

# Rules and Regulations

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

[NRC-2010-0140]

RIN 3150-A186

#### List of Approved Spent Fuel Storage Casks: MAGNASTOR System, Revision 1, Confirmation of Effective Date

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule: Confirmation of effective date.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is confirming the effective date of August 30, 2010, for the direct final rule that was published in the **Federal Register** on June 15, 2010 (75 FR 33678). This direct final rule amended the NRC's spent fuel storage regulations at 10 CFR 72.214 to revise the MAGNASTOR System listing to include Amendment Number 1 to Certificate of Compliance (CoC) Number 1031.

**DATES:** *Effective Date:* The effective date of August 30, 2010, is confirmed for this direct final rule.

**ADDRESSES:** Documents related to this rulemaking, including any comments received, may be examined at the NRC Public Document Room, Room O-1F23, 11555 Rockville Pike, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Jayne M. McCausland, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6219, e-mail [Jayne.McCausland@nrc.gov](mailto:Jayne.McCausland@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On June 15, 2010 (75 FR 33678), the NRC published a direct final rule amending its regulations at 10 CFR 72.214 to include Amendment No. 1 to CoC

Number 1031. Amendment No. 1 changes Technical Specifications (TS) related to neutron absorber qualification and acceptance testing. Specifically, the amendment revises TS 4.1.1.b and incorporates by reference, into the MAGNASTOR CoC, Sections 10.1.6.4.5, 10.1.6.4.6, 10.1.6.4.7, and 10.1.6.4.8 of the Final Safety Analysis Report regarding the acceptance testing of borated aluminum alloy and borated metal matrix composite neutron absorber material. The amendment also includes other changes in Appendices A and B of the TS to incorporate minor editorial corrections. In the direct final rule, NRC stated that if no significant adverse comments were received, the direct final rule would become final on August 30, 2010. The NRC did not receive any comments on the direct final rule. Therefore, this rule will become effective as scheduled.

Dated at Rockville, Maryland, this 10th day of August 2010.

For the Nuclear Regulatory Commission.

**Cindy Bladey,**

*Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.*

[FR Doc. 2010-20172 Filed 8-13-10; 8:45 am]

**BILLING CODE 7590-01-P**

## ELECTION ASSISTANCE COMMISSION

### 11 CFR Parts 9405, 9407, 9409, 9410, 9420, and 9428

#### Change of Address

**AGENCY:** United States Election Assistance Commission (EAC).

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

**SUMMARY:** The U.S. Election Assistance Commission (EAC) is amending its regulations to reflect a change of address for its headquarters. This technical amendment is a nomenclature change that updates and corrects the address for contacting and submitting requests to EAC headquarters.

**DATES:** August 16, 2010.

**ADDRESSES:** 1201 New York Avenue, NW., Suite 300, Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Tamar Nedzar, Associate General Counsel, U.S. Election Assistance Commission, 1201 New York Avenue,

NW., Suite 300, Washington, DC 20005; Telephone: 202-566-3100.

**SUPPLEMENTARY INFORMATION:** On March 22, 2010, EAC's Headquarters relocated from 1225 New York Ave, NW., Suite 1100, Washington, DC 20005 to 1201 New York Ave, NW., Suite 300, Washington, DC 20005. This address will appear as EAC's official agency address and serve as the reception point for agency visitors. Telephone numbers for EAC employees have not changed.

#### I. Statutory Authority

This action is taken under EAC's authority, at 5 U.S.C. 552, to publish regulations in the **Federal Register**. Under the Administrative Procedure Act, at 5 U.S.C. 553(b)(3)(B), statutory procedures for agency rulemaking do not apply "when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." EAC finds that such notice and public procedure are impracticable, unnecessary, or contrary to the public interest, on the grounds that: (1) These amendments are technical and non-substantive; and (2) the public benefits from timely notification of a change in the official agency address, and further delay is unnecessary and contrary to the public interest. Similarly, because this final rule makes no substantive changes and merely reflects a change of address in existing regulations, this final rule is not subject to the effective date limitation of 5 U.S.C. 553(d).

#### II. Regulatory Procedures

##### A. Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), EAC has determined that this rule would not have a significant economic impact on a substantial number of small entities. The regulation affects only the U.S. Election Assistance Commission. This rule does not require a general notice of proposed rulemaking and, therefore, is exempt from the requirements of the Regulatory Flexibility Act.

##### B. Collection of Information

This regulation contains no new information collection requirements subject to review by the Office of Management and Budget under the

Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### C. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. EAC analyzed this rule under that Executive Order and have determined that it does not have implications for federalism.

