

with the comment that direct observation is necessary by the second individual. Direct observation by the second individual is not necessary under the limited circumstances allowed by the interpretation to ensure safety because a second individual is available to provide immediate assistance. For example, it may be acceptable for the second individual to have less awareness of the operations or to be located further away when the radiographer has a clear view of the entire operation because the radiographer is able to observe all points of entry and alert the second qualified individual of a potential unauthorized entry. The new interpretation provides flexibility when the situation allows it and does not compromise radiation safety and security. Section 34.41(a) provides the minimum requirements for the number of personnel at every temporary jobsite; it does not address security, dosimetry requirements, or the use and number of survey instruments. Other regulations or circumstances may apply as described in NUREG-1556, Volume 2, Revision 1, "Program-Specific Guidance About Industrial Radiography Licenses," that require a licensee to have more than two individuals present at a temporary jobsite; for example, in situations where there are multiple access points to the restricted area that need to be controlled.

The performance-based aspects of the regulations require the second individual to be sufficiently aware of the operation to be able to provide immediate assistance. Therefore, if the second individual does not have sufficient awareness and proximity to the radiographic operation to perform these functions, then the requirement is not met. For example, if the second individual is in the darkroom and is not able to hear or see the radiographic operations, then the second individual is not meeting the requirements as the NRC has interpreted them.

Reciprocity and consistency: Comments from the OAS and Oklahoma expressed concern that the interpretation, combined with the compatibility category change from B to C, may cause reciprocity and consistency issues.

Response: The NRC disagrees with these comments. In the June 1, 2021, notification (86 FR 29173), the NRC, with the benefit of over 20 years of experience with Agreement States implementing the two-person rule differently, determined that essentially identical implementation is not necessary to provide an orderly pattern of regulation. The essential objective of

§ 34.41(a) is to have a second qualified individual maintain awareness of the radiographic operations, maintain direct communications with the radiographer, and be capable of providing immediate assistance to the radiographer or taking charge when necessary, and to prevent unauthorized entry into a restricted area. Despite differences in implementation of the two-person rule, the NRC is not aware of any cross-jurisdictional boundary issues for the National Materials Program from these different interpretations. Further, other requirements in 10 CFR part 34 that apply to radiography at temporary jobsites are designated as Compatibility Category C, such as the survey requirement in § 34.49(b), and have not resulted in cross-jurisdictional boundary issues. Therefore, the NRC has no reason to believe this compatibility change will cause reciprocity or consistency issues.

III. Interpretation and Agreement State Compatibility

This document completes the NRC's actions on the interpretation and the change in Agreement State Compatibility Category published in the **Federal Register** on June 1, 2021 (86 FR 29173). The issues raised by the comments are not new and were considered by the NRC before publishing the new interpretation. The NRC recognizes that currently there are limited circumstances where the interpretation would be applicable, and that more guidance is needed. The NRC finds that the new interpretation provides the flexibility to accommodate emerging technologies for the surveillance of radiographic operations. This approach allows Agreement States the flexibility to align their programs with the NRC's proposed interpretation, continue their current interpretation of requiring two individuals to observe the restricted area, or adopt another more restrictive approach.

The NRC intends to develop an addendum to the current version of NUREG-1556, Volume 2, Revision 1, and to revise Inspection Procedure 87121, "Industrial Radiography Programs," to address the interpretation of the surveillance requirements.

IV. Discontinuation of the Rulemaking and Denial of the Associated Petition

The new interpretation resolves the issues raised in PRM-34-6 related to the two-person rule. The interpretation makes § 34.41(a) consistent with the requirement in § 34.51 that at least one of the two individuals present at a temporary jobsite must "maintain direct observation of the operation."

In addition, the NRC reviewed the petition regarding training requirements and concluded, based on associated operational experience since 1997, that the current training requirements in § 34.43(c) are sufficient to ensure safe radiographic operations. Specifically, the second qualified individual must receive training on radiographic devices, sources, associated equipment, radiation survey equipment, and the daily inspection requirements on the equipment. The training requirements in 10 CFR part 34 prepare individuals conducting radiographic operations with sufficient knowledge and understanding of the regulations and safety requirements and familiarity with the equipment that they will use in the performance of their work.

Based on the NRC's review and lack of comments warranting a change to the new interpretation, the NRC has concluded that conducting rulemaking to amend its requirements for industrial radiographic operations and training is not necessary and, therefore, is discontinuing the rulemaking activity. The NRC is denying PRM-34-6 pursuant to § 2.803(i)(2).

V. Conclusion

This document provides the NRC's responses to public comments on an interpretation and corresponding Agreement State Compatibility Category change. The NRC is not revising the interpretation or changing the Compatibility Category in response to comments. The NRC is discontinuing the planned rulemaking that would have amended its requirements for industrial radiographic operations and training and is denying PRM-34-6 for the reasons discussed in this document.

Dated: January 20, 2023.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Acting Secretary of the Commission.

[FR Doc. 2023-01487 Filed 1-27-23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 5, 21, 91, 119, 121, and 135

[Docket No.: FAA-2021-0419; Notice No. 23-05]

RIN 2120-AL60

Safety Management Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); extension of comment period.

