

For the Nuclear Regulatory Commission.

Theresa V. Clark,

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Safeguards.*

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

[NRC-2014-0118]

RIN 3150-AJ41

Enhanced Security of Special Nuclear Material

AGENCY: Nuclear Regulatory
Commission.

ACTION: Revised regulatory basis; request
for comment.

SUMMARY: The U.S. Nuclear Regulatory
Commission (NRC) is requesting
comments on a draft revised regulatory
basis to support a rulemaking that
would update special nuclear material
(SNM) physical protection requirements
for fuel cycle facilities. The rule would
establish generically applicable security
requirements similar to those imposed
by security orders issued by the NRC
following the terrorist attacks of
September 11, 2001.

DATES: Submit comments by April 1,
2019. Comments received after this date
will be considered if it is practical to do
so; however, the NRC is only able to
ensure consideration of comments
received on or before this date.

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

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0118. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: Carol.Gallagher@nrc.gov. For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email comments to:* Rulemaking.Comments@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301-415-1677.

- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland

20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301-415-1677.

- *Comments that contain proprietary or sensitive information:* Please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document to determine the most appropriate method for submitting those comments.

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:

Timothy Harris, Office of Nuclear Security and Incident Response, telephone: 301-287-3594, email: Timothy.Harris@nrc.gov; or Edward Lohr, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-0253, email: Edward.Lohr@nrc.gov. Both are staff of the 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-2014-0118 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 <http://www.regulations.gov> and search for Docket ID NRC-2014-0118.
- *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 “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.

- *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-2014-0118 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 <http://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 to not 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.

Please note that the NRC will not provide formal written responses to each of the comments received on the draft revised regulatory basis. However, the NRC will consider all comments received in the development of the final regulatory basis.

II. Discussion

On April 22, 2015, the NRC published in the **Federal Register** (ADAMS Accession No. ML14321A007) a regulatory basis for the “Rulemaking for Enhanced Security of Special Nuclear Material” proposed rule. The proposed rule would amend the requirements in part 73 of title 10 of the *Code of Federal Regulations* (10 CFR), “Physical Protection of Plants and Materials.” The Commission recently directed that resources be allocated for this rulemaking with the exclusive scope of codifying the requirements of the post-9/11 security orders.

Consistent with this direction and the NRC’s rulemaking process, the staff has prepared a draft revised regulatory basis to describe and document the results of assessments and analyses performed by the NRC in support of the proposed rule for enhancing security for SNM. The draft revised regulatory basis document is available in ADAMS under Accession No. ML18332A053.

The 2015 regulatory basis set forth four objectives for the rulemaking: (1) Make generically applicable physical protection measures similar to those imposed by security orders issued following the terrorist attacks of September 11, 2001 (post-9/11 security orders); (2) consider risk insights gained from new national laboratory studies, implementation and oversight experience, and international guidance; (3) improve consistency and clarity of SNM physical protection requirements; and (4) use a risk-informed and performance-based structure. The NRC

now is pursuing only the first objective in the scope of the rulemaking.

III. Cumulative Effects of Regulations

The cumulative effects of regulation (CER) describe the challenges that licensees or other impacted entities (such as Agreement State agency partners) may face while implementing new regulatory positions, programs, and requirements (e.g., rules, generic letters, backfits, inspections). The CER is an organizational effectiveness challenge that results from a licensee or impacted entity implementing a number of complex positions, programs, or requirements within a limited implementation period and with available resources (which may include limited available expertise to address specific issues). The NRC has implemented CER enhancements into the rulemaking process to facilitate public involvement throughout the rulemaking process. Therefore, the NRC is specifically requesting comment on the cumulative effects that may result from a proposed rule. In developing comments on the 2019 draft revised regulatory basis, consider the following questions:

(1) In light of any current or projected CER challenges, what should be a reasonable effective date, compliance date, or submittal date(s) from the time the final rule is published to the actual implementation of any new proposed requirements, including changes to programs, procedures, or the facility?

(2) If current or projected CER challenges exist, what should be done to address this situation (e.g., if more time is required to implement the new requirements, what period of time would be sufficient, and why would such a time frame be necessary)?

(3) Do other regulatory actions (e.g., orders, generic communications, license amendment requests, and inspection findings of a generic nature) by the NRC or other agencies influence the implementation of the potential proposed requirements?

(4) Are there unintended consequences? Does a proposed rulemaking action create conditions that would be contrary to the purpose and objectives of the 10 CFR part 73 rulemaking? If so, what are the consequences and how should they be addressed?

(5) Please consider providing information on the estimates of the costs and benefits of a proposed rulemaking action, which can be used to support any additional regulatory analysis by the NRC.

IV. Availability of Documents

The documents identified in this **Federal Register** notice are available to interested persons through one or more of the methods listed in the **SUPPLEMENTARY INFORMATION** section of this document.

The NRC may post additional materials related to this rulemaking activity to the Federal rulemaking website at www.regulations.gov under NRC-2014-0118. These documents will inform the public of the current status of this activity and/or provide additional material for use at future public meetings.

The Federal rulemaking website allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC-2014-0118); 2) click the "Sign up for Email Alerts" 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. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, "Plain Language in Government Writing," published in the **Federal Register** on June 10, 1998 (63 FR 31883). The NRC requests comment on this document with respect to the clarity and effectiveness of the language used.

Dated at Rockville, Maryland, this 26th day of February 2019.

For the Nuclear Regulatory Commission.
Theresa V. Clark,
*Deputy Director, Division of Rulemaking,
Office of Nuclear Material Safety and
Safeguards.*

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. **FAA-2019-0114**; Product Identifier **2018-NM-146-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 737 series airplanes. This proposed AD was prompted by a report that structural fatigue cracks can develop in certain aluminum pressure module check valves prior to the design limit. This proposed AD would require an inspection to determine the part numbers of the four hydraulic systems A and B pressure module check valves and applicable on-condition actions. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 15, 2019.

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 Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0114.

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-2019-0114; 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 regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be