

category 3 or lower. The petitioner has not provided sufficient reason to readdress this decision. Additionally, the Radiation Source Protection and Security Task Force, an interagency task force established by the Energy Policy Act of 2005, concluded in its report to Congress and the President, "Radiation Source Protection and Security Task Force Report" (ADAMS Accession No. ML062190349), dated August 2006, that the appropriate radioactive sources (category 1 and category 2 sources) were being protected. The Task Force also concluded that the IAEA Code of Conduct serves as an appropriate framework for considering which sources warrant additional protection. For its 2010 report to Congress and the President (ADAMS Accession No. ML102230141), the Task Force conducted a reevaluation of the radionuclides that warrant additional security and protection. The Task Force found "that the Category 1 and 2 quantities remain valid for sealed and unsealed sources as the list and threshold levels of radionuclides that could result in a significant radiological exposure device (RED) or radiological dispersal device (RDD) event and therefore warrant enhanced security and protection." The Task Force periodically reevaluates the list of radionuclides that warrant additional security and protection. If the radionuclides and/or thresholds change in the future, then the NRC would consider making changes in a future rulemaking.

For byproduct material below the category 2 thresholds, the security of radioactive material is covered by 10 CFR 20.1801 and 20.1802. The requirement to "secure, from unauthorized removal or access" and to "control and maintain constant surveillance" are considered performance-based requirements. Licensees are allowed to select methods that work best for their facility to ensure that there is no unauthorized removal of the category 3 and lower neutron sources. These requirements provide adequate protection for the neutron sources, without the need to require a specific measure.

In conclusion, no new information has been provided by the petitioner that calls into question the established thresholds (category 2) that warrant additional security measures or the performance based approach (non-prescriptive) for ensuring source security. This view has been validated by the Radiation Source Protection and Security Task Force's conclusions. Existing NRC regulations provide the basis for reasonable assurance that the

common defense and security and public health and safety are adequately protected. Additional rulemaking would impose unnecessary regulatory burden and is not warranted for the adequate protection of the public health and safety and the common defense and security.

The NRC appreciates the views of the petitioner and encourages feedback from the public on any of the NRC processes.

For the reasons cited in this document, the NRC is denying PRM-73-15.

Dated at Rockville, Maryland, this 5th day of April, 2013.

For the Nuclear Regulatory Commission.

**Andrew L. Bates,**

*Acting Secretary of the Commission.*

[FR Doc. 2013-08511 Filed 4-10-13; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2013-0299; Directorate Identifier 2012-NM-072-AD]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company 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 The Boeing Company Model 727 airplanes. This proposed AD was prompted by reports of cracks on the elevator rear spar stiffener assembly. This proposed AD would require repetitive detailed inspections for cracking of the elevator rear spar stiffener assembly, and corrective actions if necessary. We are proposing this AD to detect and correct cracking of the elevator rear spar stiffener assembly, which could adversely affect elevator structural stiffness, that could lead to elevator vibration and possible interference with the tab control rod and which could result in flutter and consequent loss of control of the airplane.

**DATES:** We must receive comments on this proposed AD by May 28, 2013.

**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 proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, WA 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; Internet <https://www.myboeingfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Ave. 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>; 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 Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: 425-917-6577; fax: 425-917-6590; email: [berhane.alazar@faa.gov](mailto:berhane.alazar@faa.gov).

#### 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-2013-0299; Directorate Identifier 2012-NM-072-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 because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>.

*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**

We received reports of cracks on the elevator rear spar stiffener assembly. An operator reported finding a crack on the rear spar stiffener assembly while accomplishing Boeing Service Bulletin 727-55-0089 to address cracking of the elevator rear spar web at the elevator tab hinge fittings. A cracked elevator rear spar stiffener assembly, if not detected and corrected, could adversely affect elevator structural stiffness, which could result in elevator vibration and possible interference with the tab control rod and could lead to flutter and consequent loss of control of the airplane.

**Relevant Service Information**

We reviewed Boeing Special Attention Service Bulletin 727-55-0094, dated March 21, 2012. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA-2013-0299.

**FAA’s Determination**

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

**Proposed AD Requirements**

This proposed AD would require accomplishing the actions specified in the service information described previously.

