

# 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.

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Subtitles A and B

#### 9 CFR Chapters I, II, and III

### Withdrawal of Certain Proposed Rules

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice of withdrawal.

**SUMMARY:** The United States Department of Agriculture (USDA) is announcing that it has withdrawn certain proposed rules that were either published in the **Federal Register** more than 3 years ago without subsequent action or determined to no longer be candidates for final action. USDA is taking this action to reduce its regulatory backlog and focus its resources on higher priority actions. The Department's

actions are part of an overall regulatory reform strategy to reduce regulatory burden on the public and to ensure that future Unified Agendas of Regulatory and Deregulatory Actions provide the public accurate information about rulemakings the Department intends to undertake.

**DATES:** The pending proposed rules are withdrawn on September 10, 2019.

**FOR FURTHER INFORMATION CONTACT:** Michael Poe, Telephone Number: (202) 720-3323.

#### SUPPLEMENTARY INFORMATION:

##### Background

To promote transparency in regulatory planning, the Administration, beginning with the Spring 2017 Unified Agenda, published for the first time an "inactive" list of agency regulatory actions that were under review but not included in the Unified Agenda. Such "inactive" actions allow agencies to take additional time to review a regulatory or deregulatory action and to preserve the regulatory identification number (RIN) and title for possible future use. After further review, and to clean out a backlog of older, obsolete RINs, USDA is taking this action to reduce its

regulatory backlog and focus its resources on higher priority actions. The Department's actions are part of an overall regulatory reform strategy to reduce regulatory burden on the public and to ensure that future Unified Agendas of Regulatory and Deregulatory Actions provided the public accurate information about rulemakings the Department intends to undertake.

USDA reviewed its pending regulatory actions based on proposed rules that published in the **Federal Register** more than 3 years ago, and for which no final rule or notice of withdrawal has been issued. The agency identified 5 such regulatory actions for withdrawal.

Although not required to do so by the Administrative Procedure Act or by regulations of the Office of the Federal Register, the agency believes the public interest is best served by announcing in the **Federal Register** that it has withdrawn these 5 items. Therefore, for the reasons set forth above, USDA announces that it has withdrawn the pending regulatory actions related to the following documents, which were published in the **Federal Register** on the dates indicated in the table below.

Agency	RIN	Title	Published action	Date	FR Cite
FSIS .....	0583-AC46 ....	Performance Standards for the Production of Processed Meat and Poultry Products.	NPRM .....	8/03/2006	71 FR 43992
APHIS .....	0579-AE02 ....	Livestock Marketing Facilities .....	NPRM .....	1/2/2015	80 FR 6
FNS .....	0584-AD88 ....	Supplemental Nutrition Assistance Program: Farm Bill of 2008 Retailer Sanctions.	NPRM .....	8/14/2012	77 FR 48461
FNS .....	0584-AE00 ....	Emergency Supplemental Nutrition Assistance for Victims of Disasters Procedures.	NPRM .....	5/10/2016	81 FR 28738
Forest Service .....	0596-AD20 ....	Proposed Directive for Commercial Filming in Wilderness; Special Uses Administration.	NPRM .....	9/4/2014	79 FR 52626

The withdrawal of these proposals identified in this document does not preclude the Department from reinstating rulemaking concerning the issues addressed in the proposals listed in the chart. Should we decide to undertake such rulemakings in the future, we will re-propose the actions and provide new opportunities for comment. Furthermore, this notice is only intended to address the specific actions identified in this document, and not any other pending proposals that USDA has issued or is considering. The Department notes that withdrawal of a proposal does not necessarily mean that

the preamble statement of the proposal no longer reflects the current position of USDA on the matter addressed. You may wish to review the Department's website (<http://www.USDA.gov>) for any current guidance on these matter matters.

Dated: August 28, 2019.

**Rebeckah Adcock,**

*Regulatory Reform Officer and Senior Adviser to the Secretary.*

[FR Doc. 2019-19572 Filed 9-9-19; 8:45 am]

**BILLING CODE 3410-90-P**

## NUCLEAR REGULATORY COMMISSION

**10 CFR Parts 30, 40, 50, 52, 60, 61, 63, 70, 71, and 72**

[Docket No. PRM-50-107; NRC-2013-0077]

### Requirement To Submit Complete and Accurate Information

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Discontinuation of rulemaking activity; denial of petition for rulemaking.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is discontinuing a rulemaking activity, “Requirement to Submit Complete and Accurate Information,” and denying a petition for rulemaking (PRM), PRM–50–107. This document informs the public of the NRC’s action and describes the rationale for the action. The NRC will no longer track this rulemaking activity or PRM.

**DATES:** As of September 10, 2019, the rulemaking activity is discontinued and PRM–50–107 is denied.

**ADDRESSES:** Please refer to Docket ID NRC–2013–0077 when contacting the NRC about the availability of information for this action. You can obtain publicly-available information related to this action by using any of the following methods:

- *Federal Rulemaking website:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2013–0077. 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.

