

# Proposed Rules

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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 Chapter 1

[Docket No. PRM-73-17; NRC-2013-0214]

#### Programmable Logic Computers in Nuclear Power Plant Control Systems

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; notice of acceptance and docketing.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) received a petition for rulemaking (PRM), PRM-73-17, filed on March 14, 2013, as supplemented through December 19, 2013, from Mr. Alan Morris (the petitioner). The petitioner requests that the NRC require “new-design programmable logic computers” to be installed in the control systems of nuclear power plants to block malware attacks on their industrial control systems of those facilities. In addition, the petitioner requests that nuclear power plant staff be trained “in the programming and handling of the non-rewriteable memories” for nuclear power plants. The NRC is not requesting public comment on this petition at this time.

**DATES:** February 7, 2014.

**ADDRESSES:** Please refer to Docket ID NRC-2013-0214 when contacting the NRC about the availability of information for this petition. You may access publicly-available information related to this petition by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2013-0214. 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.

- *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 “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.

- *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.

**FOR FURTHER INFORMATION CONTACT:**

Robert H. Beall, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-3814, email: [Robert.Beall@nrc.gov](mailto:Robert.Beall@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. The Petitioner.

Mr. Alan Morris of Morris and Ward, Consulting Engineers, filed a petition for rulemaking with the Commission on March 14, 2013, as supplemented through December 19, 2013 (ADAMS Accession No. ML14016A458). The petitioner states that he is interested in protecting the critical infrastructure of the United States, and has developed and patented “hacker-blocking technology” for non-rewriteable memories to be used with programmable logic computers (PLCs) of industrial control systems.

#### II. The Petition

The petitioner requests that the NRC require “new-design programmable logic computers” to be installed in the control systems of critical infrastructure facilities (nuclear power plants), in order to “block malware attacks on the industrial control systems of those facilities.” The petitioner also requests that nuclear power plant staff be trained to maintain and secure records of all memory programming, and recommends maintenance in secure storage of programmed memories that may be again employed, as “the control systems of critical facilities are essentially steady-state.” The petitioner states that the proposed action would “[r]educe

impact on quality of the natural and social environments by stopping disastrous events at critical facilities.”

The petition notes that “[a]n industrial control system (ICS) is used to control equipment in a local area such as a production plant, while a supervisory control and data acquisition (SCADA) system is used to control equipment in a wide geographical area such as an electric power grid.” The petition goes on to say that “[t]he basic element of an ICS is an industrial controller known as a programmable logic computer (PLC). Programmed into the memory of the PLC are the operations of the equipment in the ICS.”

The complete text of the petition, as amended (ADAMS Accession No. ML14016A458), is available for review as described in the **ADDRESSES** section of this document.

Because the petitioner has satisfied the acceptance criteria in § 2.802(c) of Title 10 of the *Code of Federal Regulations*, the NRC has accepted, and will review the petition to determine whether it should be considered in the rulemaking process.

The NRC is not requesting public comment on this petition at this time.

Dated at Rockville, Maryland, this 27th day of January 2014.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2014-02493 Filed 2-6-14; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. FAA-2014-0067; Notice No. 25-14-01-SC]

#### Special Conditions: Learjet Inc., Model LJ-200-1A10 Airplane; Composite Fuselage In-Flight Fire/Flammability Resistance

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

**ACTION:** Notice of proposed special conditions.

**SUMMARY:** This action proposes special conditions for the Learjet Inc. Model LJ-200-1A10 airplane. This airplane will have a novel or unusual design feature

when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The fuselage of the LJ-200-1A10 will be made of composite materials rather than conventional aluminum, which may affect fire propagation during an in-flight fire. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** Send your comments on or before March 24, 2014.

**ADDRESSES:** Send comments identified by docket number FAA-2014-0067 using any of the following methods:

- *Federal eRegulations Portal:* Go to <http://www.regulations.gov/> and follow the online instructions for sending your comments electronically.

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

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

- *Fax:* Fax comments to Docket Operations at 202-493-2251.

*Privacy:* The FAA will post all comments it receives, without change, to <http://www.regulations.gov/>, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477-19478), as well as at <http://DocketsInfo.dot.gov/>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov/> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Alan Sinclair, FAA, Airframe and Cabin Safety Branch, ANM-115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057-3356; telephone 425-227-2195; facsimile 425-227-1232.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We may change these special conditions based on the comments we receive.

##### **Background**

On February 9, 2009, Learjet Inc. applied for a type certificate for their new Model LJ-200-1A10 airplane (hereafter referred to as the "Model LJ-200"). The Model LJ-200 is a business class airplane powered by two high-bypass turbine engines with an estimated maximum takeoff weight of 35,550 pounds and an interior configuration for up to 10 passengers.

