

Dated: May 8, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96-12057 Filed 5-13-96; 8:45 am]

BILLING CODE 3410-02-P

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

[Docket No. PRM-72-3]

#### Fawn Shillinglaw; Receipt of Petition for Rulemaking

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; notice of receipt.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has received and requests public comment on a petition for rulemaking filed by Fawn Shillinglaw. The petition has been docketed by the Commission and has been assigned Docket No. PRM-72-3. The petitioner requests that the NRC amend its regulations which govern independent storage of spent nuclear fuel in dry storage casks to require that the safety analysis report for a cask design fully conforms with the associated NRC safety evaluation report and certificate of compliance before NRC certification of the cask design. The petitioner also requests that the revision date and number of a safety analysis report be specified whenever that report is referenced in documents. The petitioner believes that her proposal would eliminate confusion among licensees, vendors, fabricators, and others who often refer to only the safety analysis report as the relevant document when there may be revisions that must be included to ensure compliance with the NRC safety evaluation report and certificate of compliance. The petitioner also believes that the NRC must clarify the process for modification of a safety analysis report after a cask has been certified.

**DATES:** Submit comments by July 29, 1996. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

**ADDRESSES:** Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:45 am and 4:15 pm on Federal workdays.

For a copy of the petition, write: Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

For information regarding electronic submission of comments, see the language in the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Michael T. Lesar, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301-415-7163 or Toll Free: 800-368-5642.

#### **SUPPLEMENTARY INFORMATION:**

##### Background

The Nuclear Regulatory Commission received a petition for rulemaking submitted by Fawn Shillinglaw in the form of two letters addressed to Chairman Jackson dated December 9 and December 29, 1995. A determination by the Office of the General Counsel on March 5, 1996, specified that the issues presented would be treated as a petition for rulemaking. The petition was docketed as PRM-72-3 on March 14, 1996. The petitioner requests that the NRC amend its regulations in 10 CFR Part 72 entitled, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste."

Specifically, the petitioner requests that 10 CFR Part 72 be amended to require that the safety analysis report (SAR) for a spent fuel dry storage cask design fully conforms with the associated NRC safety evaluation report (SER) and certificate of compliance (COC) before NRC certification of the cask design. The petitioner also requests that 10 CFR Part 72 be amended to require that the revision date and number of an SAR be specified whenever that report is referenced in documents. The petitioner believes there is confusion among licensees, vendors, fabricators, and others who often refer to only the safety analysis report as if it is the only relevant document when there may be revisions that must be included to prevent discrepancies between versions of the SAR and the NRC SER and COC for a specific cask design.

The petitioner cites the VSC-24 cask, designed by Sierra Nuclear Corporation, as an example where revisions to the SAR occurred after the NRC SER and COC were issued. The petitioner believes that no procedures are currently in place to permit a cask vendor to make changes to its SAR after issuance of the NRC SER and COC. The

petitioner also believes that this situation creates confusion and the possibility that an SAR version is being used that directly contradicts SER and COC requirements. The petitioner asks for an explanation of the process that the NRC used for allowing changes to be made by the vendor to the VSC-24 cask after NRC certification, what were those changes, and how this was accomplished without rulemaking. The petitioner also recommends that the NRC make cask unloading procedures publicly available.

The NRC is soliciting public comment on the petition for rulemaking submitted by Fawn Shillinglaw that requests the changes to the regulations in 10 CFR Part 72 as discussed below.

#### Discussion of the Petition

The petitioner notes that the regulations in 10 CFR Part 72 establish requirements and criteria for the certification of spent fuel dry storage cask designs by the NRC. The petitioner is concerned that no process exists in the regulations for a cask vendor to make changes to a generically approved and certified dry storage cask design. The petitioner cites the VSC-24 cask as an example where NRC certification was issued for a design that was modified after the actual certification took place. The petitioner notes that NRC certified the design for the VSC-24 cask on May 7, 1993. The vendor of the VSC-24 cask, Sierra Nuclear Corporation (Sierra), agreed to submit a revision to its SAR (Rev. OA) for this cask in July 1993, about 3 months after NRC certification, because changes were necessary to meet requirements contained in the NRC SER and COC.