- *The NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <https://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 this document. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in the section of this document entitled, Availability of Documents.

- *The NRC’s PDR:* You may examine and purchase copies of public documents at the NRC’s PDR, O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Yanely Malave, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1519; email: [Yanely.Malave@nrc.gov](mailto:Yanely.Malave@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

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**I. Discussion**

The NRC received a PRM dated April 15, 2013 (ADAMS Accession No. ML13113A443), from Mr. James Lieberman (the petitioner), a regulatory and nuclear safety consultant. The petitioner requested that the NRC revise its regulations relating to nuclear reactors at §§ 50.1, 50.9, 52.0, and 52.6 of title 10 of the *Code of Federal Regulations* (10 CFR) to expand its “regulatory framework to make it a legal obligation for those non-licensees who seek NRC regulatory approvals be held to the same legal standards for the submittal of complete and accurate information as would a licensee or an applicant for a license.”

The PRM was noticed in the **Federal Register** for public comment on June 10, 2013 (78 FR 34604). The NRC received two comments, both supporting the petition.

On September 16, 2013, the petitioner amended the PRM (ADAMS Accession No. ML13261A190) to expand its scope to include the regulatory framework for radioactive materials, waste disposal, transportation, and spent fuel storage (10 CFR parts 30, 40, 60, 61, 63, 70, 71, and 72). In the amended petition, the petitioner also requested that the “scope” section for each of the parts be revised to add language to highlight that any person seeking or obtaining NRC approval for a regulated activity would be subject to enforcement action for violation of the completeness and accuracy provision of that part. The applicable sections pertaining to this issue include §§ 30.1, 40.2, 50.1, 52.0, 60.1, 61.1, 63.1, 70.2, 71.0, and 72.2. The amended PRM was noticed in the **Federal Register** for public comment on January 21, 2014 (79 FR 3328). The NRC received one additional comment in support of the amended petition.

The petitioner stated that non-licensees (e.g., vendors and other contractors) who seek NRC regulatory approvals “should be held to the same legal standards for the submittal of complete and accurate information as would a licensee or an applicant for license.” When the Commission promulgated the “Completeness and Accuracy of Information” rule on December 31, 1987 (52 FR 49362) (the 1987 rule), neither the rule language nor the Statements of Consideration (SOCs) discussed non-licensees submitting information to the NRC for regulatory approvals. The 1987 rule included nearly identical “Completeness and Accuracy of Information” requirements in 10 CFR parts 30, 40, 50, 60, 61, 70, 71, and 72. When the Commission

added 10 CFR parts 52 and 63 to its regulations, it added “Completeness and Accuracy of Information” requirements to these parts (72 FR 49521; August 28, 2007, and 66 FR 55732; November 2, 2001, respectively). The petitioner’s specific concern is that NRC regulations do not require all persons who seek NRC approvals to provide the NRC with complete and accurate information in all material respects.

On March 17, 2015 (80 FR 13794), the NRC informed the public that the issues raised in the amended PRM have merit and are appropriate for consideration in the rulemaking process. In addition, the PRM docket, PRM–50–107, was closed. However, the timing for conducting a rulemaking on any issue is dependent on the immediacy of the safety, environmental, or security concerns that have been raised; the rule’s priority compared to other rulemakings; and the availability of funding. Using the NRC’s Common Prioritization of Rulemaking methodology (ADAMS Accession No. ML15086A074), the NRC prioritized this rulemaking activity as low priority. The petitioner’s February 3, 2017 letter (ADAMS Accession No. ML17034A409) identified that this rulemaking had been assigned a medium priority; however, the NRC has confirmed that references to this rulemaking as medium priority in certain locations were errors, due to staff oversight, and that it was prioritized as low priority using the critical power ratio methodology.

The NRC has not identified an immediate safety, environmental, or security concern, and the petitioner did not demonstrate how a lack of requirements in this area would contribute to such a concern. In contrast to the repeated past performance problems in the areas of design, design control, fabrication and quality control with holders of, and applicants for, a Certificate of Compliance under part 72 (i.e., for non-licensed spent fuel storage cask certificate holders that were addressed in a final rule, “Expand Applicability of Part 72 to Holders of, and Applicants for, Certificates of Compliance” (64 FR 56114; October 15, 1999), the NRC identified only one other example where an entity other than an NRC licensee or applicant submitted incomplete or inaccurate information that resulted in a significant safety issue. That instance involved the submission of a reactor topical report on a fire retardant product that was based on falsified test data. While the case took several years to conclude, the NRC was able to exercise its current authority under the Atomic Energy Act (AEA) to resolve the safety issue and ultimately sanction the vendor.

