

The cask systems are also periodically examined by the licensee to verify there are no adverse conditions that would impede thermal performance. Given the surveillance, monitoring, and inspection programs, the risk of immediate failure or emergency is remote. The NRC staff has determined that the current regulatory requirements provide adequate protection of public health and safety and the environment.

While the petitioner referenced a proposed rule, the final rule (64 FR 33178; June 22, 1999), revised the regulations for continuous monitoring of the dry storage confinement system to allow periodic monitoring consistent with the storage cask design requirements and to require that instrumentation systems for dry storage casks be provided in accordance with cask design requirements. In the rulemaking, the NRC determined that continuous, uninterrupted control systems and monitoring are required for wet storage systems that have active heat removal and other active systems, whose safety depends on the continued operation of these systems. Dry storage casks, whose safety solely relies on passive heat removal, do not require continuous, uninterrupted control systems and monitoring as wet storage does. The NRC revised the rules in § 72.122(h)(4) and (i) to require monitoring and instrumentation systems that are consistent with the storage cask design basis.

Finally, the examples that the petitioner cited, the Point Beach hydrogen gas ignition event, Surry seal failure, and potential degradation due to salt water environment, all occurred where air was present and not in an inert environment like the inside of a canister. The NRC is unaware of any degradation mechanism that would occur inside of an inert, sealed canister after being placed on the storage pad that would require licensees to open a storage canister and positively verify the neutron poison's efficacy.

**Petitioner Request 11:** Require HOSS at all nuclear power plants as well as away-from-reactor dry cask storage sites; and that all nuclear industry interim on-site or off-site dry cask storage installations or ISFSIs be fortified against terrorist attack. In addition, all sites should be safeguarded against accident and age-related leakage.

**NRC Response:** Regarding comments about HOSS requirements at nuclear power plant ISFSIs and away-from-reactor dry storage sites, in the response to Petitioner Request 11, the NRC notes that it has conducted considerable analyses regarding the safety of dry storage casks in use in the United States.

The agency has, consistently, found that the robust nature of dry storage systems approved by the NRC under 10 CFR part 72 assures the protection of public health, safety, and security and therefore has not mandated HOSS. Nevertheless, the NRC is in the process of reviewing a potential rulemaking regarding enhancements to the security of spent fuel dry storage facilities (SRM-SECY-10-0114 and SRM-SECY-07-0148—ADAMS Accession Nos. ML103210025 and ML073530119, respectively). Because Petitioner Request 11 raises issues that are relevant to this rulemaking, the NRC will address this item in the context of this proposed rule. Further information regarding NRC action on Petitioner Request 11 will be available at <http://www.regulations.gov> by searching Docket ID NRC-2009-0558.

**Petitioner Request 12:** Establish funding to conduct on-going studies to provide the data required to accurately define and monitor for age-related material degradation, assess the structural integrity of the casks and fuel cladding in “interim” waste storage.

**NRC Response:** The NRC is denying Petitioner Request 12 because rulemaking is not the appropriate mechanism for establishing funding for conducting research. The NRC has initiated independent research on the impacts of long term storage of SNF for multiple renewal periods, cooperated with other interested agencies to support materials aging studies, and is participating in an Electric Power Research Institute program that evaluates materials aging issues.

## Conclusion

For the reasons previously discussed, the NRC is denying nine of the petitioner's requests (Requests 1, 2, 3, 5 through 8, 10, and 12), will consider one request in the rulemaking process (Request 11), and is deferring action on two requests (Requests 4 and 9). The docket for PRM-72-6 will remain open until the Commission acts, at which time the NRC will publish another document in the **Federal Register** to notice the Commission's decision.

Dated at Rockville, Maryland, this 10th day of October 2012.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2012-25366 Filed 10-15-12; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2012-1088; Directorate Identifier 2012-SW-005-AD]

RIN 2120-AA64

#### Airworthiness Directives; Robinson Helicopter Company Helicopters

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for Robinson Helicopter Company (Robinson) Model R44 and R44 II helicopters equipped with emergency floats, which would require replacing the inflation valve assembly. The proposed AD is prompted by failure of the emergency floats to deploy during a factory test because a needle was binding within the inflation valve assembly. The proposed actions are intended to prevent the failure of the floats to inflate during an emergency landing.

**DATES:** We must receive comments on this proposed AD by December 17, 2012.

**ADDRESSES:** You may send comments by any of the following methods:

- **Federal eRulemaking Docket:** Go to <http://www.regulations.gov>. Follow the online instructions for sending your comments electronically.
- **Fax:** 202-493-2251.
- **Mail:** Send comments to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

- **Hand Delivery:** Deliver to the “Mail” address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Examining the AD Docket:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed AD, contact Robinson

Helicopter Company, 2901 Airport Drive, Torrance, CA 90505; telephone (310) 539-0508; fax (310) 539-5198; or at <http://www.robinsonheli.com>. You may review a copy of the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

#### FOR FURTHER INFORMATION CONTACT:

Venessa Stiger, Aerospace Engineer, Cabin Safety/Mechanical & Environmental Systems, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, FAA, 3960 Paramount Blvd., Lakewood, CA 90712-4137; telephone (562) 627-5337; email [venessa.stiger@faa.gov](mailto:venessa.stiger@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

##### Discussion

We propose to adopt a new AD for Robinson Model R44 and Model R44 II helicopters equipped with emergency floats. The AD proposes replacing the inflation valve assembly. The needle that releases helium from a cylinder was binding within the float inflation valve assembly. These helicopters often transport people and goods over water. Consequently, this unsafe condition presents risks to a crew and its passengers should the helicopter need to land in water during an emergency.

