

shutdown, and establishes the requirements that must be satisfied for a reactor to restart from an extended shutdown.” In addition, the petitioners request NRC issue a final rule that explicitly states that “a licensee providing the NRC with written certification under 10 CFR [title 10 of the *Code of Federal Regulations*] 50.82(a)(1)(i) of permanent cessation of reactor operations cannot retract that certification and opt to place the reactor into an extended shutdown en route to resumption of reactor operations.”

The petitioners propose two criteria to define when a reactor is placed into an extended shutdown. First, similar to how licensees notify the NRC of their intentions to permanently cease reactor operations under 10 CFR 50.4(b)(8) and 10 CFR 50.82(a)(1)(i), a licensee would “notify the NRC of its intention to put a reactor into an extended shutdown.” Second, a reactor that has been shutdown for 2 years but is not actively pursuing restart under a formal NRC process would fall under the petitioners’ proposed new regulatory requirements for a reactor in extended shutdown.

The petitioners propose the NRC issue a final rule requiring licensees be required to submit a “Reactor Extended Shutdown Activities Report (RESAR)” prior to a reactor entering extended shutdown, similar to the Post-Shutdown Decommissioning Activities Report required by 10 CFR 50.82(a)(4)(i). The petitioners listed seven activities, at a minimum, which should be described in the RESAR. The petitioners note that if the regulations “do[es] not generically address topics like emergency planning exercises, Design Basis Threats and associated physical protection measures, and handling operating experience (*i.e.*, NRC bulletins and generic letters as well as vendor advisories and manual updates), the RESAR should describe how these topics will be handled.”

The petitioners state a new rule should contain requirements for a reactor exiting extended shutdown by either of two pathways: Restart of the reactor or enter decommissioning. For reactor restart, the petitioners state that “the final rule must establish how deferred and suspended activities are resumed” and “for each activity deferred, suspended, or reduced during the period of reactor extended shutdown, the final rule and its associated regulatory guidance must clearly establish how these activities are resumed or reinstated.” The petitioners state that the final rule must clearly establish when and to what extent a power ascension startup program is required for reactor re-operation.

The petitioners request the NRC issue a final rule that addresses “whether decommissioning funds may be used for activities during a reactor extended shutdown and, if so, the criteria and conditions governing use of decommissioning funds.” The petitioners assert that the final rule “must require licensees to submit a preliminary decommissioning cost estimate to the NRC at five-year intervals throughout the period of reactor extended shutdown.”

#### IV. Request for Comment

The NRC is seeking public comment on the following questions:

1. The petition outlines a scenario where a reactor is in an extended shutdown condition due to economic or other reasons and would at some unspecified later date return to operation. The petition uses the Brown’s Ferry Nuclear Plant as an example, where the Tennessee Valley Authority voluntarily shut down one unit from 1985 to 2007. Are there any facilities or licensees who may be likely to use the petitioners’ extended shutdown scenario in the future? Please provide technical, scientific, or other data or information demonstrating the basis for your position.

2. The petitioners contend that the NRC’s existing regulations were promulgated for operating reactors, and that specific regulations are needed to address non-operating reactors in an “extended shutdown.” Assuming the extended shutdown scenario is credible, in what specific ways are the existing regulations identified in the PRM insufficient to address the scenario described by the petitioners? Please provide technical, scientific, or other data or information demonstrating the basis for your position.

3. Assuming that the existing regulations identified in the PRM are insufficient to address the extended shutdown scenario, what specific changes to those regulations are needed to facilitate the requested rulemaking? Please provide technical, scientific, or other data or information demonstrating the basis for your position.

4. The petition describes a plant in an “extended shutdown,” and proposes two criteria to enter into this non-operating state (submission of 10 CFR 50.82(a)(1)(i) and 10 CFR 50.4(b)(8) notifications; and a shutdown period of 2 years). Should the term “extended shutdown” be defined in 10 CFR 50.2, “Definitions,” and should the regulations specify the timeframe for this scenario? Please provide technical, scientific, or other data or information

demonstrating the basis for your position.

5. Given the NRC’s long-standing, well-understood Reactor Oversight Program (ROP), what potential changes would need to be considered to ensure adequate oversight of a reactor during an extended shutdown? Please provide technical, scientific, or other data or information demonstrating the basis for your position.

6. What additional reporting to the NRC should be required for a reactor in an extended shutdown, and with what level of detail and frequency (*e.g.*, the potential changes to the submission of the decommissioning trust fund reports)? Please provide technical, scientific, or other data or information demonstrating the basis for your position.

#### V. Conclusion

The NRC has determined that the petition generally meets the threshold sufficiency requirements for docketing a PRM under 10 CFR 2.802, “Petition for rulemaking—requirements for filing,” and the PRM has been docketed as PRM–50–114. The NRC will examine the issues raised in PRM–50–114, to determine whether they should be considered in the rulemaking process. The petitioners have requested a public meeting with the NRC for the purpose of reaching a common understanding of the problems to be resolved by the requested rulemaking. Unlike the public meeting opportunity afforded in the NRC’s § 2.206 process mentioned in the PRM, there is no public meeting opportunity required in the petition for rulemaking process (§ 2.802). At this time, the NRC does not intend to hold a public meeting on the PRM.

