

# 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 20 and 32

RIN 3150-AH48

#### National Source Tracking of Sealed Sources

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to establish a National Source Tracking System for certain sealed sources. The NRC is proposing to change the basis for the rule from the NRC's authority to promote the common defense and security to protection of the public health and safety and is seeking public comment on this issue.

**DATES:** Submit comments on the basis change by July 3, 2006. Comments received after the above date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after these dates.

**ADDRESSES:** You may submit comments by any one of the following methods. Please include the following number (RIN 3150-AH48) in the subject line of your comments. Comments on rulemakings submitted in writing or in electronic form will be made available to the public in their entirety on the NRC rulemaking Web site. Personal information will not be removed from your comments.

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

E-mail comments to: [SECY@nrc.gov](mailto:SECY@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking

Web site to Carol Gallagher (301) 415-5905; email [cag@nrc.gov](mailto:cag@nrc.gov). Comments can also be submitted via the Federal Rulemaking Portal <http://www.regulations.gov>.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm Federal workdays. (Telephone (301) 415-1966).

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

You may submit comments on the information collections by the methods indicated in the Paperwork Reduction Act Statement.

Publicly available documents related to this rulemaking may be examined and copied for a fee at the NRC's Public Document Room (PDR), Public File Area O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. Selected documents, including comments, can be viewed and downloaded electronically via the NRC rulemaking Web site at <http://ruleforum.llnl.gov>.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/NRC/ADAMS/index.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Merri Horn, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-8126, e-mail, [mlh1@nrc.gov](mailto:mlh1@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The proposed rule on national source tracking was published in the **Federal Register** on July 28, 2005 (70 FR 43646) for public comment. The comment period closed October 11, 2005. The proposed rule was issued under the NRC's statutory authority to promote common defense and security. After

publication of the proposed rule, the NRC issued Orders requiring increased controls for the remainder of the licensees possessing risk-significant quantities of radioactive material under the NRC's statutory authority to protect the public health and safety. Agreement States issued legally binding requirements for the increased controls for their licensees. The NRC has reevaluated the underlying basis for the National Source Tracking rule and is now proposing that the rule be issued under its statutory authority to protect the public health and safety. The change in basis is consistent with the framework established for the increased controls that were issued by December 2005. The basis change will allow the Agreement States to issue legally binding requirements for their licensees and to conduct the national source tracking inspections of their licensees. The proposed changes to 10 CFR part 150 would not be included in the final rule as these were to cover the Agreement State licensees.

The database for the National Source Tracking System would still be maintained by the NRC. Both NRC and Agreement State licensees would report their transactions to the National Source Tracking System.

The NRC is specifically inviting comment on the issue of the change in the basis for issuing the rule to protection of the public health and safety. Because the issue on which comment is sought is limited to a change in the basis under which the rule is to be issued, NRC is providing a limited comment period. With the change in basis, the final rule would be an immediate mandatory matter of compatibility and be classified as Compatibility Category "B." The Agreement State Compatibility section of the Statement of Considerations would be revised and is provided below.

##### II. Agreement State Compatibility

Under the "Policy Statement on Adequacy and Compatibility of Agreement State Programs" approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), § 20.2207, the final rule would be classified as Compatibility Category "B." The NRC program elements in this category are those that apply to

activities that have direct and significant transboundary implications. An Agreement State should adopt program elements essentially identical to those of NRC. Agreement State and NRC licensees would report their transactions to the National Source Tracking System. The database would be maintained by NRC.

Dated at Rockville, Maryland, this 7th day of June, 2006.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. E6-9179 Filed 6-12-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-25001; Directorate Identifier 2006-NM-079-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800 and -900 Series Airplanes**

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Boeing Model 737-600, -700, -700C, -800 and -900 series airplanes. This proposed AD would require replacing the aero/fire seals of the blocker doors on the thrust reverser torque boxes on the engines with new, improved aero/fire seals. This proposed AD results from a report that the top three inches of the aero/fire seals of the blocker doors on the thrust reverser torque boxes are not fireproof. We are proposing this AD to prevent a fire in the fan compartment (a fire zone) from migrating through the seal to a flammable fluid in the thrust reverser actuator compartment (a flammable leakage zone), which could result in an uncontrolled fire.

**DATES:** We must receive comments on this proposed AD by July 28, 2006.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD.

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- Government-wide rulemaking Web site: Go to <http://www.regulations.gov>

and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590.

- Fax: (202) 493-2251.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207, for the service information identified in this proposed AD.

#### **FOR FURTHER INFORMATION CONTACT:**

Doug Pegors, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6504; fax (425) 917-6590.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number "FAA-2006-25001; Directorate Identifier 2006-NM-079-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://dms.dot.gov>.

##### **Examining the Docket**

You may examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except

Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

##### **Discussion**

We have received a report indicating that Boeing found that on a Model 737 airplane, the upper three inches of the aero/fire seal of the blocker doors on the thrust reverser torque box extended past the metal v-blade/groove designed to serve as a firewall for the seal. The seal itself serves as a firewall between a fire zone and a flammable leakage zone in the upper region of the thrust reverser torque box. The seal is not fireproof (unable to withstand 2,000 degrees Fahrenheit for 15 minutes) and could allow a fire in the fan compartment, which is a fire zone, to migrate to a flammable fluid in the thrust reverser actuator compartment, which is a flammable leakage zone. This condition, if not corrected, could result in an uncontrolled fire.

##### **Relevant Service Information**

We have reviewed Boeing Special Attention Service Bulletin 737-78-1074, Revision 1, dated September 15, 2005. The service bulletin describes procedures for replacing the aero/fire seals of the blocker doors on the thrust reverser torque boxes on the engines with new, improved aero/fire seals. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

##### **FAA's Determination and Requirements of the Proposed AD**

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. For this reason, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

##### **Costs of Compliance**

There are about 1,595 airplanes of the affected design in the worldwide fleet. This proposed AD would affect about 616 airplanes of U.S. registry. The proposed actions would take about 4 work hours per airplane, at an average labor rate of \$80 per work hour. Required parts would cost about \$3,910 per airplane. Based on these figures, the estimated cost of the proposed AD for