### D. Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### E. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### F. Protection of Children

EAC analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

### G. Indian Tribal Governments

This rule does not have Tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

### H. Energy Effects

EAC analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

### I. Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15

U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### J. Environment

EAC analyzed this final rule under Department of Homeland Security Management Directive 023–01 which guides EAC in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4365), and concluded that this rule is part of a category of actions described in item A3 of Table 1 in Appendix A of the Management Directive. This proposed rulemaking would not individually or cumulatively have a significant effect on the human environment and, therefore, neither an environmental assessment nor an environmental impact statement is necessary.

### K. Congressional Review Act

EAC will submit this final rule to Congress and the Government Accountability Office pursuant to the Congressional Review Act. The rule is effective upon publication, as permitted by 5 U.S.C. 808. Pursuant to 5 U.S.C. 808(2), EAC finds that good cause exists for making this rule effective upon publication in the **Federal Register**, based on the reasons cited in the preceding paragraph for the 553(b)(3)(B) determination.

■ For the reasons stated in the preamble, the Election Assistance Commission amends 11 CFR parts 9405, 9407, 9409, 9410, 9420, and 9428 as follows:

### PART 9405—PROCEDURES FOR DISCLOSURE OF RECORDS UNDER THE FREEDOM OF INFORMATION ACT

■ 1. The authority citation for part 9405 continues to read as follows:

**Authority:** 5 U.S.C. 552, as amended.

#### §§ 9405.5 and 9405.7 [Amended]

■ 2. Amend §§ 9405.5 and 9405.7 by removing the words “1225 New York Avenue, NW., Suite 1100” and adding, in their place, the words “1201 New

York Avenue, NW., Suite 300” in the following places:

- a. § 9405.5(a)(4)(ii);
- b. § 9405.5(a)(4)(v); and
- c. § 9405.7(a).

### PART 9407—IMPLEMENTATION OF THE GOVERNMENT IN THE SUNSHINE ACT

■ 3. The authority citation for part 9407 continues to read as follows:

**Authority:** 5 U.S.C. 552b.

#### § 9407.8 [Amended]

■ 4. Amend § 9407.8 by removing the words “1225 New York Avenue, NW., Suite 1100” and adding, in their place, the words “1201 New York Avenue, NW., Suite 300.”

### PART 9409—TESTIMONY BY COMMISSION EMPLOYEES RELATING TO OFFICIAL INFORMATION AND PRODUCTION OF OFFICIAL RECORDS IN LEGAL PROCEEDINGS

■ 5. The authority citation for part 9409 continues to read as follows:

**Authority:** 44 U.S.C. 3102.

#### §§ 9409.5, 9409.6 and 9409.14 [Amended]

■ 6. Amend §§ 9409.5, 9409.6 and 9409.14 by removing the words “1225 New York Avenue, NW., Suite 1100” and adding, in their place, the words “1201 New York Avenue, NW., Suite 300” in the following places:

- a. § 9409.5(a);
- b. § 9409.6; and
- c. § 9409.14(e).

### PART 9410—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

■ 7. The authority citation for part 9410 continues to read as follows:

**Authority:** 5 U.S.C. 552a.

#### §§ 9410.3 and 9410.4 [Amended]

■ 8. Amend §§ 9410.3 and 9410.4 by removing the words “1225 New York Avenue, NW., Suite 1100” and adding, in their place, the words “1201 New York Avenue, NW., Suite 300” in the following places:

- a. § 9410.3(b); and
- b. § 9410.4(a).

### PART 9420—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE U.S. ELECTION ASSISTANCE COMMISSION

■ 9. The authority citation for part 9420 continues to read as follows:

**Authority:** 29 U.S.C. 794.

#### § 9420.8 [Amended]

■ 10. Amend § 9420.8 by removing the words “1225 New York Avenue, NW.,

Suite 1100” and adding, in their place, the words “1201 New York Avenue, NW., Suite 300” in the following places:

- a. § 9420.8(d)(ii)(3); and
- b. § 9420.8(h)(i).

## PART 9428—NATIONAL VOTER REGISTRATION ACT

■ 11. The authority citation for part 9420 continues to read as follows:

**Authority:** 42 U.S.C. 1973gg–1 *et seq.*, 15532

### § 9428.7 [Amended]

■ 12. Amend 9428.7 by removing the words “1225 New York Avenue, NW., Suite 1100” and adding, in their place, the words “1201 New York Avenue, NW., Suite 300.”

Signed: August 10, 2010.

**Thomas Wilkey,**

*Executive Director, U.S. Election Assistance Commission.*

[FR Doc. 2010–20089 Filed 8–13–10; 8:45 am]

**BILLING CODE 6820–KF–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. FAA–2009–0810; Amendment No. 25–130]

RIN 2120–AJ21

### Maneuvering Speed Limitation Statement

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

**ACTION:** Final rule.

**SUMMARY:** The Federal Aviation Administration amends the airworthiness standards applicable to transport category airplanes to clarify that flying at or below the design maneuvering speed does not allow a pilot to make multiple large control inputs in one airplane axis or single full control inputs in more than one airplane axis at a time without endangering the airplane’s structure. The FAA is issuing this final rule to prevent pilots from misunderstanding the meaning of an airplane’s maneuvering speed, which could cause or contribute to a future accident.