SUMMARY: This action extends the comment period for an NPRM titled “Safety Management Systems” that was published on January 11, 2023. In that document, the FAA proposed to update and expand the requirements for safety management systems (SMS) and require certain certificate holders and commercial air tour operators to develop and implement an SMS. The FAA is extending the comment period closing date to allow commenters additional time to analyze the proposed rule and prepare a response.

DATES: The comment period for the NPRM published on January 11, 2023 at 88 FR 1932, and scheduled to close on March 13, 2023, is extended until April 11, 2023.

ADDRESSES: Send comments identified by docket number FAA–2021–0419 using any of the following methods:

- *Federal eRulemaking Portal:* Go to 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: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

Docket: Background documents or comments received may be read at 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: For technical questions concerning this action, contact Scott Van Buren, Office of Accident Investigation and

Prevention, AVP–4, Federal Aviation Administration, 800 Independence Avenue SW, Room 300 East, Washington, DC 20591, telephone (202) 494–8417; email Scott.VanBuren@faa.gov.

SUPPLEMENTARY INFORMATION:

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The agency may change this proposal in light of the comments it receives.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the internet by—

1. Searching the Federal eRulemaking Portal at www.regulations.gov;
2. Visiting the FAA’s Regulations and Policies web page at www.faa.gov/regulations_policies/; or
3. Accessing the Government Printing Office’s web page at www.GovInfo.com.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the internet through the Federal eRulemaking Portal referenced in item (1) above.

Background

On January 11, 2023, the FAA published an NPRM titled “Safety Management Systems” in the **Federal Register** (88 FR 1932; Notice No. 23–05). In the NPRM, the FAA proposes to update and expand the requirements for safety management systems (SMS) and require certain certificate holders and commercial air tour operators to develop and implement an SMS. The proposed rule would extend the requirement for an SMS to all certificate holders operating under the rules for commuter and on-demand operations, commercial air tour operators, production certificate (PC) holders that are holders or licensees of a type certificate (TC) for the same product, and holders of a TC who license that TC for production. The proposed rule is intended to improve aviation safety by requiring organizations to implement a proactive approach to managing safety. Commenters were instructed to provide comments on or before March 13, 2023 (*i.e.*, 60 days from the date of publication of the NPRM).

Since publication, the FAA has received two requests to extend the comment period by an additional sixty (60) days and a third request for an extension of an additional ninety (90) days. The commenters requested more time to review the proposed rule and develop comments and recommendations.

The FAA grants the petitioners’ request for an extension of the comment period. The FAA recognizes the importance of the proposed rule and that an extension would help commenters craft complete and thoughtful responses. However, the FAA believes that an additional thirty (30) days provides sufficient opportunity to review the NPRM and provide comments. With this extension, the comment period will now close on April 11, 2023. This will provide the public with a total of ninety (90) days to conduct its review and submit comments to the docket.

The FAA will not grant any additional requests to further extend the comment period for this rulemaking.

Extension of Comment Period

In accordance with § 11.47(c) of title 14, Code of Federal Regulations, the FAA has reviewed the petitions for extension of the comment period for this notice. The petitioners have shown a substantive interest in the proposed policy and good cause for the extension of the comment period. The FAA has determined that an extension of the comment period for an additional thirty

(30) days to April 11, 2023 is consistent with the public interest, and that good cause exists for taking this action.

Accordingly, the comment period for Notice No. 23-05 is extended until April 11, 2023.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC.

Kimberly R. Pyle,

Executive Director, Office of Accident Investigation and Prevention, Federal Aviation Administration.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2023-0028; Project Identifier MCAI-2022-01164-T]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2022-03-12, which applies to all Airbus SAS Model A330-200, -300, -800, and -900 series airplanes; and Model A340-200, -300, -500, and -600 series airplanes. AD 2022-03-12 requires replacing the doghouse door lock placard with an improved instruction placard. Since the FAA issued AD 2022-03-12, it has been determined that additional parts need to be modified. This proposed AD would continue to require the actions in AD 2022-03-12 and would expand the list of affected parts, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). This proposed AD would also prohibit the installation of affected parts under certain conditions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by March 16, 2023.

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 [regulations.gov](https://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.

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-0028; 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 NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For the EASA AD identified in this NPRM, you may contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website [easa.europa.eu](https://www.easa.europa.eu). You may find this material on the EASA website at [ad.easa.europa.eu](https://www.ad.easa.europa.eu). It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-0028.

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

FOR FURTHER INFORMATION CONTACT:

Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3229; email vladimir.ulyanov@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2023-0028; Project Identifier MCAI-2022-01164-T" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments

received, without change, to [regulations.gov](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3229; email vladimir.ulyanov@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2022-03-12, Amendment 39-21929 (87 FR 8169, February 14, 2022) (AD 2022-03-12), for all Airbus SAS Model A330-200, -300, -800, and -900 series airplanes; and Model A340-200, -300, -500, and -600 series airplanes. AD 2022-03-12 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2021-0136, dated June 4, 2021 (EASA AD 2021-0136), to correct an unsafe condition.

AD 2022-03-12 requires replacing the doghouse door lock placard with an improved instruction placard. AD 2022-03-12 also prohibits the installation of affected parts under certain conditions. The FAA issued AD 2022-03-12 to address possible incorrect operation of the doghouse door lock due to unclear and incomplete handling instructions on the door placard installed near the lock. This condition, if not addressed, could lead to failure of the latch, which could block the door in the closed position and prevent access to the emergency equipment inside the doghouse.