

# Rules and Regulations

Federal Register

Vol. 84, No. 54

Wednesday, March 20, 2019

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 920

[Doc. No. AMS–SC–18–0060;  
SC18–920–1 C]

#### Kiwifruit Grown California; Decreased Assessment Rate

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** U.S. Department of Agriculture published a final rule on December 26, 2018, to implement a recommendation from the Kiwifruit Administrative Committee (Committee) to decrease the assessment rate established for the 2018–2019 and subsequent fiscal periods. This correction addresses a typographical error in that final rule.

**DATES:** Effective March 20, 2019.

**FOR FURTHER INFORMATION CONTACT:** Maria Stobbe, Marketing Specialist, or Terry Vawter, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: [Maria.Stobbe@usda.gov](mailto:Maria.Stobbe@usda.gov) or [Terry.Vawter@usda.gov](mailto:Terry.Vawter@usda.gov).

**SUPPLEMENTARY INFORMATION:** The U.S. Department of Agriculture (USDA) published a final rule in the **Federal Register** on December 26, 2018, implementing a recommendation from the Committee to decrease the assessment rate established for the 2018–2019 and subsequent fiscal periods. This correction addresses a typographical error in Amendment 2 of the final rule, which referenced § 925.213, when the correct reference should have been § 920.213. Therefore, USDA is issuing this correction to amend the CFR to reflect the proper

section number for § 920.213, which was incorrect in the final rule published on December 26, 2018 (83 FR 66077).

#### List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 920 is amended by making the following correcting amendment:

#### PART 920—KIWIFRUIT GROWN IN CALIFORNIA

■ 1. The authority citation for part 920 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. In part 920, the section heading for § 920.213, currently listed incorrectly as § 925.213, is revised to read as follows:

#### § 920.213 Assessment rate.

\* \* \* \* \*

Dated: March 12, 2019.

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2019–04908 Filed 3–19–19; 8:45 am]

**BILLING CODE 3410–02–P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

[NRC–2017–0008]

RIN 3150–AJ89

#### List of Approved Spent Fuel Storage Casks: NAC International MAGNASTOR® Cask System; Certificate of Compliance No. 1031, Amendment No. 7; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Correcting amendment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) published a direct final rule in the **Federal Register** on June 6, 2017, amending its spent fuel storage regulations by revising the NAC International MAGNASTOR® Cask System listing within the “List of approved spent fuel storage casks” to include Amendment No. 7 to Certificate of Compliance No. 1031. The direct final rule was effective on August 21,

2017. The technical specifications for NAC International MAGNASTOR® Cask System, Amendment No. 7 included a minor editorial and non-substantive error. The purpose of this action is to correct the error.

**DATES:** This rule is effective on March 20, 2019.

**ADDRESSES:** Please refer to Docket ID NRC–2017–0008 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2017–0008. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; 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 obtain publicly-available documents online in the ADAMS Public Documents collection 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 (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

- *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:** Vanessa Cox, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8342; email: [Vanessa.Cox@nrc.gov](mailto:Vanessa.Cox@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The NRC published a direct final rule in the **Federal Register** on June 6, 2017 (82 FR 25931), amending its regulations in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) by revising the “List of approved spent fuel storage casks” to add Amendment No. 7 to Certificate of Compliance No. 1031 for

the NAC International MAGNASTOR® Cask System listing. The direct final rule was effective on August 21, 2017 (82 FR 37511). The final rule inadvertently omitted a relevant reference to applicable procedures in the technical specifications.

On December 14, 2018, the NRC received a request from NAC to correct a minor editorial and non-substantive error in Appendix A, “Technical Specifications and Design Features for the MAGNASTOR System,” of Certificate of Compliance No. 1031, Amendment No. 7 (ADAMS Accession No. ML18352A886). NAC requested that a sentence in Technical Specifications Appendix A, Section 5.2(e) be corrected to include an omitted reference to applicable procedures in Section 9.4.1. Specifically, NAC said the revised sentence should state “. . . the vent port and drain port shall be verified in accordance with procedures in Section 9.1.1 [MAGNASTOR® Transfer Cask (MTC)] or 9.4.1 [Passive MAGNASTOR® Transfer Cask (PMTC)].”

Amendment No. 7 provided for a new PMTC. In its application for Amendment No. 7, NAC International submitted a new set of operating procedures for the PMTC located in Section 9.4.1, “Loading and Closing the [Transportable Storage Canister (TSC)] Using PMTC” (ADAMS Accession No. ML15225A478). These procedures are separate and distinct from the procedures in Section 9.1.1, “Loading and Closing the TSC Using Standard MTC” (ADAMS Accession No. ML17293A428). The two procedures require licensees to “[p]erform visual and [dye penetrant (PT)] examinations.” The standard MTC is the original transfer cask authorized for use in the initial certificate of compliance (ADAMS Accession No. ML090350509). Prior to Amendment No. 7, the safety analysis report and the technical specifications referred to the authorized transfer cask as the “transfer cask,” since there was no need to make a distinction between two different transfer casks.

In issuing Amendment No. 7 to Certificate of Compliance No. 1031 for the MAGNASTOR® storage cask, the NRC authorized licensees to use the PMTC and its associated changes to the technical specifications, in addition to the previously authorized MTC cask. However, Appendix A, Section 5.2.e of the technical specifications for Amendment No. 7 inadvertently omitted the reference to PMTC procedures in Section 9.4.1 and instead only referenced MTC procedures in Section 9.1.1. Sections 9.1.1 and 9.4.1 require the same “visual and PT

examinations.” NRC staff previously reviewed and approved the “visual and PT examinations” when it approved the MAGNASTOR® storage cask (ADAMS Accession No. ML090350589). Further, NRC staff reviewed and approved the inspection and testing procedures, including the use of “visual and PT examinations” with regard to the PMTC, when it evaluated Amendment No. 7 (ADAMS Accession No. ML17013A513). Adding a reference to the applicable PMTC procedures to one sentence in the technical specifications is a minor editorial correction and would not change the substantive responsibilities of any person or entity regulated by the NRC.