**DATES:** This amendment becomes effective October 15, 2010.

**FOR FURTHER INFORMATION CONTACT:** For technical questions about this final rule, contact Don Stimson, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, FAA,

1601 Lind Avenue, SW., Renton, WA 98057–3356; telephone (425) 227–1129; facsimile (425) 227–1149, e-mail [don.stimson@faa.gov](mailto:don.stimson@faa.gov). For legal questions about this final rule, contact Doug Anderson, Office of the Regional Counsel, ANM–7, Northwest Mountain Region, FAA, 1601 Lind Avenue, SW., Renton, WA 98057–3356; telephone (425) 227–2166; facsimile (425) 227–1007, e-mail [douglas.anderson@faa.gov](mailto:douglas.anderson@faa.gov).

### SUPPLEMENTARY INFORMATION:

#### Authority for This Rulemaking

The FAA’s authority to issue rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, “General requirements.” Under that section, the FAA is charged with promoting safe flight of civil aircraft in air commerce by prescribing minimum standards required in the interest of safety for the design and performance of aircraft. This regulation is within the scope of that authority because it prescribes new safety standards for the design of transport category airplanes.

#### I. Background

##### A. Statement of the Problem

On November 12, 2001, American Airlines Flight 587, an Airbus Industrie Model A300–605R airplane, crashed shortly after takeoff from New York’s John F. Kennedy International Airport. All 260 people aboard the airplane and 5 people on the ground were killed. The airplane was destroyed by impact forces and a post-crash fire. The National Transportation Safety Board (NTSB) determined “that the probable cause of this accident was the in-flight separation of the vertical stabilizer as a result of the loads beyond ultimate design loads that were created by the first officer’s unnecessary and excessive rudder pedal inputs.”

The NTSB’s investigation revealed that many pilots might have a general misunderstanding of what the design maneuvering speed ( $V_A$ ) is and the extent of structural protection that exists when an airplane is operated at speeds below its  $V_A$ .  $V_A$  is a structural design airspeed used in determining the strength requirements for the airplane and its control surfaces. The structural design requirements do not cover multiple control inputs in one axis or control inputs in more than one axis at a time at any speed, even below  $V_A$ .

The NTSB found that many pilots of transport category airplanes mistakenly believe that, as long as the airplane’s speed is below  $V_A$ , they can make any control input they desire without risking structural damage to the airplane. As a result, the NTSB recommended that the FAA amend all relevant regulatory and advisory materials to clarify that operating at or below maneuvering speed does not provide structural protection against multiple full control inputs in one axis or full control inputs in more than one axis at the same time.<sup>1</sup> After making our own assessment, the FAA agrees with the NTSB’s finding and the resulting recommendation.

#### B. Summary of the NPRM

This final rule is based on a notice of proposed rulemaking (NPRM), Notice No. 09–10, published in the **Federal Register** on September 4, 2009 (74 FR 45777). In the NPRM, we proposed to amend 14 CFR 25.1583(a)(3) to change the requirement associated with a statement that must be furnished in the Airplane Flight Manual (AFM) explaining the use of  $V_A$  to pilots. The proposed amendment was intended to clarify that, depending on the particular airplane design, flying at or below  $V_A$  does not allow a pilot to make multiple large control inputs in one airplane axis or single full control inputs in more than one airplane axis at a time without endangering the airplane’s structure. The comment period for the NPRM closed on November 3, 2009.

#### C. Summary of the Final Rule

The FAA is adopting this final rule to prevent pilots from misunderstanding the meaning of  $V_A$ , which could cause or contribute to a future accident. The final rule adopts clarifying changes to certain statements that must be furnished in each AFM identifying the types of control inputs to avoid because they may result in structural failure.

This final rule adopts the proposed rule with minor changes that will resolve a longstanding inconsistency in the current requirements that would have been left in place by the proposed rule. This inconsistency, which goes back to at least the 1953 Civil Air Regulations Part 4b, concerns the reference to “maneuvering speed  $V_A$ ” in the existing § 25.1583(a)(3). Sections 1.2 and 25.335(c) define “ $V_A$ ” as the “design maneuvering speed,” not the “maneuvering speed.” Section 25.1507 defines the “maneuvering speed” as an

<sup>1</sup> See NTSB safety recommendation A–04–060, which is included in the docket for this rulemaking or can be found at [http://www.nts.gov/Recs/letters/2004/A04\\_56\\_62.pdf](http://www.nts.gov/Recs/letters/2004/A04_56_62.pdf).