The phrase “related investigative actions” might be used in this proposed AD. “Related investigative actions” are follow-on actions that: (1) Are related to the primary actions, and (2) are actions that further investigate the nature of any condition found. Related investigative actions in an AD could include, for example, inspections.

In addition, the phrase “corrective actions” might be used in this proposed AD. “Corrective actions” are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

**Costs of Compliance**

We estimate that this proposed AD affects 98 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection .....	5 work-hours × \$85 per hour = \$425 per inspection cycle..	None .....	\$425 per inspection cycle.	\$41,650 per inspection cycle

We estimate the following costs to do any necessary replacements that would

be required based on the results of the proposed inspection. We have no way of

determining the number of aircraft that might need this replacement:

**ON-CONDITION COSTS**

Action	Labor cost	Parts cost	Cost per product
Replacement .....	7 work-hours × \$85 per hour = \$595 .....	Unknown .....	\$595

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

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

**The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**The Boeing Company:** Docket No. FAA-2013-0299; Directorate Identifier 2012-NM-072-AD.

**(a) Comments Due Date**

We must receive comments by May 28, 2013.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to all The Boeing Company Model 727, 727C, 727-100, 727-100C, 727-200, and 727-200F series airplanes, certificated in any category.

**(d) Subject**

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 55, Stabilizers.

**(e) Unsafe Condition**

This AD was prompted by reports of cracks on the elevator rear spar stiffener assembly. We are issuing this AD to detect and correct cracking of the elevator rear spar stiffener assembly, which could adversely affect elevator structural stiffness, that could lead to elevator vibration and possible interference with the tab control rod and which could result in elevator flutter and consequent loss of control of the airplane.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Repetitive Inspections and Corrective Actions**

Except as provided by paragraph (h) of this AD, at the applicable time specified in table 1 of paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 727-55-0094, dated March 21, 2012, do a detailed inspection for any cracking of the elevator rear spar stiffener assembly, and all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 727-55-0094, dated March 21, 2012. Do all applicable corrective actions before further flight. Repeat the inspection thereafter at the applicable time specified in table 1 of paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 727-55-0094, dated March 21, 2012, except as provided by paragraph (j) of this AD.

**(h) Exception**

Where Boeing Special Attention Service Bulletin 727-55-0094, dated March 21, 2012, specifies a compliance time "from the original issue date of this service bulletin," this AD requires compliance within the specified compliance time after the effective date of this AD.

**(i) Optional Replacement**

Replacing the elevator rear spar stiffener assembly with a new assembly in accordance with Part 4 or 5, as applicable, of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 727-55-0094, dated March 21, 2012, terminates the inspections required by paragraph (g) of this AD for that assembly, except as required by paragraph (j) of this AD.

**(j) Post-Replacement Inspection Compliance Time**

For any elevator rear spar stiffener assembly replaced as required by paragraph (g) of the AD or as specified in paragraph (i) of this AD: Do the next inspection required by paragraph (g) of this AD for that assembly within 96 months after accomplishing the replacement and repeat thereafter at the times specified in paragraph (g) of this AD.

**(k) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/ certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

**(l) Related Information**

(1) For more information about this AD, contact Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: 425-917-6577; fax: 425-917-6590; email: *berhane.alazar@faa.gov*.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, WA 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; Internet <https://www.myboeingfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Ave. SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on March 28, 2013.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013-08454 Filed 4-10-13; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2013-0304; Directorate Identifier 2013-NM-005-AD]

RIN 2120-AA64

**Airworthiness Directives; The Boeing Company 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 The Boeing Company Model 747-400, -400D, and -400F series airplanes. This proposed AD was prompted by a report of water leakage into the main deck cargo wire integration unit (WIU). The water flowed from the drip shield through disbonded floor seams into the aft main equipment center (MEC) drip shield gutter, then onto the WIU. This proposed AD would require removing the cargo liner support; cleaning the aft MEC drip shield gutter; and doing a one-time general visual inspection for disbonded seams, and repair if necessary. This proposed AD would also require installing a fiberglass reinforcement overcoat to the top surface of the aft MEC drip shield gutters and installing the cargo liner support. We are proposing this AD to prevent water penetration into the MEC, which could result in the loss of flight critical systems.

**DATES:** We must receive comments on this proposed AD by May 28, 2013.

**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 proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; Internet