The NRC is correcting the omission by adding the reference to Section 9.4.1 in the technical specifications for Amendment No. 7 in Appendix A, Section 5.2.e for the PMTC. The NRC is also revising Amendment No. 7 to Certificate of Compliance No. 1031 of the NAC International MAGNASTOR® Cask System listing within 10 CFR 72.214 to note the correction.

#### Rulemaking Procedure

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. As authorized by 5 U.S.C. 553(b)(3)(B), the NRC finds good cause to waive notice and opportunity for comment on the amendment because it will have no substantive impact and is of a minor and administrative nature dealing with a correction to a CFR section related only to management, organization, procedure, and practice. This amendment does not require action by any person or entity regulated by the NRC. Also, the final rule does not change the substantive responsibilities of any person or entity regulated by the NRC. Accordingly, for the reasons stated in this document, the NRC finds, pursuant to 5 U.S.C. 553(d)(3), that good cause exists to make this rule effective upon publication.

#### List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Hazardous waste, Indians, Intergovernmental relations, Nuclear energy, 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; and 5 U.S.C. 552 and 553,

the NRC is making the following correcting amendment 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 of 1954, 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, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance 1031 is revised to read as follows:

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

\* \* \* \* \*

*Certificate Number:* 1031.

*Initial Certificate Effective Date:*

February 4, 2009, superseded by Initial Certificate, Revision 1, on February 1, 2016.

*Initial Certificate, Revision 1, Effective Date:* February 1, 2016.

*Amendment Number 1 Effective Date:* August 30, 2010, superseded by Amendment Number 1, Revision 1, on February 1, 2016.

*Amendment Number 1, Revision 1, Effective Date:* February 1, 2016.

*Amendment Number 2 Effective Date:* January 30, 2012, superseded by Amendment Number 2, Revision 1, on February 1, 2016.

*Amendment Number 2, Revision 1, Effective Date:* February 1, 2016.

*Amendment Number 3 Effective Date:* July 25, 2013, superseded by Amendment Number 3, Revision 1, on February 1, 2016.

*Amendment Number 3, Revision 1, Effective Date:* February 1, 2016.

*Amendment Number 4 Effective Date:* April 14, 2015.

*Amendment Number 5 Effective Date:* June 29, 2015.

*Amendment Number 6 Effective Date:* December 21, 2016.

*Amendment Number 7 Effective Date:* August 21, 2017, as corrected (ADAMS Accession No. ML19045A346).

*SAR Submitted by:* NAC International, Inc.  
*SAR Title:* Final Safety Analysis Report for the MAGNASTOR® System.  
*Docket Number:* 72–1031.  
*Certificate Expiration Date:* February 4, 2029.  
*Model Number:* MAGNASTOR®.

\* \* \* \* \*

Dated at Rockville, Maryland, this 14th day of March, 2019.

For the Nuclear Regulatory Commission.

**Cindy K. Bladey,**

*Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2019–05238 Filed 3–19–19; 8:45 am]

**BILLING CODE 7590–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2019–0121; Product Identifier 2019–NM–025–AD; Amendment 39–19591; AD 2019–05–09]

**RIN 2120–AA64**

#### Airworthiness Directives; Airbus SAS Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain Airbus SAS Model A320–251N and –271N airplanes, and Model A321–253N airplanes. This AD was prompted by reports of low clearance between the electrical harness and nearby hydraulic pipes in the inboard trailing edge of the wing. This AD requires repetitive detailed inspections of certain electrical harnesses for discrepancies and corrective actions, if necessary, as specified in an European Aviation Safety Agency (EASA) AD, which is incorporated by reference. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD becomes effective April 4, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 4, 2019.

We must receive comments on this AD by May 6, 2019.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

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

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For the incorporation by reference (IBR) material described in the “Related IBR Material Under 1 CFR part 51” section in **SUPPLEMENTARY INFORMATION**, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this IBR material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at <http://www.regulations.gov>.

#### Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2019–0121; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0035, dated February 15, 2019 (“EASA AD 2019–0035”) (also referred to as the Mandatory Continuing Airworthiness Information, or “the

MCAI”), to correct an unsafe condition for certain Airbus SAS Model A320–251N and –271N airplanes, and Model A321–253N airplanes. The MCAI states:

Low clearance between electrical harness and nearby hydraulic pipes has been detected in the inboard trailing edge of some aeroplanes.

This condition, if not detected and corrected, could lead to chafing of electrical harnesses on hydraulic pipes, eventually creating an ignition source in the flammable fluid leakage zone area, possibly resulting in fire or an explosion and loss of the aeroplane.

To address this potential unsafe condition, Airbus issued the AOT [alert operators transmission], providing instructions to accomplish a detailed inspection (DET) for clearance and damage, and published the modification SB [Service Bulletin A320–29–1176], providing instructions to modify the electrical harness routing, increasing the clearance between electrical harness and hydraulic pipes.

For the reasons described above, this [EASA] AD requires repetitive DET of the electrical harness and modification of the aeroplane.

#### Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0035 describes procedures for repetitive detailed inspections of certain electrical harnesses for discrepancies (clearance and damage) and corrective actions, if necessary. Corrective actions include repairing the electrical harness or replacing the electrical harness sleeve, and increasing the clearance between the affected electrical harness and hydraulic pipe. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section, and it is publicly available through the EASA website.

#### FAA’s Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2019–0035 described previously through the incorporated by reference of EASA AD 2019–0035, except for any differences identified as exceptions in the