

# Proposed Rules

Federal Register

Vol. 78, No. 206

Thursday, October 24, 2013

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.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Parts 2 and 3

[Docket No. APHIS–2012–0107]

#### Petition To Amend Animal Welfare Act Regulations To Prohibit Public Contact With Big Cats, Bears, and Nonhuman Primates

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice; reopening of comment period.

**SUMMARY:** We are reopening the comment period for a petition requesting amendments to the Animal Welfare Act regulations and standards, including to prohibit licensees from allowing individuals, with certain exceptions, from coming into direct or physical contact with big cats, bears, or nonhuman primates of any age, to define the term “sufficient distance,” and to prohibit the public handling of young or immature big cats, bears, and nonhuman primates and the separation of such animals from their dams before the species-typical age of weaning absent medical necessity. This action will allow interested persons additional time to prepare and submit comments.

**DATES:** The comment period for the notice published on August 5, 2013 (78 FR 47215) is reopened. We will consider all comments that we receive on or before November 18, 2013.

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

- Federal eRulemaking Portal: Go to <http://www.regulations.gov/#!documentDetail;D=APHIS-2012-0107-0001>.

- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2012–0107, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0107> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Dr. Barbara Kohn, DVM, Senior Staff Officer, USDA, APHIS, Animal Care, 4700 River Road Unit 84, Riverdale, MD 20737–1234; (301) 851–3751.

**SUPPLEMENTARY INFORMATION:** On August 5, 2013, we published in the **Federal Register** (78 FR 47215–47217, Docket No. APHIS–2012–0107) a notice<sup>1</sup> making available for comment a petition requesting amendments to the Animal Welfare Act regulations and standards, including to prohibit licensees from allowing individuals, with certain exceptions, from coming into direct or physical contact with big cats, bears, or nonhuman primates of any age, to define the term “sufficient distance,” and to prohibit the public handling of young or immature big cats, bears, and nonhuman primates and the separation of such animals from their dams before the species-typical age of weaning absent medical necessity.

Comments on the petition were required to be received on or before October 4, 2013. We are reopening the comment period on Docket No. APHIS–2012–0107 for an additional 45 days. This action will allow interested persons additional time to prepare and submit comments. We will also consider all comments received between October 5, 2013 (the day after the close of the original comment period) and the date of this notice.

**Authority:** 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.7.

<sup>1</sup>To view the notice, petition, and the comments we have received, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0107>.

Done in Washington, DC, this 18th day of October 2013.

**Kevin Shea,**  
*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2013–25004 Filed 10–23–13; 8:45 am]

**BILLING CODE 3410–34–P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

[NRC–2012–0020]

RIN 3150–AJ10

#### List of Approved Spent Fuel Storage Casks: Transnuclear, Inc. Standardized NUHOMS® Cask System

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by revising the Transnuclear, Inc. Standardized NUHOMS® Cask System listing within the “List of Approved Spent Fuel Storage Casks” to include Amendment No. 11 to Certificate of Compliance (CoC) No. 1004. Amendment No. 11 revises authorized contents to include: adding a new transfer cask, the OS197L, for use with the 32PT and 61BT dry shielded canisters; and converting the CoC No. 1004 Technical Specifications (TS) to the format in NUREG–1745, “Standard Format and Content for Technical Specifications for 10 CFR [Title 10 of the *Code of Federal Regulations*] Part 72 Cask Certificates of Compliance.” In addition, the amendment makes several other changes as described under the “Discussion of Changes” heading in the **SUPPLEMENTARY INFORMATION** section of the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

**DATES:** Submit comments by November 25, 2013. Comments received after this date will be considered if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any one of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2012–0020. Address questions about NRC dockets to Carol Gallagher, telephone: 301–287–3422, email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Email comments to:* [Rulemaking.Comments@nrc.gov](mailto: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.

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

**FOR FURTHER INFORMATION CONTACT:**

Gregory R. Trussell, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–6445, email: [Gregory.Trussell@nrc.gov](mailto:Gregory.Trussell@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Accessing Information and Submitting Comments**

*A. Accessing Information*

Please refer to Docket ID NRC–2012–0020 when contacting the NRC about the availability of information for this proposed rule. You may access information related to this proposed rulemaking, which the NRC possesses and is publicly available by any of the following methods:

• *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2012–0020.

• *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then 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 in this document (if that document is available in ADAMS) is provided the first time that

a document is referenced. The proposed CoC and the preliminary Safety Evaluation Report are available in ADAMS under Package Accession No. ML120130550. The ADAMS Accession No. for the Transnuclear, Inc. Standardized NUHOMS® Cask System Amendment No. 11 dated April 10, 2007, is ML071240088.

• *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–2012–0020 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

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, and 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 submissions into ADAMS.

**II. Procedural Background**

This rule is limited to the changes contained in Amendment No. 11 to CoC No. 1004 and does not include other aspects of the Transnuclear, Inc. Standardized NUHOMS® Cask System design. Because the NRC considers this action noncontroversial and routine, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. Adequate protection of public health and safety continues to be ensured. The direct final rule will become effective on January 7, 2014. However, if the NRC receives significant adverse comments on this proposed rule by November 25, 2013, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the

NRC will address the comments received in response to these proposed revisions in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule’s underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or TSs.

For additional procedural information and the regulatory analysis and the availability of the environmental assessment and finding of no significant impact, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

**III. Plain Writing**

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and 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 June 10, 1998 (63 FR 31883). The NRC requests comment on the proposed rule with respect to the clarity and effectiveness of the language used.