#### FAA's Determination

We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

#### Related Service Information

We have reviewed Robinson R44 Service Bulletin SB-80, dated September 7, 2011 (SB), which describes procedures for upgrading certain valve assemblies within the next 250 flight hours or by June 30, 2012, whichever occurs first. The SB reports that during a factory test of pop-out emergency floats the floats failed to inflate because of a stuck cylinder valve.

#### Proposed AD Requirements

This AD would require, within 1 year or 500 hours time-in-service (TIS), whichever occurs first, replacing the inflation valve assembly.

#### Differences Between This Proposed AD and the Service Information

This proposed AD would require replacing the inflation valve assembly within 1 year or 500 hours TIS, whichever occurs first. The SB specifies replacing the assembly within 250 flight hours or by June 30, 2012, whichever occurs first. We used the Monitor Safety/Analyze Data (MSAD) process and were able to predict when the next occurrence would likely occur if no repairs were completed.

#### Costs of Compliance

We estimate that this proposed AD would affect 165 helicopters of U.S. Registry and that the labor cost would average \$85 per work-hour. Based on these assumptions, we estimate that replacing the inflation valve assembly would take 2.5 work-hours for a labor cost of about \$213. Parts would cost \$850 to \$955 for a total cost per helicopter of \$1,063 to \$1,168.

According to Robinson's service information, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage. Accordingly, we have included all costs in our cost estimate.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. 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.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

*For the reasons discussed, I certify this proposed regulation:*

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

##### § 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**Robinson Helicopter Company:** Docket No. FAA–2012–1088; Directorate Identifier 2012–SW–005–AD.

**(a) Applicability**

This AD applies to Robinson Helicopter Company (Robinson) Model R44 and R44 II helicopters with emergency floats equipped with an inflation valve assembly, part number (P/N) D757–1, not engraved with “D758–4” or modified with modification B900–8, and containing a housing assembly, P/N D758–1, Revision C or prior, certificated in any category.

**(b) Unsafe Condition**

This AD defines the unsafe condition as binding of the needle within the float inflation valve assembly, which has resulted in the emergency floats failing to inflate.

**(c) Comments Due Date**

Comments are due December 17, 2012.

**(d) Compliance**

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

**(e) Required Action**

Within 1 year or 500 hours time-in-service (TIS), whichever occurs first, replace the inflation valve assembly with an airworthy inflation valve assembly, P/N D757–1R.

**(f) Alternative Methods of Compliance (AMOC)**

(1) The Manager, Los Angeles Aircraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Venessa Stiger, Aerospace Engineer, Cabin Safety/Mechanical & Environmental Systems, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, FAA, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone (562) 627–5337; email [venessa.stiger@faa.gov](mailto:venessa.stiger@faa.gov).

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

**(g) Additional Information**

Robinson R44 Service Bulletin SB–80, dated September 7, 2011, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Robinson Helicopter Company, 2901 Airport Drive, Torrance, CA 90505; telephone (310) 539–0508; fax (310) 539–5198; or at <http://www.robinsonheli.com/servelib.htm>. You may review a copy of information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

**(h) Subject**

Joint Aircraft Service Component (JASC) Code: 3212, Emergency Flotation Section.

Issued in Fort Worth, Texas, on October 2, 2012.

**Kim Smith,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2012–25428 Filed 10–15–12; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA–2012–1087; Directorate Identifier 2009–SW–32–AD]**

**RIN 2120–AA64**

**Airworthiness Directives; Eurocopter France Helicopters**

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for Eurocopter France (ECF) Model AS332C, L, and L1 helicopters to require an initial and repetitive inspections of the outer skin, butt strap, and fuselage frame for a crack and modification of the helicopter. This proposed AD is prompted by an AD issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, which states that a crack was discovered in a fuselage frame during a daily check. The proposed actions are intended to detect a crack, to prevent loss of airframe structural integrity and subsequent loss of control of the helicopter.

**DATES:** We must receive comments on this proposed AD by December 17, 2012.

**ADDRESSES:** You may send comments by any of the following methods:

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- *Fax:* 202–493–2251.

- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

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For service information identified in this proposed AD, contact American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005; telephone (800) 232–0323; fax (972) 641–3710; or at <http://www.eurocopter.com>. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

**FOR FURTHER INFORMATION CONTACT:** Gary Roach, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email [gary.b.roach@faa.gov](mailto:gary.b.roach@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

**Discussion**

EASA has issued EASA AD No. 2008–0035–E, dated February 21, 2008, to