

For the Nuclear Regulatory Commission.

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 50, 52 and 100

[NRC-2020-0076]

#### Regulatory Guide: Volcanic Hazards Assessment for Proposed Nuclear Power Reactor Sites

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Guide (RG) 4.26 “Volcanic Hazards Assessment for Proposed Nuclear Power Reactor Sites,” to restore text and a Section heading inadvertently omitted from Section C, “Staff Regulatory Guidance,” of Revision 0. The restored text appeared in the draft guide released for public comment. In addition, there is a minor update of the Paperwork Reduction Act text in the RG. The changes do not represent substantive changes in the NRC staff’s regulatory positions.

**DATES:** Revision 1 to RG 4.26 is available on August 21, 2023.

**ADDRESSES:** Please refer to Docket ID NRC-2020-0076 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2020-0076. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individuals 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 <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, 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, at 301-415-4737, or by email to

[PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). Revision 1 to RG 4.26 “Volcanic Hazards Assessment for Proposed Nuclear Power Reactor Sites,” is available in ADAMS under Accession No. ML23167A078.

- *NRC’s PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

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#### FOR FURTHER INFORMATION CONTACT:

Jenise Thompson, Office of Nuclear Reactor Regulation, telephone: 301-415-0381, email: [Jenise.Thompson@nrc.gov](mailto:Jenise.Thompson@nrc.gov) and Edward O’Donnell, Office of Nuclear Regulatory Research, telephone: 301-415-3317, email:

[Edward.ODonnell@nrc.gov](mailto:Edward.ODonnell@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Discussion

The NRC is issuing a revision to an existing guide in the NRC’s “Regulatory Guide” series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency’s regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

The NRC typically seeks public comment on a draft version of a RG by announcing its availability for comment in the **Federal Register**. However, as explained in NRC’s Management Directive 6.6 “Regulatory Guides,” (ADAMS Accession No. ML22010A233) the NRC may directly issue a final RG without a draft version or public comment period if the changes to the RG are non-substantive.

The NRC is issuing Revision 1 of RG 4.26 directly as a final RG because the changes between Revision 1 and Revision 0 are non-substantive. The NRC issued Revision 0 of RG 4.26 in June 2021 (86 FR 34057) to provide guidance for facilitating the NRC staff’s review of volcanic hazards assessments performed by applicants to support the siting of new nuclear power reactors. Recently it was noted that there was an administrative error in omission of text and a subheading of the guidance in

Section C “Staff Regulatory Guidance.” Also, in the discussion of Step 4: “Evaluate Eruption Potential and/or Hazard Potential,” two paragraphs and two bullet points discussing model support are missing as well as the subheading for the following section, Step 5: “Develop Risk Insights,” despite their inclusion in the draft guide released for public comment (ADAMS Accession No. ML20007D621) and a subsequent draft revised in light of public comments that was presented to NRC’s Advisory Committee on Reactor Safeguards for review in spring 2021 (ADAMS Accession No. ML20022A214). In addition, there is an update of the contact information in Paperwork Reduction Act text in the RG.

As noted in the **Federal Register** on December 9, 2022 (87 FR 75671), this document is being published in the “Rules” section of the **Federal Register** to comply with publication requirements under 1 CFR chapter I.

##### II. Backfitting, Forwarding, and Issue Finality

Issuance of RG 4.26, Revision 1, does not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR), (the Backfit Rule), and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. The changes in Revision 1 of RG 4.26 are limited to editorial changes to improve clarity and the correction of a title. These changes do not fall within the kinds of agency actions that constitute backfitting or are subject to limitations in the issue finality provisions of part 52. Accordingly, the NRC did not address the Backfit Rule or issue finality provisions of part 52.

##### III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

##### IV. Submitting Suggestions for Improvement of Regulatory Guides

A member of the public may, at any time, submit suggestions to the NRC for improvement of existing RGs or for the development of new RGs. Suggestions can be submitted on the NRC’s public website at <https://www.nrc.gov/reading-rm/doc-collections/reg-guides/contactus.html>. Suggestions will be considered in future updates and enhancements to the “Regulatory Guide” series.

