

Publicly available documents created or received at the NRC, including petitions for rulemaking PRM-50-93 (ADAMS Accession No. ML093290250) and PRM-50-95 (ADAMS Accession No. ML101610121), are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR Reference staff at 800-397-4209, 301-415-4737 or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

**Federal Rulemaking Web Site:** Public comments and supporting materials related to this action, including the petitions for rulemaking, can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2009-0554.

#### Summary of PRM-50-93

Mark Edward Leyse submitted a petition for rulemaking dated November 17, 2009. Mr. Leyse states that he is aware that data from multi-rod (assembly) severe fuel damage experiments indicates that the current regulations in 10 CFR Part 50 are non-conservative in their peak cladding temperature limit of 2200 °F, and that the Baker-Just and Cathcart-Pawel equations are also non-conservative for calculating the metal-water reaction rates that would occur in the event of a LOCA. As a result, Mr. Leyse requests that the NRC revise its regulations in 10 CFR 50.46(b)(1) and Appendix K to 10 CFR Part 50 based on this data. Mr. Leyse also requests that the NRC promulgate a regulation that will stipulate minimum allowable core reflood rates in the event of a LOCA. The NRC determined that the petition met the threshold sufficiency requirements for a petition for rulemaking under 10 CFR 2.802, and the petition was docketed as PRM-50-93. The NRC published a notice of receipt on January 25, 2010 (75 FR 3876), and requested public comment on PRM-50-93. The comment period closed on April 12, 2010.

#### Summary of PRM-50-95

On June 7, 2010, Mark Edward Leyse and Raymond Shadis, on behalf of the New England Coalition, submitted a petition requesting consideration under the NRC's requirements for a petition for an enforcement action, which are in 10 CFR 2.206. The Petitioners request that enforcement action be taken against Vermont Yankee, and that the NRC

order the licensee of Vermont Yankee to lower the licensing basis peak cladding temperature in order to provide a necessary margin of safety (to help prevent a meltdown) in the event of a LOCA. The Petitioners represent the New England Coalition, a non-profit educational organization based in Brattleboro, Vermont.

The Petitioners offer the following as the basis for their request:

- (1) The emergency core cooling system evaluation calculations that helped qualify the 20 percent uprate for Vermont Yankee are non-conservative;
- (2) The peak cladding temperature limit of 2200 °F used in the NRC's regulations in § 50.46(b)(1) is non-conservative; and
- (3) Experiments indicate that Vermont Yankee's licensing basis peak cladding temperature of 1960 °F for GE14 fuel would not provide a necessary margin of safety to help prevent a partial or complete meltdown in the event of a LOCA.

The petition discusses at length a number of experiments, including several multi-rod severe fuel damage experiments and a multi-rod thermal hydraulic experiment, and states that the data indicates that the licensing basis peak cladding temperature for Vermont Yankee should be decreased to a temperature lower than 1832 °F in order to provide a necessary margin of safety. The petition attachments include additional data in support of the discussion on these experiments.

#### The NRC's Consideration and Conclusion

The petition request was referred to the NRC's Office of Nuclear Reactor Regulation's enforcement Petition Review Board (PRB) and on June 23, 2010, the Petitioners participated in a teleconference with the PRB to provide information in support of the petition. A transcript of this teleconference is available at ADAMS Accession No. ML101890014. The PRB's initial recommendation was that the petition did not meet the criteria for reviewing petitions under 10 CFR 2.206, because there is another NRC proceeding in which the Petitioners could be a party and through which the NRC could address their concerns.

On July 26, 2010, the Petitioners participated in another teleconference with the PRB during which the initial recommendation was discussed and the Petitioners provided additional information. The transcript of this teleconference is available at ADAMS Accession No. ML102140405. The PRB's final recommendation was that the petition did not meet the criteria for

review under 10 CFR 2.206 because the petition submitted generic concerns that would require revisions to existing NRC regulations. Such concerns are handled through the petition for rulemaking process in accordance with 10 CFR 2.802. The PRB noted that Mr. Leyse had previously submitted a petition for rulemaking on this topic, dated November 17, 2009, and docketed as PRM-50-93. Therefore, the PRB forwarded the 10 CFR 2.206 petition so that any additional information contained in the petition could be included in the review of PRM-50-93. The NRC has determined that the petition filed by Mr. Leyse and Mr. Shadis on behalf of the New England Coalition meets the threshold sufficiency requirements for a petition for rulemaking under 10 CFR 2.802, and the petition has been docketed as PRM-50-95. The NRC is requesting public comments on the petition for rulemaking, and has decided to consider any comments received on PRM-50-95 in conjunction with comments received on the related petition, PRM-50-93. In order that both petitions for rulemaking can be considered and resolved in a timely manner, the NRC is limiting the public comment period for PRM-50-95 to 30 days, and will only be accepting comments on matters raised in PRM-50-95 during this time.