The AEA stipulates that licensees or applicants are ultimately responsible for safety. The AEA includes the authority to revoke licenses for material false statements (AEA section 186) and to require written statements from applicants for licenses and licensees (AEA section 182). As described in the 1987 rule, § 50.9 codifies in a more explicit and accessible way requirements already existing under the authority of the AEA (52 FR 49372). The responsibility for safety remains with the licensee or applicant for a license

that relies on material provided by a non-licensee. Furthermore, the requirements in 10 CFR part 21, “Reporting of Defects and Noncompliance,” apply to subjects such as safety-related analysis associated with component hardware, which may be addressed in the type of topical report referenced by the petitioner. The NRC, as well as licensees and applicants, have procedures in place to ensure that substantial safety hazards identified under 10 CFR part 21 are identified and corrected. Based on these

considerations, the NRC finds that the subject rulemaking would likely have minimal practical benefit to the safety or security of NRC-regulated activities.

## II. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated. For information on accessing ADAMS, see the **ADDRESSES** section of this document.

Date	Document	ADAMS Accession No./Federal Register citation/link
April 15, 2013 .....	Letter from J. Lieberman, “Completeness and Accuracy of Information,” PRM-50-107 (Original Petition).	ML13113A443.
June 10, 2013 .....	<b>Federal Register</b> notification, “Submitting Complete and Accurate Information”.	78 FR 34604, <a href="https://www.gpo.gov/fdsys/pkg/FR-2013-06-10/pdf/2013-13684.pdf">https://www.gpo.gov/fdsys/pkg/FR-2013-06-10/pdf/2013-13684.pdf</a> .
September 16, 2013 .....	Letter from J. Lieberman, “Completeness and Accuracy of Information,” PRM-50-107 (Amended Petition).	ML13261A190.
January 21, 2014 .....	<b>Federal Register</b> notification, “Submitting Complete and Accurate Information”.	79 FR 3328, <a href="https://www.gpo.gov/fdsys/pkg/FR-2014-01-21/pdf/2014-01035.pdf">https://www.gpo.gov/fdsys/pkg/FR-2014-01-21/pdf/2014-01035.pdf</a> .
March 17, 2015 .....	<b>Federal Register</b> notification, “Requirement to Submit Complete and Accurate Information”.	80 FR 13794, <a href="https://www.gpo.gov/fdsys/pkg/FR-2015-03-17/pdf/2015-06107.pdf">https://www.gpo.gov/fdsys/pkg/FR-2015-03-17/pdf/2015-06107.pdf</a> .
June 23, 2015 .....	Common Prioritization of Rulemaking Methodology .....	ML15086A074.
February 3, 2017 .....	Letter from J. Lieberman “PRM 50-217, Rulemaking Petition To Amend the NRC Regulations for Completeness and Accuracy of Information—10 CFR 30.9, 40.9, 50.9, 52.6, 60.10, 61.9a, 63.10, 70.9, 71.7, and 72.11”.	ML17034A409.

## III. Conclusion

The NRC is no longer pursuing the “Requirement to Submit Complete and Accurate Information” rulemaking and is denying PRM-50-107 for the reasons discussed in this document. In the next edition of the Unified Agenda, the NRC will update the entry for this rulemaking activity with reference to this document to indicate that the rulemaking is no longer being pursued. These rulemaking activities will appear in the completed section of that edition of the Unified Agenda but will not appear in future editions. If the NRC decides to pursue a similar or related rulemaking activity in the future, it will inform the public through a new rulemaking entry in the Unified Agenda.

Dated at Rockville, Maryland, this 4th day of September 2019.

For the Nuclear Regulatory Commission.  
**Annette L. Vietti-Cook,**  
*Secretary of the Commission.*

[FR Doc. 2019-19521 Filed 9-9-19; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2019-0596; Product Identifier 2019-NE-22-AD]

RIN 2120-AA64

#### Airworthiness Directives; Pratt & Whitney Turbofan Engines

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for all Pratt & Whitney (PW) PW1519G, PW1521G, PW1521GA, PW1524G, PW1525G, PW1521G-3, PW1524G-3, PW1525G-3, PW1919G, PW1921G, PW1922G, PW1923G, and PW1923G-A model turbofan engines. This proposed AD was prompted by reports of in-flight shutdowns due to oil leaking from the connection between the LP10 oil supply tube and the fuel oil cooler (FOC). This proposed AD would require initial and repetitive gap inspections of the LP10 oil supply tube and the FOC and, if a gap is found, replacement of these parts. This proposed AD further requires removal of these parts at the next engine shop visit. The FAA is proposing an AD

to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by October 25, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Pratt & Whitney, 400 Main Street, East Hartford, CT, 06118; phone: 800-565-0140; fax: 860-565-5442; email: [help24@pw.utc.com](mailto:help24@pw.utc.com); internet: <http://fleetcare.pw.utc.com>. You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA, 01803. For information on the availability of this material at the FAA, call 781-238-7759.