

# 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 50 and 55

[NRC–2012–0031]

RIN 3150–AJ11

### Onsite Emergency Response Capabilities

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Preliminary proposed rule language.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is making available preliminary proposed rule language that would strengthen and integrate onsite emergency response capabilities. The NRC will periodically make publicly available a series of documents related to the ongoing proposed rulemaking effort to amend its regulations regarding onsite emergency response capabilities. The availability of these documents provides increased awareness to interested stakeholders and provides preparatory material for future public meetings. The NRC does not plan to institute a public comment period for these materials when making them publicly available.

**DATES:** At this time, the NRC is not soliciting public comments on the materials identified in this document. There will be an opportunity for public comment on the proposed rule when it is published in the **Federal Register**.

**ADDRESSES:** Please refer to Docket ID NRC–2012–0031 when contacting the NRC about the availability of information for this document. You may access publicly available information related to this document by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2012–0031. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; 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 final rule.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library 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 in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

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

#### SUPPLEMENTARY INFORMATION:

#### I. Background

As a result of the events at the Fukushima Dai-ichi Nuclear Power Plant in 2011, the NRC's Near-Term Task Force (NTTF) created a series of recommendations intended to outline a path to increased readiness of nuclear power plants to respond to severe accidents. In its report, "Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident" (ADAMS Accession No. ML111861807), the NTTF proposed developing additional requirements to strengthen and integrate licensees' onsite emergency response capabilities. Specifically, this proposal, called Recommendation 8 in the NTTF report, identified four areas of focus for onsite emergency response: accident mitigating procedures, command and control structures, training and qualification programs, and severe accident exercises. In response to the NTTF report, the NRC staff developed SECY–11–0137, "Prioritization of Recommended Actions to be Taken in Response to

Fukushima Lessons Learned" (ADAMS Accession No. ML11269A204). The NRC staff recommended issuing an Advance Notice of Proposed Rulemaking (ANPR) to initiate regulatory action to address NTTF Recommendation 8. Following Commission approval of the staff's recommendation, the NRC issued the ANPR on April 18, 2012 (77 FR 23161), as the first step in the rulemaking process. After receiving stakeholder comments on the ANPR, the NRC drafted a regulatory basis with the goals of identifying any regulatory deficiencies in the area of onsite emergency response capabilities and developing a revised regulatory approach. The regulatory basis was published on October 25, 2013 (78 FR 63901), at which time, the proposed rule stage of the rulemaking process began.

#### II. Preliminary Proposed Rule Language

As the NRC continues its ongoing proposed rulemaking effort to amend portions of parts 50 and 55 of Title 10 of the *Code of Federal Regulations* (10 CFR), the NRC is making documents publicly available on the Federal rulemaking Web site, [www.regulations.gov](http://www.regulations.gov), under Docket ID NRC 2012–0031. The NRC is now making preliminary proposed rule language that would require licensees to: (1) Have strategies and guidance for mitigating the consequences of severe accidents; (2) integrate event and accident mitigating procedures; (3) identify command and control roles, responsibilities, and authorities during the progression of an event or accident; (4) conduct related drills, exercises or both; (5) provide training; and (6) incorporate severe accident situations in written examinations and operating tests for all types of operators.

This preliminary proposed rule language does not represent a final NRC staff position, nor has it been reviewed by the Commission. Therefore, the preliminary proposed rule language may undergo significant revision during the rulemaking process. The NRC is not requesting public comments on the preliminary proposed rule language.

#### III. Petitions for Rulemaking

Included in the regulatory basis for this proposed rulemaking (ADAMS Accession No. ML13101A324) is a discussion of a petition for rulemaking (PRM), PRM–50–102 (76 FR 58165;

September 20, 2011), submitted by the Natural Resources Defense Council (NRDC). The NRDC requested that the NRC conduct a rulemaking to address training and exercise requirements for severe accident mitigation guidelines and extensive damage mitigation guidelines. The NRC determined that the issues raised in PRM-50-102 are appropriate for consideration and will be considered in this Onsite Emergency Response Capabilities rulemaking.

#### IV. Publicly Available Documents

By making documents publicly available, the NRC seeks to inform stakeholders of the current status of the NRC's rulemaking development activities and to provide preparatory material for future public meetings. The NRC is not instituting a public comment period on these materials, but the public is encouraged to participate in related public meetings. In addition, the public will be given opportunity to provide comments on the proposed rule upon its publication in the **Federal Register**. The NRC may post additional materials, including other preliminary rule language, to the Federal rulemaking Web site at <http://www.regulations.gov>, under Docket ID NRC-2012-0031. The Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC-2012-0031); (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).

#### V. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111-274) requires Federal agencies to write documents in a clear, concise, well-organized manner that also follows other best practices appropriate to the subject or field and the intended audience. Although regulations are exempt under the Act, the NRC is applying the same principles to its rulemaking documents. Therefore, the NRC has written this document, including the preliminary proposed rule language, to be consistent with the Plain Writing Act. There will be an opportunity for public comment on the use of plain language when the proposed rule is published in the **Federal Register**.

Dated at Rockville, Maryland, this 7th day of November, 2013.

For the Nuclear Regulatory Commission.

**Shana Helton,**

*Acting Deputy Director, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.*

[FR Doc. 2013-27449 Filed 11-14-13; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

**[Docket No. FAA-2013-0898; Notice No. 25-13-33-SC]**

#### **Special Conditions: Airbus, Model A350-900 Series Airplane; Composite Fuselage In-Flight Fire/Flammability Resistance**

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

**ACTION:** Notice of proposed special conditions.

**SUMMARY:** This action proposes special conditions for the Airbus Model A350-900 series airplanes. This airplane will have a novel or unusual design features associated with the in-flight fire and flammability resistance of the composite fuselage. Experience has shown that eliminating fire propagation on the surface of interior and insulating materials enhances survivability since the threats from an in-flight fire (e.g., toxic gas emission and smoke obscuration) are typically by-products of a propagating fire. The Airbus Model A350-900 series airplanes must provide protection against an in-flight fire propagating along the surface of the fuselage. Special conditions are needed to address this design feature. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** Send your comments on or before December 30, 2013.

**ADDRESSES:** Send comments identified by docket number FAA-2013-0898 using any of the following methods:

- *Federal eRegulations Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12-140, West

Building Ground Floor, Washington, DC, 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

- *Fax:* Fax comments to Docket Operations at 202-493-2251.

*Privacy:* The FAA will post all comments it receives, without change, to <http://www.regulations.gov>, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477-19478), as well as at <http://DocketsInfo.dot.gov/>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jeff Gardlin, FAA, Airframe/Cabin Safety, ANM-115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057-3356; telephone (425) 227-2136; facsimile (425) 227-1320.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the proposed special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We may change these special conditions based on the comments we receive.

##### **Background**

On August 25, 2008, Airbus applied for a type certificate for their new Model A350-900 series airplane. Later, Airbus requested and the FAA approved an