**List of Subjects in 10 CFR part 72**

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection,

Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR part 72.

**PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE**

■ 1. The authority citation for part 72 continues to read as follows:

**Authority:** Atomic Energy Act secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act sec. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act sec. 102 (42 U.S.C. 4332); Nuclear Waste Policy Act secs. 131, 132, 133, 135, 137, 141, 148 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. No. 109–58, 119 Stat. 549 (2005).

Section 72.44(g) also issued under secs. Nuclear Waste Policy Act 142(b) and 148(c), (d) (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under Atomic Energy Act sec. 189 (42 U.S.C. 2239); Nuclear Waste Policy Act sec. 134 (42 U.S.C. 10154). Section 72.96(d) also issued under Nuclear Waste Policy Act sec. 145(g) (42 U.S.C. 10165(g)). Subpart J also issued under Nuclear Waste Policy Act secs. 117(a), 141(h) (42 U.S.C. 10137(a), 10161(h)). Subpart K is also issued under sec. 218(a) (42 U.S.C. 10198).

■ 2. In § 72.214, Certificate of Compliance 1004 is revised to read as follows:

**§ 72.214 List of approved spent fuel storage casks.**

\* \* \* \* \*

*Certificate Number:* 1004.

*Initial Certificate Effective Date:* January 23, 1995.

*Amendment Number 1 Effective Date:* April 27, 2000.

*Amendment Number 2 Effective Date:* September 5, 2000.

*Amendment Number 3 Effective Date:* September 12, 2001.

*Amendment Number 4 Effective Date:* February 12, 2002.

*Amendment Number 5 Effective Date:* January 7, 2004.

*Amendment Number 6 Effective Date:* December 22, 2003.

*Amendment Number 7 Effective Date:* March 2, 2004.

*Amendment Number 8 Effective Date:* December 5, 2005.

*Amendment Number 9 Effective Date:* April 17, 2007.

*Amendment Number 10 Effective Date:* August 24, 2009.

*Amendment Number 11 Effective Date:* January 7, 2014.

*SAR Submitted by:* Transnuclear, Inc.  
*SAR Title:* Final Safety Analysis

Report for the Standardized NUHOMS® Horizontal Modular Storage System for Irradiated Nuclear Fuel.

*Docket Number:* 72–1004.

*Certificate Expiration Date:* January 23, 2015.

*Model Number:* NUHOMS®–24P, –24PHB, –24PTH, –32PT, –32PTH1, –52B, –61BT, and –61BTH.

\* \* \* \* \*

Dated at Rockville, Maryland, this 2nd day of October, 2013.

For the Nuclear Regulatory Commission.

**Mark A. Satorius,**

*Executive Director for Operations.*

[FR Doc. 2013–24905 Filed 10–23–13; 8:45 am]

**BILLING CODE 7590–01–P**

**DEPARTMENT OF ENERGY**

**10 CFR Part 430**

[Docket Number EERE–2013–BT–TP–0004]

RIN 1904–AC94

**Energy Conservation Program for Consumer Products: Test Procedures for Direct Heating Equipment and Pool Heaters**

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of proposed rulemaking and public meeting.

**SUMMARY:** The U.S. Department of Energy (DOE) proposes to revise its test procedures for direct heating equipment and pool heaters established under the Energy Policy and Conservation Act. This rulemaking will fulfill DOE’s statutory obligation to review its test procedures for covered products at least once every seven years. For direct heating equipment, the proposed amendments would add provisions for testing vented home heating equipment that utilizes condensing technology, and to incorporate by reference six industry test standards to replace the outdated test standards which are referred to in the existing DOE test procedure. These industry standards reflect the current

practice in test set-up and test conditions for testing direct heating equipment. For pool heaters, the proposed amendments would incorporate by reference ANSI/Air-conditioning, Heating, and Refrigeration Institute (AHRI) Standard 1160–2009, “Performance Rating of Heat Pump Pool Heaters,” and ANSI/American Society of Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE) Standard 146–2011, “Method of Testing and Rating Pool Heaters,” to establish a test method for electric pool heaters (including heat pump pool heaters). The proposed amendments would also clarify the test procedure’s applicability to oil-fired pool heaters. DOE is also announcing a public meeting to discuss and receive comments on issues presented in this test procedure rulemaking.

**DATES:** *Comments:* DOE will accept comments, data, and information regarding this notice of proposed rulemaking (NOPR) before and after the public meeting, but no later than January 7, 2014. See section V, “Public Participation,” for details.

*Meeting:* DOE will hold a public meeting on Wednesday, December 4, 2013, from 9:00 a.m. to 4:00 p.m., in Washington, DC. The meeting will also be broadcast as a webinar. See section V, “Public Participation,” for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

**ADDRESSES:** The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 8E–089, 1000 Independence Avenue SW., Washington, DC 20585. To attend, please notify Ms. Brenda Edwards at (202) 586–2945. For more information, refer to section V, “Public Participation,” near the end of this notice of proposed rulemaking.

Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Alternatively, interested persons may submit comments, identified by docket number EERE–2013–BT–TP–0004 and/or RIN 1904–AC94, by any of the following methods:

- *Email:* [DirectHeatingPoolHeaters2013TP0004@ee.doe.gov](mailto:DirectHeatingPoolHeaters2013TP0004@ee.doe.gov). Include EERE–2013–BT–TP–0004 and/or RIN 1904–AC94 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.