

Proposed Rules

Federal Register

Vol. 62, No. 237

Wednesday, December 10, 1997

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 Part 40

[Docket No. PRM-40-26]

Chromalloy Tallahassee; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing for public comment a notice of receipt of a petition for rulemaking, dated July 17, 1997, which was filed with the Commission by Chromalloy Tallahassee. The petition was docketed by the NRC on September 11, 1997, and has been assigned Docket No. PRM-40-26. The petitioner requests that the NRC amend its licensing exemptions to establish an exemption from licensing requirements to include the M1A1 Battle Tank Engine AGT 1500 which contains nickel-thorium.

DATES: Submit comments by February 23, 1998. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff. Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. Federal workdays.

For a copy of the petition, write the Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

The petition and copies of comments received may be inspected and copied for a fee at the NRC Public Document

Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT:

David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone: 301-415-7162 or Toll Free: 800-368-5642.

SUPPLEMENTARY INFORMATION:

The Petitioner

The petitioner, Chromalloy Tallahassee (Chromalloy) is a Federal Aviation Administration approved Overhaul & Repair facility located in Florida, which is an NRC Agreement State. Chromalloy overhauls and repairs jet engine combustors, one of which has a component, specifically the JT9D jet engine, that falls under the exemption from licensing found in 10 CFR 40.13(c)(8), as adopted by the State of Florida at Subsection 10D-91.302(3) of the Florida Administrative Code.

Background

The petitioner is interested in developing a repair for the M1A1 ABRAMS Main Battle Tank. The M1A1 ABRAMS Main Battle Tank is driven by the AGT 1500 Gas Turbine Engine. The hot section or combustor of the AGT 1500 is made up of 15 splash rings and 15 fuel nozzles all of which are nickel-thoria alloy. The thorium content of the nickel-thoria alloy in the splash rings and fuel nozzles contain less than 2% by weight and the thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide). The petitioner stated that the splash rings and the fuel nozzles meet all the technical requirements of the current exemption, except that the exemption is limited to finished aircraft engine parts.

The NRC's current regulations state:

§ 40.13 Unimportant quantities of source material.

* * * * *

(c) Any person is exempt from the regulation in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, or transfers:

* * * * *

(8) Thorium contained in any finished aircraft engine part containing nickel-thoria alloy. *Provided, That:*

(i) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and

(ii) The thorium content in the nickel-thoria alloy does not exceed 4 percent by weight.

* * * * *

The Petition

The petitioner requests that the NRC amend its regulations in § 40.13(c)(8) to establish an exemption from licensing requirements to include the M1A1 Battle Tank Engine AGT 1500 which contains nickel-thorium.

Because the petitioner is located in an NRC Agreement State, it requested that the Florida Department of Health grant an interpretation of the current exemption to include the M1A1 ABRAMS Main Battle Tank Engine. The petitioner stated that the Florida Department of Health would not grant its request and advised the petitioner that Florida Department of Health was under the impression that the NRC was reevaluating the NRC's position on the nickel-thorium exemption.

In support of its petition, Chromalloy has referenced a petition for rulemaking submitted to the NRC by E. I. du Pont de Nemours & Company (PRM-40-6) dated February 13, 1963, that requested the Commission's regulations be amended to establish an exemption from licensing requirements for persons receiving, possessing, using, transferring or importing into the United States any finished products or part fabricated of, or containing nickel-thorium alloys containing up to 4 percent thorium by weight. The petitioner pointed out that the NRC's response had been:

The Commission has found that the possession and use in the United States of thorium contained in thorium metal alloys in which the thorium does not exceed 4 percent by weight is not of significance to the common defense and security, and that such activities can be conducted without unreasonable hazard to life or property.

The proposed exemption was for "any finished product or part," nowhere in PRM-40-6 do the words "aircraft engine parts" appear.

The petitioner stated that the final exemption was not published until November 18, 1967 (32 FR 15872) and that the expression "jet aircraft engines" is mentioned for the first time in that notice.

After consulting with the NRC, the petitioner believes that the material

used for the experimental test for the final exemption must have been from jet aircraft engines, which at this stage in the development and use of nickel-thoria components in engines was the only application. This is possibly the reason that the exemption specifies only jet aircraft engines. The M1A1 Battle Tank Engine AGT 1500 was not developed until after 1967. The M1A1 Battle Tank Engine AGT 1500 contains the same nickel-thoria alloy as is contained in the JT9D jet engine. The petitioner also has pointed out that the material in the M1A1 Battle Tank Engine AGT 1500 would produce the same results if put to the same experimental tests the Commission conducted in 1963–1967.