Dated: August 15, 2023.

For the Nuclear Regulatory Commission.

**Michael A. Eudy,**

*Acting Chief, Regulatory Guide and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2023-1047; Project Identifier MCAI-2022-01601-T; Amendment 39-22524; AD 2023-16-05]

RIN 2120-AA64

#### **Airworthiness Directives; De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain De Havilland Aircraft of Canada Limited Model DHC-8-401 and -402 airplanes. This AD was prompted by reports of the main landing gear (MLG) aft door not opening when using the alternate extension system. This AD requires a one-time inspection of the spring box assembly, repetitive inspections of the cam assembly and alternate release cable assembly, corrective actions if necessary, and a replacement of certain alternate release cable assemblies. In addition, this AD requires certain aircraft maintenance manuals tasks when installing the cam assembly or alternate release cable assembly. This AD also prohibits the installation of affected parts. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective September 25, 2023.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 25, 2023.

**ADDRESSES:**

*AD Docket:* You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-1047; 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 final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The 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.

**Material Incorporated by Reference:**

- For service information identified in this final rule, contact De Havilland Aircraft of Canada Limited, Dash 8 Series Customer Response Centre, 5800 Explorer Drive, Mississauga, Ontario, L4W 5K9, Canada; telephone North America (toll-free): 855-310-1013, Direct: 647-277-5820; email: [thd@dehavilland.com](mailto:thd@dehavilland.com); website: [dehavilland.com](https://www.dehavilland.com).

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-1047.

**FOR FURTHER INFORMATION CONTACT:**

Gabriel Kim, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; email [9-avs-nyaco-cos@faa.gov](mailto:9-avs-nyaco-cos@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Model DHC-8-401 and -402 airplanes. The NPRM published in the **Federal Register** on June 1, 2023 (88 FR 35788). The NPRM was prompted by AD CF-2022-69, dated December 16, 2022, issued by Transport Canada, which is the aviation authority for Canada (referred to after this as the MCAI). The MCAI states that several instances occurred where the maintenance crew using the MLG alternate extension system did not open the MLG aft doors. An investigation found that the associated cam assembly failed due to a fractured cam assembly lever, a damaged spring box assembly, or a broken alternate release cable assembly.

In the NPRM, the FAA proposed to require a one-time inspection of the spring box assembly, repetitive inspections of the cam assembly and alternate release cable assembly, corrective actions if necessary, and a replacement of certain alternate release cable assemblies. In addition, the NPRM also proposed to require certain aircraft maintenance manuals tasks when installing the cam assembly or alternate release cable assembly. The NPRM also

proposed to prohibit the installation of affected parts. The FAA is issuing this AD to address possible cam assembly, spring box assembly, and alternate release cable assembly failures. The unsafe condition, if not addressed, could result in asymmetric main landing gear configuration at landing, and a runway excursion.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-1047.

#### **Discussion of Final Airworthiness Directive**

**Comments**

The FAA received a comment from Air Line Pilots Association, International (ALPA) who supported the NPRM without change.

**Conclusion**

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

#### **Related Service Information Under 14 CFR Part 51**

The FAA reviewed De Havilland Aircraft of Canada Limited Service Bulletin 84-32-159, dated June 28, 2019. This service information specifies procedures for performing a general visual inspection of the cam assembly (part number (P/N) 48510-5) for discrepancies (such as the cam assembly does not return to its original rested position, or signs of an increased gap between the roller and the cam guide); a general visual inspection of the alternate release cable assembly (or uplock cable assembly) (P/N 48503-3) for discrepancies (such as a broken cable); a one-time general visual inspection for discrepancies (such as any bend on the plunger) of the left and right MLG spring box assembly (P/N 48504-1); and corrective actions. Corrective actions include replacing the cam assembly with a new cam assembly, replacing the alternate release cable assembly with a new alternate release cable assembly, and replacing