

September 12, 2019, meetings were public meetings, and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and information collection impacts of this proposal on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/rules-regulations/moa/small-businesses>. Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

#### List of Subjects in 7 CFR Part 930

Marketing agreements, Reporting and recordkeeping requirements, Tart cherries.

For the reasons set forth in the preamble, 7 CFR part 930 is proposed to be amended as follows:

#### **PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN**

■ 1. The authority citation for 7 CFR part 930 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Revise § 930.151 to read as follows:

##### **§ 930.151 Desirable Carry-out inventory.**

Beginning with the crop year starting July 1, 2016, for the purposes of determining an optimum supply volume, the Board may recommend a desirable carry-out inventory not to exceed 100 million pounds.

■ 3. Revise § 930.256 and the heading to read as follows:

##### **§ 930.256 Free and restricted percentages for the 2019–20 crop year.**

The percentages for tart cherries handled by handlers during the crop year beginning on July 1, 2019, which shall be free and restricted, respectively, are designated as follows: Free

percentage, 67 percent and restricted percentage, 33 percent.

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

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## **NUCLEAR REGULATORY COMMISSION**

### **10 CFR Chapter I**

**[NRC–2018–0142]**

#### **Backfitting, Forward Fitting, and Issue Finality Guidance**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft NUREG; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft NUREG–1409, “Backfitting Guidelines,” Revision 1. This draft NUREG provides guidance on the implementation of the backfitting and issue finality provisions of the NRC’s regulations and the NRC’s forward fitting policy in accordance with Management Directive and Handbook 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests.”

**DATES:** Submit comments by May 22, 2020. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

**ADDRESSES:** You may submit comments by any of the following methods:

- Federal Rulemaking website: Go to <https://www.regulations.gov> and search for Docket ID NRC–2018–0142. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- Mail comments to: Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Tim Reed, telephone: 301–415–1462, email:

[Timothy.Reed@nrc.gov](mailto:Timothy.Reed@nrc.gov); or Audrey Klett, telephone: 301–415–0489, email: [Audrey.Klett@nrc.gov](mailto:Audrey.Klett@nrc.gov). Both are staff of the Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001.

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Obtaining Information and Submitting Comments**

##### *A. Obtaining Information*

Please refer to Docket ID NRC–2018–0142 when contacting the NRC about the availability of information for this action. 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 ID NRC–2018–0142.

- *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, 301–415–4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in 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.

##### *B. Submitting Comments*

Please include Docket ID NRC–2018–0142 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information

before making the comment submissions available to the public or entering the comment into ADAMS.

## II. Discussion

Backfitting occurs when the NRC imposes new or changed regulatory requirements or staff interpretations of the regulations or requirements on nuclear power reactor licensees, select nuclear power reactor applicants, or select nuclear materials licensees. Backfitting is an integral part of the regulatory process and may be needed when the NRC staff addresses safety or security issues. The NRC would only take a backfitting action after conducting a formal, systematic review to ensure that the action is defined and justified. This process ensures discipline, predictability, and optimal use of NRC and licensee resources. The backfitting requirements are located in title 10 of the *Code of Federal Regulations* (10 CFR) sections 50.109, “Backfitting,” 70.76, “Backfitting,” 72.62, “Backfitting,” and 76.76, “Backfitting.” Provisions analogous to the backfitting requirements, referred to as issue finality provisions, are set forth in 10 CFR part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants.”

Forward fitting occurs when the NRC conditions its approval of a licensee-initiated request for a licensing action on the licensee’s compliance with a new or modified requirement or staff interpretation of a requirement that the licensee did not request. The new or modified requirement or staff interpretation must result in, generally, a change to the licensee’s systems, structures, components, design, approval, procedures, or organization.

In accordance with the NRC Principles of Good Regulation and the Administrative Procedure Act, the backfitting rules and policies and the forward fitting policies provide the following: (a) Regulatory stability, by ensuring that the changes the NRC makes are necessary or provide a substantial safety enhancement; (b) reasoned and informed NRC decisionmaking, by requiring the proposed action be properly justified; and (c) transparency of NRC decisionmaking, by requiring that the NRC document and make publicly available its analyses and evaluations.

The NRC has drafted NUREG–1409, “Backfitting Guidelines,” Revision 1 (ADAMS Accession No. ML18109A498), to be consistent with recent updates to Management Directive and Handbook 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests,” dated September

20, 2019 (ADAMS Accession No. ML18093B087). NUREG–1409, Revision 1, would supersede NUREG–1409, Revision 0 (ADAMS Accession No. ML032230247), which was issued in 1990 and did not address the backfitting requirements in 10 CFR part 70, “Domestic Licensing of Special Nuclear Material,” 10 CFR part 72, “Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste,” or 10 CFR part 76, “Certification of Gaseous Diffusion Plants,” or the 10 CFR part 52 issue finality provisions. NUREG–1409, Revision 1, would address all the backfitting and issue finality regulations and policies and the forward fitting policies. The NRC’s intent in revising NUREG–1409 is to ensure consistency in implementing backfitting, forward fitting, and issue finality requirements across the NRC.

## III. Public Meeting

The NRC will conduct a public meeting to describe the draft NUREG and answer questions from the public. The NRC will publish a notice of the location, time, and agenda of the meeting on the NRC’s public meeting website at least 10 calendar days before the meeting. Stakeholders should monitor the NRC’s public meeting website for information about the public meeting at: <https://www.nrc.gov/public-involve/public-meetings/index.cfm>.

Dated at Rockville, Maryland, this 18th day of March 2020.

For the Nuclear Regulatory Commission.

**Mohamed K. Shams,**

*Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2020–0271; Product Identifier 2017–SW–017–AD]

RIN 2120–AA64

#### Airworthiness Directives; Airbus Helicopters

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for

certain Airbus Helicopters Model AS350B2 helicopters. This proposed AD would require performing a test of the main rotor RPM (NR) indicator, and depending on the results, altering the wiring. This proposed AD is prompted by reports of some NR indicators displaying incorrect information. The actions of this proposed AD are intended to address an unsafe condition on these products.

**DATES:** The FAA must receive comments on this AD by May 22, 2020.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to <https://www.regulations.gov>. Follow the online instructions for sending your comments electronically.

- *Fax:* 202–493–2251.

- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

- *Hand Delivery:* Deliver to the “Mail” address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### 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–2020–0271; 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 proposed AD, the European Union Aviation Safety Agency (previously European Aviation Safety Agency) (EASA) AD, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at <https://www.airbus.com/helicopters/services/technical-support.html>. You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

#### FOR FURTHER INFORMATION CONTACT:

George Schwab, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email [george.schwab@faa.gov](mailto:george.schwab@faa.gov).