In support of its petition, Chromalloy asserts that the NRC considers that jet aircraft engine products are not intended for public use, and cites a **Federal Register** notice published by the Atomic Energy Commission on November 18, 1967 (32 FR 15872) as a basis for this assertion:

The Commission considers that finished aircraft engine parts containing nickel-thoria alloy are not products intended for use by the general public within the purview of § 150.15(a)(6) of 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274." Accordingly, the transfer of possession or control of such finished aircraft engine parts in Agreement States by the manufacturer, processor, or producer would not be regulated by the Commission.

Finally, the petitioner asserts that if the Commission does not view the presence of nickel-thoria in jet aircraft engines to be unsafe to the public, then the presence of nickel-thoria in tank engines should be reviewed in the same light because the public's exposure to battle tank engines is far less than the public's exposure to aircraft engines. Therefore, the petitioner believes that the exemption must apply to both the JT9D aircraft and the M1A1 AGT 1500 battle tank gas turbine engine.

Dated at Rockville, Maryland, this 3rd day of December, 1997.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 97–32273 Filed 12–9–97; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL ELECTION COMMISSION

[Notice 1997–17]

11 CFR Part 114

Qualified Nonprofit Corporations

AGENCY: Federal Election Commission.

ACTION: Rulemaking petition: notice of availability.

SUMMARY: On November 17, 1997, the Commission received a Petition for Rulemaking from the James Madison Center for Free Speech urging the Commission to begin a rulemaking proceeding to conform portions of its regulations to a decision of the United States Court of Appeals for the Eighth Circuit. These regulations set forth the scope of the exemption from the prohibition on corporate independent expenditures for a narrow class of non-profit ideological corporations. The petition is available for inspection in the Commission's Public Records Office.

DATES: Statements in support of or in opposition to the petition must be filed on or before January 23, 1998.

ADDRESSES: All comments should be addressed to Susan E. Propper, Assistant General Counsel, and must be submitted in either written or electronic form. Written comments should be sent to the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463. Faxed comments should be sent to (202) 219–3923, with printed copy follow up. Electronic mail comments should be sent to qncpetition@fec.gov. Commenters sending comments by electronic mail should include their full name and postal service address within the text of their comments. Electronic mail comments that do not contain the full name, electronic mail address and postal service address of the commenter will not be considered.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, or Paul Sanford, Staff Attorney, 999 E Street, N.W., Washington, D.C. 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On November 17, 1997, the Commission received a Petition for Rulemaking from the James Madison Center for Free Speech requesting that the Commission institute a rulemaking proceeding to conform its regulations at 11 CFR 114.10 to the decision of the United States Court of Appeals for the Eighth Circuit in *Minnesota Citizens Concerned for Life v. Federal Election Commission*, 113 F.3d 129 (8th Cir. 1997). These regulations describe a category of nonprofit corporations that are exempt from the prohibition on independent expenditures in 2 U.S.C. § 441b. See also 11 CFR 114.2.

Copies of the petition are available for public inspection in the Commission's Public Records Office, 999 E Street, N.W., Washington, DC 20463, Monday through Friday between the hours of

9:00 a.m. and 5:00 p.m. Copies of the petition can also be obtained at any time of the day and week from the Commission's home page at www.fec.gov, or from the Commission's FAXline service. To obtain copies of the petition from FAXline, dial (202) 501–3413 and follow the FAXline service instructions. Request document #233 to receive the petition.

Members of the public are invited to comment on the petition. All statements in support of or in opposition to the petition should be addressed to Susan E. Propper, Assistant General Counsel, and must be submitted in either written or electronic form. Written comments should be sent to the Commission's postal service address: Federal Election Commission, 999 E Street, N.W., Washington, DC 20463. Faxed comments should be sent to (202) 219–3923. Commenters submitting faxed comments should also submit a printed copy to the Commission's postal service address to ensure legibility. Comments may also be sent by electronic mail to qncpetition@fec.gov. Commenters sending comments by electronic mail should include their full name, electronic mail address and postal service address within the text of their comments. Electronic mail comments that do not contain the full name, electronic mail address and postal service address of the commenter will not be considered. All comments, regardless of form, must be submitted by January 23, 1998.

Consideration of the merits of the petition will be deferred until the close of the comment period. If the Commission decides that the petition has merit, it may begin a rulemaking proceeding. Any subsequent action taken by the Commission will be announced in the **Federal Register**.

Dated: December 5, 1997.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 97–32287 Filed 12–9–97; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–44]

Proposed Amendment to Class E Airspace; Ravenswood, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.