

# Proposed Rules

Federal Register

Vol. 82, No. 33

Tuesday, February 21, 2017

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.

## DEPARTMENT OF AGRICULTURE

### Office of Procurement and Property Management

#### 7 CFR Part 3201

RIN 0599-AA24

#### Designation of Product Categories for Federal Procurement

**AGENCY:** Office of Procurement and Property Management, USDA.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The U.S. Department of Agriculture (USDA) is extending by 30 days the deadline to submit comments on the proposed rule to designate 12 product categories for federal procurement, which was published on January 13, 2017 (82 FR 4206) under the authority of section 9002 of the Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill), as amended by the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), and further amended by the Agricultural Act of 2014 (the 2014 Farm Bill), 7 U.S.C. 8102. The 60-day comment period in the proposed rule is scheduled to end on March 14, 2017. The extended comment period will now close on April 13, 2017. In this proposed rule, USDA is proposing to amend the Guidelines for Designating Biobased Products for Federal Procurement (Guidelines) to add 12 sections that will designate the product categories within which biobased products would be afforded procurement preference by Federal agencies and their contractors.

**DATES:** Comments on the proposed rule published January 13, 2017 (82 FR 4206) must be received on or before April 13, 2017.

**ADDRESSES:** You may submit comments by any of the following methods. All submissions received must include the agency name and Regulatory Information Number (RIN). The RIN for this rulemaking is 0599-AA24. Also, please identify submittals as pertaining

to the "Proposed Designation of Product Categories."

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Email:* [biopreferred\\_support@amecfw.com](mailto:biopreferred_support@amecfw.com). Include RIN number 0599-AA24 and "Proposed Designation of Product Categories" on the subject line. Please include your name and address in your message.

- *Mail/commercial/hand delivery:* Mail or deliver your comments to: Marie Wheat, USDA, Office of Procurement and Property Management, Room 361, Reporters Building, 300 7th St. SW., Washington, DC 20024.

- Persons with disabilities who require alternative means for communication for regulatory information (Braille, large print, audiotape, etc.) should contact the USDA TARGET Center at (202) 720-2600 (voice) and (202) 690-0942 (TTY).

#### FOR FURTHER INFORMATION CONTACT:

Marie Wheat, USDA, Office of Procurement and Property Management, Room 361, Reporters Building, 300 7th St. SW., Washington, DC 20024; email: [biopreferred\\_support@amecfw.com](mailto:biopreferred_support@amecfw.com); phone (202) 239-4502. Information regarding the Federal preferred procurement program (one initiative of the BioPreferred Program) is available on the Internet at <http://www.biopreferred.gov>.

#### SUPPLEMENTARY INFORMATION:

##### Comment Period

USDA is extending the public comment period for an additional 30 days. The public comment period will end on April 13, 2017, instead on March 14, 2017.

##### List of Subjects in 7 CFR Part 3201

Biobased products, Procurement.

Dated: February 3, 2017.

##### Malcom Shorter,

Acting Assistant Secretary for Administration, U.S. Department of Agriculture.

[FR Doc. 2017-03288 Filed 2-17-17; 8:45 am]

**BILLING CODE 3410-93-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

[Docket No. PRM-50-113; NRC-2015-0230]

#### Uninterruptible Monitoring of Coolant and Fuel in Reactors and Spent Fuel Pools

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; denial.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM), dated September 10, 2015, submitted by Dr. Alexander DeVolpi (the petitioner). The petition was docketed by the NRC on September 21, 2015, and was assigned Docket No. PRM-50-113. The petitioner requested that the NRC amend its regulations to require "installation of ex-vessel instrumentation for uninterrupted monitoring of coolant and fuel in reactors and spent-fuel pools." The NRC is denying the petition because the Commission finds that the issues raised by the petitioner have been addressed by actions taken by the NRC in response to the Fukushima Dai-ichi nuclear accident.

**DATES:** The docket for the petition for rulemaking, PRM-50-113, is closed on February 21, 2017.

**ADDRESSES:** Please refer to Docket ID NRC-2015-0230, when contacting the NRC about the availability of information regarding this petition. You may obtain publicly-available information related to this petition by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2015-0230. 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). For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in Section IV, “Availability of Documents,” of this document.