Dated at Rockville, Maryland, this 21st day of October 2010.

For the Nuclear Regulatory Commission.

**Annette Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 2010-27164 Filed 10-26-10; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF ENERGY

### 10 CFR Parts 433 and 435

[Docket No. EERE-2010-BT-STD-0031]

RIN 1904-AB96

### Fossil Fuel-Generated Energy Consumption Reduction for New Federal Buildings and Major Renovations of Federal Buildings; Correction

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects the number assigned to the Environmental Assessment (EA) referenced in the October 15, 2010, notice of proposed rulemaking (NPR) regarding the fossil fuel-generated energy consumption

requirements for new Federal buildings and Federal buildings undergoing major renovations. The correction is necessary because the proposed rulemaking referenced the EA number as (DOE-EA-1463). The correct EA number in the NOPR should be (DOE/EA-1778).

**FOR FURTHER INFORMATION CONTACT:**

Margo Appel, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-9495, e-mail: [margo.appel@hq.doe.gov](mailto:margo.appel@hq.doe.gov), or Ami Grace-Tardy, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, GC-71, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-5709, e-mail: [Ami.Grace-Tardy@hq.doe.gov](mailto:Ami.Grace-Tardy@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** The U.S. Department of Energy (DOE) published a notice of proposed rulemaking in the **Federal Register** on October 15, 2010 (75 FR 63404), announcing a public meeting and seeking comments regarding the fossil fuel-generated energy consumption requirements for new Federal buildings and major renovations of Federal buildings.

DOE prepared a draft EA for this rulemaking. The draft EA has been added to the docket for this rulemaking. The NOPR incorrectly referenced the EA Number as (DOE-EA-1463) on page 63413, third column, fourth paragraph, third line. The correct EA number in the NOPR should be (DOE/EA-1778).

For additional information regarding the NOPR and the public meeting, including detailed instructions for the submission of comments and access to the docket to read background documents or comments received, please refer to the October 15, 2010, notice (75 FR 63404).

Issued in Washington, DC, on October 20, 2010.

**Joseph Hagerman,**

*Acting Program Manager, Building Technologies Program, Energy Efficiency and Renewable Energy.*

[FR Doc. 2010-27152 Filed 10-26-10; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2009-1186; Directorate Identifier 2009-CE-065-AD]

RIN 2120-AA64

**Airworthiness Directives; Cessna Aircraft Company (Type Certificate Previously Held by Columbia Aircraft Manufacturing (Previously the Lancair Company)) Models LC40-550FG, LC41-550FG, and LC42-550FG Airplanes**

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

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

**SUMMARY:** We are revising an earlier proposed airworthiness directive (AD) for the products listed above. That NPRM proposed to retain the inspection requirements of AD 2009-09-09 and add a terminating action for the repetitive inspection requirements. That NPRM resulted from the manufacturer developing a modification that, when incorporated, would terminate the repetitive inspections required by AD 2009-09-09. Since we issued the earlier NPRM, the manufacturer revised the service information to include additional airplane serial numbers into the Effectivity section and revised the modification kit instructions. This action revises that NPRM by adding airplanes to the Applicability section and incorporating new service information. We are proposing this supplemental NPRM to retain the inspection requirements of AD 2009-09-09 and add a terminating action for the repetitive inspection requirements using the revised service information. Since these actions impose an additional burden over that proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

**DATES:** We must receive comments on this supplemental NPRM by December 13, 2010.

**ADDRESSES:** You may send comments 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 service information identified in this AD, contact Cessna Aircraft Company, Product Support, P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517-5800; fax: (316) 942-9006; Internet: <http://www.cessna.com>. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816-329-4148.

**Examining the AD Docket**

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

**FOR FURTHER INFORMATION CONTACT:** Gary Park, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946-4123; fax: (316) 946-4107; e-mail: [gary.park@faa.gov](mailto:gary.park@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2009-1186; Directorate Identifier 2009-CE-065-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.