawing the proposed rule published August 8, 2019 (84 FR 38887), as of October 20, 2020.

**ADDRESSES:**

**Examining the AD Docket**

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0576; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD action, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:**

Nelson Sanchez, Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206-231-3543; email: [nelson.sanchez@faa.gov](mailto:nelson.sanchez@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Discussion**

The FAA issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on August 8, 2019 (84 FR 38887). The NPRM was prompted by reports of dual FMC cold starts during a critical flight phase such as takeoff and approach. The NPRM proposed to require an

inspection to determine if certain software is installed, installation of FMC OPS and a software configuration check, and applicable concurrent requirements. The proposed actions were intended to address dual FMC cold starts, which can result in a loss of flight critical data from flight deck displays during a high workload phase of flight. This condition, if not addressed, could reduce the flightcrew's situational awareness, resulting in a loss of continued safe flight and landing.

**Actions Since the NPRM Was Issued**

Since issuance of the NPRM, the manufacturer discovered that the installation of new NG FMC BP 4.0 software, as proposed in the NPRM, does not resolve the unsafe condition identified in the NPRM, and the manufacturer is developing new software to resolve the unsafe condition. In light of these changes, the FAA is considering further rulemaking.

Withdrawal of the NPRM constitutes only such action and does not preclude the FAA from further rulemaking on this issue, nor does it commit the FAA to any course of action in the future.

**FAA's Conclusions**

Upon further consideration, the FAA has determined that the NPRM does not adequately address the identified unsafe condition. Accordingly, the NPRM is withdrawn.

**Regulatory Findings**

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule. This action therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

**List of Subjects in 14 CFR Part 39**

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

**The Withdrawal**

Accordingly, the notice of proposed rulemaking, Docket No. FAA-2019-0576, which was published in the **Federal Register** on August 8, 2019 (84 FR 38887), is withdrawn.