- *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:**

Jennifer C. Tobin, Office of Nuclear Reactor Regulation, telephone: 301–415–2328; email: [Jennifer.Tobin@nrc.gov](mailto:Jennifer.Tobin@nrc.gov); U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. The Petition
- II. Reasons for Denial
- III. Conclusion
- IV. Availability of Documents

**I. The Petition**

Section 2.802 of title 10 of the *Code of Federal Regulations* (10 CFR), “Petition for rulemaking,” provides an opportunity for any interested person to petition the Commission to issue, amend, or rescind any regulation. The NRC received a petition dated September 10, 2015, from Dr. Alexander DeVolpi and assigned it Docket No. PRM–50–113. The NRC published a notice of docketing in the **Federal Register** (FR) on December 1, 2015 (80 FR 75009). The NRC did not request public comment on PRM–50–113 because it had sufficient information to review the issues raised by the petitioner.

The petitioner requested that the NRC amend 10 CFR part 50, “Domestic licensing of production and utilization facilities,” to require “installation of ex-vessel instrumentation for uninterruptible monitoring of coolant and fuel in reactors and spent-fuel pools.”

**II. Reasons for Denial**

The NRC is denying the petition because the issues raised by the petitioner have been addressed through actions taken in response to the Fukushima Dai-ichi nuclear accident. The NRC determined that there is no sufficient technical or regulatory basis to amend the NRC’s regulations as requested by the petitioner.

The petitioner proposed that Recommendation 5.1A in the 2014

National Academy of Sciences (NAS) report entitled “Lessons Learned from the Fukushima Nuclear Accident for Improving Safety of U.S. Nuclear Plants” should be mandated (as an NRC regulation) to require installation of ex-vessel instrumentation for uninterruptible monitoring of coolant and fuel in reactors and spent fuel pools. The petitioner stated that NAS gave a high priority to this recommendation and the petitioner indicated that he has developed instrumentation that is capable of uninterruptible monitoring of critical thermodynamic parameters. The petitioner included diagrams and explanations of his patented instrumentation and supportive technical papers and requested that the NRC require use of such instrumentation to prevent or mitigate accidents. In particular, the petitioner contends that the accident at Three Mile Island, Unit 2 might have been prevented if real-time uninterruptible ex-vessel reactor water-level monitoring had been in place. Further, the petitioner states that one or two of the Fukushima Dai-ichi meltdowns might have been delayed or averted if uninterruptible ex-vessel real-time reactor water-level monitoring had been in place and operating on self-contained low-current battery supplies.

The NRC staff responded to the NAS report and its recommendations in SECY–15–0059, “Seventh 6-Month Status Update on Response to Lessons Learned from Japan’s March 11, 2011, Great Tōhoku Earthquake and Subsequent Tsunami,” dated April 9, 2015. The NRC staff’s discussion of Recommendation 5.1A in enclosure 6 of SECY–15–0059 addresses the installation of ex-vessel instrumentation for uninterruptible monitoring of coolant and fuel in reactors and spent fuel pools. The NRC staff found that this recommendation was addressed by existing requirements and other ongoing activities. The issues that the petitioner’s proposal would address are being or have already been addressed by NRC actions taken in response to the Fukushima Dai-ichi nuclear accident, as summarized in this document.

Instrumentation used to support strategies in the mitigation of beyond-design-basis events is addressed in Order EA–12–049, “Issuance of Order to Modify Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events.” This Order ensures that plant operators have the information concerning key parameters needed to support implementation of mitigation strategies to maintain or restore core

cooling, spent fuel pool cooling, and containment prior to the onset of core or spent fuel damage. Either installed instrumentation remains powered during an extended loss of alternating current power via safety-related batteries and other power supplies that provide coping capabilities for an indefinite period of time, or portable instruments are used that are independent from installed plant power systems. If mitigation strategies are not successful and severe accident conditions develop, the enhancements made in response to Order EA–12–049 will provide for monitoring of key parameters on the condition of the reactor, containment, and spent fuel pool throughout the accident’s progression until instrumentation becomes unavailable or unreliable. These enhancements should also enable licensees to more easily transition to the use of computational aids when direct diagnosis of key plant conditions cannot be determined reliably from instrumentation. Further, spent fuel pool instrumentation is also required by Order EA–12–051, “Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation,” to remotely report three distinct water levels: Normal level; low level but still enough to shield workers above the pools from radiation; and a level near the top of the spent fuel rods, at which more water should be added without delay.

Following the issuance of the Orders, the NRC staff presented its evaluation of enhanced instrumentation for beyond-design-basis conditions in enclosure 5 to SECY–15–0137, “Proposed Plans for Resolving Open Fukushima Tier 2 and 3 Recommendations.” The staff recommended that the Commission not pursue additional regulatory requirements for enhanced reactor and containment instrumentation. The NRC staff concluded that additional studies are unlikely to support additional regulatory requirements related to enhanced reactor and containment instrumentation for beyond-design-basis conditions, when evaluated against the criteria for operating reactors in § 50.109, “Backfitting,” or the issue finality provisions of 10 CFR part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants.”