The petitioner states that this revision was never completed and cites an NRC letter to Sierra dated November 28, 1994, which indicated that the SAR still needed modification to eliminate contradictions and differences between the VSC-24 cask SAR and the NRC SER and COC. The petitioner cites a Sierra submittal dated June 5, 1995, as the first instance where a revision (Rev. 0AA) appears with the necessary changes. The petitioner also cites a letter from NRC to Sierra which states that Revs. O and OA insert material into the SAR that NRC asked Sierra to perform. However, the petitioner believes that the material appears in the licensing record but not in the SAR. The petitioner indicates that constant references to the SAR exist in various documents but is concerned that the references do not specify the revision number. The petitioner believes this creates confusion and the possibility that an SAR version is being

used that may even contradict or differ from SER and COC requirements.

The petitioner has concluded that a final SAR for a spent fuel dry storage cask design should be accepted which completely fulfills all NRC SER and COC requirements before the cask is certified. The petitioner also believes that the NRC must address how the final vendor SAR can be modified as needed after a cask design is certified. Currently, the only way an SAR can be amended is through rulemaking. The petitioner has also concluded that the SAR revision number and date should be required whenever that document is referenced to eliminate confusion and prevent a situation where an SAR does not meet NRC SER and COC requirements. Lastly, the petitioner is concerned that the NRC is withholding cask unloading procedures from the public and recommends that the NRC make these procedures publicly available. The petitioner cites an example of a faulty dry cask at the Palisades facility where the licensee has been waiting to have a final unloading procedure approved by the NRC. The petitioner has concluded that dry cask storage issues should be addressed and resolved by the NRC to set the proper precedent for the national nuclear waste disposal program.

#### Electronic Submission of Comments

Comments may be submitted electronically, in either ASCII text or WordPerfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board (BBS) on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet. Background documents on this rulemaking are also available for downloading and viewing on the bulletin board.

If using a personal computer and modem, the NRC rulemaking subsystem on FedWorld can be accessed directly by dialing the toll free number (800) 303-9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT-100 terminal emulation, the NRC rulemaking subsystem can then be accessed by selecting the "Rules Menu" option from the "NRC Main Menu." Users will find the "FedWorld Online User's Guides" particularly helpful. Many NRC subsystems and data bases also have a "Help/Information Center" option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone

number for the main FedWorld BBS, (703) 321-3339, or by using Telnet via Internet: fedworld.gov. If using (703) 321-3339 to contact FedWorld, the NRC subsystem will be accessed from the main FedWorld menu by selecting the "Regulatory, Government Administration and State Systems," then selecting "Regulatory Information Mall." At that point, a menu will be displayed that has an option "U.S. Nuclear Regulatory Commission" that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing "/go nrc" at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the "Return to FedWorld" option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems, but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules Menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is available. There is a 15-minute time limit for FTP access.

Although FedWorld also can be accessed through the World Wide Web, like FTP, that mode only provides access for downloading files and does not display the NRC Rules Menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, NRC, Washington, DC 20555, telephone (301) 415-5780; e-mail AXD3@nrc.gov.

Dated at Rockville, Maryland, this 8th day of May, 1996.

For the Nuclear Regulatory Commission,  
John C. Hoyle,  
*Secretary of the Commission.*  
[FR Doc. 96-12027 Filed 5-13-96; 8:45 am]  
BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-25-AD]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that currently requires inspections to detect cracking and corrosion of the aft trunnion of the outer cylinder of the main landing gear (MLG) and various follow-on actions. That action also provides for the optional termination of the inspections by repairing the outer cylinder and installing new aft trunnion bushings. That AD was prompted by reports of failure of several MLG due to fractures of the aft trunnion outer cylinders. The actions specified by that AD are intended to prevent the collapse of the MLG due to stress corrosion cracking of the aft trunnion of the outer cylinder. This proposed action would require operators to implement the previously optional terminating action.

**DATES:** Comments must be received by June 24, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-25-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** James G. Rehr, Aerospace Engineer, Airframe Branch, ANM-120S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2783; fax (206) 227-1181.