Dated at Rockville, Maryland, this 5th day of December, 2016.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 2016–29484 Filed 12–8–16; 8:45 am]

BILLING CODE 7590–01–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2016–6661; Airspace Docket No. 16–ASW–10]

#### Proposed Establishment of Class E Airspace; Grand Chenier, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

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

**SUMMARY:** This action proposes to establish Class E airspace at Grand Chenier, LA. Controlled airspace is necessary to accommodate new special Instrument Approach Procedures developed at Little Pecan Island Airport, for the safety and management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** Comments must be received on or before January 23, 2017.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone (202) 366-9826 or (800) 617-5527. You must identify the docket number FAA Docket No. FAA-2016-9193/Airspace Docket No. 16-AGL-26, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202-267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202-741-6030, or go to <http://www.archives.gov/federal-register/code-of-federal-regulations/ibr-locations.html>.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Shelby, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone: 817-222-5857.

#### **SUPPLEMENTARY INFORMATION:**

#### **Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code.

Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace at Little Pecan Island Airport, Grand Chenier, LA.

#### **Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2016-6661/Airspace Docket No. 16-ASW-10." The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### **Availability of NPRMs**

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see "**ADDRESSES**" section for address and

phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Central Service Center, Operation Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

#### **Availability and Summary of Documents Proposed for Incorporation by Reference**

This document proposes to amend FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

#### **The Proposal**

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6-mile radius of Little Pecan Island Airport, Grand Chenier, LA, to accommodate new special instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### **Regulatory Notices and Analyses**

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

## Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air)

## The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### ASW LA E5 Grand Chenier, LA [New]

Little Pecan Island Airport, LA  
(Lat. 29°47'59" N., long. 092°48'13" W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Little Pecan Island Airport.

Issued in Fort Worth, TX, on November 30, 2016.

**Walter Tweedy,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

[FR Doc. 2016–29430 Filed 12–8–16; 8:45 am]

**BILLING CODE 4910–13–P**

## RAILROAD RETIREMENT BOARD

### 20 CFR Part 295

#### RIN 3220–AB69

### Payments Pursuant to Court Decree or Court-Approved Property Settlement

**AGENCY:** Railroad Retirement Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Railroad Retirement Board (Board) proposes to amend its

regulations addressing who may receive a portion of an employee annuity due to a former spouse of a railroad annuitant under a court decree of divorce or court-approved property settlement, but which was unpaid at the time of the former spouse's death. The current regulation states that the Board will follow the priority order provided for employee annuities unpaid at death in Section 234.1 of the Board's regulations. The proper section pertaining to employee annuities due but unpaid at death is located in Section 234.31 of the Board's regulations. This amendment is necessary to insert the correct section reference.

**DATES:** Submit comments on or before February 7, 2017.

**ADDRESSES:** You may submit comments, identified by 3220–AB69, by any of the following methods:

1. Internet—Send comments via email to [SecretarytotheBoard@rrb.gov](mailto:SecretarytotheBoard@rrb.gov)
2. Fax—(312) 751–7102.
3. Mail—Secretary to the Board, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois, 60611–2092.

Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to RIN number 3220–AB69.

Caution: You should be careful to include in your comments only information that you wish to make publicly available as comments are made public without change, with any personal information provided. The Board strongly urges you not to include in your comments any personal information, such as Social Security numbers or medical information.

#### FOR FURTHER INFORMATION CONTACT:

Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611–2092, (312) 751–4945, TTD (312) 751–4701.

#### SUPPLEMENTARY INFORMATION:

##### Background Information

The Railroad Retirement Act (RRA) provides monthly annuities for railroad employees based on age and years of service in the railroad industry. Section 14(b)(2) of the RRA [45 U.S.C. 231m(b)(2)] provides that portions of an employee annuity calculated under sections 2(b), 3(b), 3(f), and 3(h) of the RRA [45 U.S.C. 231a(b), 231b(b), 231c(f), and 231c(h)] may be characterized as community property and subject to distribution in accordance with a court decree of divorce, annulment, or legal separation or the terms of any court-

approved property settlement incident to any such court decree. The current version of Board regulations at Title 20 of the Code of Federal Regulations, Part 295, sections 295.1–7 implement this provision.

The current version of section 295.5(d) of the Board's regulations explains that payments to a spouse or former spouse pursuant to a court order will not be made to the heirs, legatees, creditors, or assignees of a deceased spouse or former spouse. Any annuity amounts due to the spouse or former spouse but unpaid at the time of the spouse or former spouse's death will be made in accordance with the Board's regulations governing payments of employee annuities due but unpaid at the death of the employee. At the time section 295.5(d) was published in the **Federal Register**, the Board regulations governing employee annuities due but unpaid at death were found in section 234.1 of the Board's regulations. Part 234 of the Board's regulations has since been amended and the section governing employee annuities due but unpaid at death is now designated as section 234.31 of the Board's regulations.

## Proposed Changes

We propose to amend section 295.5(d) of the Board's regulations to provide the correct cross-reference to the section of the Board's regulations governing employee annuities due but unpaid at death. This change is not intended to be substantive.

## Clarity of This Proposed Rule

Executive Order 12866, as supplemented by Executive Order 13563, requires each agency to write all rules in plain language. In addition to your substantive comments on this proposed rule, we invite your comments on how to make it easier to understand. For example:

- Are the requirements for the rule clearly stated?
- Have we organized the material to meet your needs?
- What else could we do to make the rule easier to understand?
- Does the rule contain technical language or jargon that is not clear?
- Would a different format make the rule easier to understand?

## When will we start to use this rule?

We will not use this rule until we evaluate public comments and publish a final rule in the **Federal Register**. All final rules we issue include an effective date. We will continue to use our current rules until that date. If we publish a final rule, we will include a