In the staff requirements memorandum associated with SECY–15–0137, the Commission directed the NRC staff to provide the final results of its evaluation following interactions with external stakeholders and the Advisory Committee on Reactor Safeguards (ACRS). Accordingly, the NRC staff provided updated information regarding enhanced reactor and

containment instrumentation for beyond-design-basis conditions in enclosure 2 to SECY-16-0041, "Closure of Fukushima Tier 3 Recommendations Related to Containment Vents, Hydrogen Control, and Instrumentation." The updated information addressed the observations provided by the ACRS in letters dated November 16, 2015, and March 15, 2016, and insights provided by external stakeholders. For example, information was added to the final assessment that describes the technical support guidance (TSG) for the severe accident management guidelines (SAMGs) and related assessments of plant parameters as well as the status of safety functions that would be performed by plant personnel during a severe accident. The SAMGs are entered when plant conditions indicate that cooling of the spent fuel pool or core cannot be maintained and the fuel in the spent fuel pool or reactor is on a trajectory towards damage. The SAMGs then invoke the TSGs that are based on an engineering evaluation of the scenario. This would include an assessment of the available parameter indications, their functional consistency, and their trends as the plant transitions to severe accident conditions, which may be more severe than the conditions assumed in instrument design and environmental qualifications. The severe accident response strategies are then based on fundamental principles that do not rely on precise indications of parameter values, but rather on an integrated technical assessment of the evolving event scenario and the conditions that

preceded the onset of fuel damage in the spent fuel pool or core.

The additional NRC staff evaluations further support the conclusion that regulatory actions to require enhancements to reactor and containment instrumentation to support the response to severe accidents would not provide a substantial safety enhancement, and therefore, additional regulatory actions would not be warranted when evaluated against the § 50.109 criteria. The ACRS agreed in its March 15, 2016, letter that no further regulatory action is warranted in support of the closure of the recommendation on enhanced instrumentation.

In addition to the discussions in SECY-15-0137 and SECY-16-0041, the NRC staff notes that, depending on an accident's progression, licensees will use available indicators and technical assessments of the evolving scenario to implement adequate measures to protect public health and safety in accordance with the NRC's emergency preparedness requirements. If an accident progresses to fuel damage, specific additional actions may be required, including initiating predetermined protective actions for the public.

Moreover, the NRC is proposing to amend its regulations to establish regulatory requirements for nuclear power reactor applicants and licensees to mitigate beyond-design-basis events to reflect requirements imposed on current licensees by Order and the lessons learned from the Fukushima Dai-ichi accident. This proposed rule, "Mitigation of Beyond-Design-Basis Events," which was published in the

**Federal Register** on November 13, 2015 (80 FR 70610; corrected November 30, 2015 at 80 FR 74717), would, among other things, add a new regulation (proposed 10 CFR 50.155) to make Orders EA-12-049 and EA-12-051 generically applicable, establish regulatory requirements for an integrated response capability, and include requirements for enhanced onsite emergency response capabilities.

Therefore, in accordance with the NRC staff's evaluation in SECY-15-0137, the Commission's direction on SECY-15-0137, updated information provided in SECY-16-0041, and existing emergency preparedness requirements, and the proposed Mitigation of Beyond-Design-Basis Events rulemaking, the NRC has determined that additional instrumentation requirements to address severe accident conditions proposed in PRM-50-113 are not necessary.

### III. Conclusion

For the reasons cited in Section II of this document, the NRC has concluded that the issues raised by the petitioner have been addressed by NRC actions taken in response to the Fukushima Dai-ichi nuclear accident and there is no sufficient technical or regulatory basis to amend the NRC's regulations as requested by the petitioner. Therefore, the NRC is denying PRM-50-113.

### IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the methods listed in the **ADDRESSES** section of this document.