The Model LJ-200 is the first composite fuselage airplane design manufactured by Learjet Inc. A fuselage manufactured from composite material is considered a unique and novel design with respect to existing regulations for this type of aircraft. The performance of aircraft consisting of a conventional aluminum fuselage in an inaccessible in-flight fire scenario is understood based on service history and extensive intermediate and large-scale fire testing. The fuselage itself does not contribute to in-flight fire propagation. This may not be the case for an all composite fuselage. The existing regulations do not adequately address protection against an in-flight fire for an all composite fuselage. These proposed special conditions are necessary to ensure a level of safety equivalent to that provided by existing regulations.

##### **Type Certification Basis**

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Learjet Inc. must show that the Model LJ-200 airplane meets the applicable provisions of part 25, as amended by Amendments 25-1 through 25-127, and 14 CFR part 26, as amended by Amendment 26-1 through 26-2.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model LJ-200 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model LJ-200 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92-574, the "Noise Control Act of 1972."

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

##### **Novel or Unusual Design Features**

The Model LJ-200 airplane will incorporate the following novel or unusual design features: The fuselage will be fabricated using composite materials instead of conventional aluminum.

##### **Discussion**

The Model LJ-200 airplane will make extensive use of composite materials in the fabrication of the majority of the wing, fuselage skin, stringers, spars, and most other structural elements of all major sub-assemblies of the airplane. Despite the major change from aluminum to composite material for the fuselage, the Model LJ-200 airplane must have in-flight survivability such that the composite fuselage does not propagate a fire. A methodology for assessing the in-flight fire survivability of an all-composite fuselage is therefore needed.

The FAA believes that one way to assess the survivability within the cabin of the Model LJ-200 airplane is to conduct large-scale tests. These large-scale tests would use a mock-up of a Model LJ-200 airplane fuselage skin/structure section of sufficient size to assess any tendency for fire propagation. The fire threat used to represent the realistic ignition source in the airplane would consist of a 4" × 4" × 9" polyurethane foam block and 10 ml of

Heptane. This ignition source provides approximately three minutes of flame time and would be positioned at various points and orientations within the mocked up installation to impinge on those areas of the fuselage considered to be most crucial.

This fire threat was established based on an assessment of a range of potential ignition sources, coupled with possible contamination of materials. The FAA considers this a severe fire threat, encompassing a variety of scenarios. However, should ignition or fire sources of a greater severity be identified, these special conditions or the method of compliance would need to be modified in order to take the more severe threat into account.

Despite the major change from aluminum to composite material for the fuselage, the Model LJ-200 must have in-flight fire survivability such that the composite fuselage is no worse than that of a similar aluminum structure.

#### Applicability

As discussed above, these special conditions are applicable to the Model LJ-200 airplane. Should Learjet Inc. apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

#### Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability.

#### List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

#### The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Learjet LJ-200-1A10 airplane.

*Composite Fuselage In-Flight Fire/Flammability Resistance.* The Learjet Model LJ-200 composite fuselage structure must be shown to be resistant to flame propagation under the fire threat used to develop § 25.856(a). If products of combustion are observed beyond the test heat source, they must be evaluated and found acceptable.

Issued in Renton, Washington, on January 31, 2014.

**John P. Piccola,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2014-02618 Filed 2-6-14; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket Number USCG-2013-0789]

RIN 1625-AA08

#### Special Local Regulation; Suncoast Offshore Grand Prix; Gulf of Mexico, Sarasota, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to amend the permanent special local regulations for the Suncoast Offshore Challenge and the Suncoast Offshore Grand Prix in the Gulf of Mexico near Sarasota, Florida. These changes would adjust the timing and affected areas of two existing regulated areas. The changes are necessary to provide for the safety of life on navigable waters during the event.

**DATES:** Comments and related material must be received by the Coast Guard on or before March 3, 2014. Requests for public meetings must be received by the Coast Guard on or before March 3, 2014.

**ADDRESSES:** You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* (202) 493-2251.

(3) *Mail or Delivery:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is (202) 366-9329.

See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Lieutenant Junior Grade Brett

Sillman, Sector Saint Petersburg Waterways Management Branch, U.S. Coast Guard; telephone (813) 228-2191, email [brett.s.sillman@uscg.mil](mailto:brett.s.sillman@uscg.mil). If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Table of Acronyms

DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking

#### A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

##### 1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at <http://www.regulations.gov>, or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, type the docket number USCG-2013-0789 in the "SEARCH" box and click "SEARCH." Click on "Submit a Comment" on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may