Document	ADAMS accession No./Web link/ <b>Federal Register</b> citation
ACRS Letter, "Plans for Resolving the NRC Near-Term Task Force Open Fukushima Tier 2 and 3 Recommendations," November 16, 2015.	ML15320A074.
ACRS Letter, "Closure of Fukushima Tier 3 Recommendations Related to Vents, Hydrogen Control, and Enhanced Instrumentation," March 15, 2016.	ML16075A330.
<b>Federal Register</b> notice, "Uninterruptible Monitoring of Coolant and Fuel in Reactors and Spent Fuel Pools," December 1, 2015.	80 FR 75009.
<b>Federal Register</b> notice, "Mitigation of Beyond-Design-Basis Events," November 13, 2015 .....	80 FR 70610 (corrected by 80 FR 74717; November 30, 2015).
Letter from Nuclear Energy Institute to NRC, "Submittal of Industry Initiative to Maintain Severe Accident Management Guidelines," October 26, 2015.	ML15335A442.
National Academy of Sciences, "Lessons Learned from the Fukushima Nuclear Accident for Improving Safety of U.S. Nuclear Plants," 2014.	<a href="http://www.nap.edu/read/18294/chapter/1">http://www.nap.edu/read/18294/chapter/1</a> .
NRC Generic Letter 1982-033, "Supplement 1 to NUREG-0737—Requirements for Emergency Response Capability," December 17, 1982.	ML031080548.
NUREG-0933, "Resolution of Generic Safety Issues," December 2011 .....	<a href="http://nureg.nrc.gov/sr0933">http://nureg.nrc.gov/sr0933</a> .
Order EA-12-049, "Issuance of Order to Modify Licenses With Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events," March 12, 2012.	ML12054A735.
Order EA-12-051, "Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation," March 12, 2012.	ML12056A044.
PRM-50-113, "Uninterruptible Monitoring of Critical Thermodynamic Parameters (Coolant and Fuel in Reactors and Spent-Fuel Pools)," September 10, 2015.	ML15264A857.
SECY-15-0059, "Seventh 6-Month Status Update on Response to Lessons Learned from Japan's March 11, 2011, Great Tohoku Earthquake and Subsequent Tsunami," April 9, 2015.	ML15069A444, ML15069A568 (enc. 3), ML15069A600 (enc. 6).

Document	ADAMS accession No./Web link/Federal Register citation
SECY-15-0065, "Proposed Rulemaking: Mitigation of Beyond-Design-Basis Events (RIN 3150-AJ49)," April 30, 2015.	ML15049A201.
SECY-15-0137, "Proposed Plans for Resolving Open Fukushima Tier 2 and 3 Recommendations," October 29, 2015.	ML15254A006, ML15254A034 (enc. 5).
SECY-16-0041, "Closure of Fukushima Tier 3 Recommendations Related to Containment Vents, Hydrogen Control, and Enhanced Instrumentation," March 31, 2016.	ML16049A079.
SRM-SECY-15-0065, "Proposed Rulemaking: Mitigation of Beyond-Design-Basis Events (RIN 3150-AJ49)," August 27, 2015.	ML15239A767.
SRM-SECY-15-0137, "Proposed Plans for Resolving Open Fukushima Tier 2 and 3 Recommendations," February 8, 2016.	ML16039A175.

Dated at Rockville, Maryland, this 14th day of February 2017.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 2017-03284 Filed 2-17-17; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2016-9571; Directorate Identifier 2016-NM-139-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 all Airbus Model A321 series airplanes. This proposed AD was prompted by a full scale fatigue test campaign on these airplanes in the context of the extended service goal. This proposed AD would require inspections of the affected frame locations, and repair if necessary. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by April 7, 2017.

**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 Airplane Directorate, 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-2016-9571; 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 Branch, ANM-116, Transport Airplane Directorate, 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 proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2016-9571; Directorate Identifier 2016-NM-139-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 Airworthiness Directive 2016-0146, dated July 20, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for all Airbus Model A321 series airplanes. The MCAI states:

Following the results of a new full scale fatigue test campaign on the A321 airframe in the context of the A321 extended service goal, it was identified that cracks could develop on the fastener holes of frame (FR) 35.1, FR 35.2, and FR 35.3 between stringers (STR) 29 and STR 32 and at the FR 35.2 to Slidebox junction (Triform fitting), both left hand (LH) and right hand (RH) sides.

This condition, if not detected and corrected, could reduce the structural integrity of the fuselage. Prompted by these findings, Airbus developed an inspection programme, published in Service Bulletin (SB) A320-53-1308, SB A320-53-1309, SB A320-53-1310, SB A320-53-1311, SB A320-53-1312 and SB A320-53-1313, each containing instructions for a different location. For the reasons described above, this [EASA] AD requires repetitive special detailed (rototest) inspections (SDI) of the affected frame locations and, depending on findings, accomplishment of a repair.

This [EASA] AD is considered an interim action, pending the development of a permanent solution.

You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9571.