

# Proposed Rules

Federal Register

Vol. 74, No. 227

Friday, November 27, 2009

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

### Grain Inspection, Packers and Stockyards Administration

#### 7 CFR Part 810

RIN 0580-AB12

#### Request for Public Comment on the United States Standards for Wheat

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Department of Agriculture's (USDA) Grain Inspection, Packers, and Stockyards Administration (GIPSA) is reviewing the United States (U.S.) Standards for Wheat under the United States Grain Standards Act (USGSA). Since the standards were last revised, numerous changes have occurred in the breeding and production practices of wheat; the technology used to harvest, process, and test wheat; and also wheat marketing. To ensure that standards and official grading practices remain relevant, GIPSA invites interested parties to comment on whether the current wheat standards and grading practices need to be changed.

**DATES:** Comments must be received on or before February 25, 2010.

**ADDRESSES:** You may submit your written or electronic comments on this notice to:

- *Mail:* Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW., Room 1643-S, Washington, DC 20250-3604.
- *E-mail comments to:* [comments.gipsa@usda.gov](mailto:comments.gipsa@usda.gov).
- *Fax:* (202) 690-2173.
- *Internet:* Go to <http://www.regulations.gov> and follow the on-line instruction for submitting comments.

All comments will become a matter of public record and should be identified as "United States Standards for Wheat Notice Comments," making reference to the date and page number of this issue

of the **Federal Register**. Comments will be available for public inspection at <http://www.regulations.gov> and in the above office during regular business hours (7 CFR 1.27(b)). Please call the GIPSA Management Support Staff at (202) 720-7486 to make an appointment to read comments received.

**FOR FURTHER INFORMATION CONTACT:** Patrick McCluskey at GIPSA, USDA, Beacon Facility, Stop 1404, P.O. Box 419205, Kansas City, MO 64131-6205; Telephone (816) 823-4639; Fax Number (816) 823-4644; e-mail [Patrick.J.McCluskey@usda.gov](mailto:Patrick.J.McCluskey@usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

This rule has been determined to be exempt for the purposes of Executive Order 12866, and therefore has not been reviewed by the Office of Management and Budget (OMB).

Under the authority of the USGSA (7 U.S.C. 76), GIPSA establishes standards for wheat and other grains regarding kind, class, quality and condition. The wheat standards, established by USDA on August 1, 1917, were last revised in 1993 and 2006 and appear in the USGSA regulations at 7 CFR 810.2201-810.2205. The standards facilitate wheat marketing and define U.S. wheat quality in the domestic and global marketplace. The standards define commonly used industry terms; contain basic principles governing the application of standards, such as the type of sample used for a particular quality analysis; specify grades, grade requirements, special grades; and special grade requirements, such as garlicky wheat and light smutty wheat. Official procedures for determining grading factors are provided in GIPSA's Grain Inspection Handbook, Book II, Chapter 13, "Wheat," which also includes standardized procedures for additional quality attributes not used to determine grade, such as protein content and falling number. Together, the grading standards and testing procedures allow buyers and sellers to communicate quality requirements, compare wheat quality using equivalent forms of measurement and assist in price discovery.

GIPSA's grading and inspection services are provided through a network of federal, state, and private laboratories that conduct tests to determine the quality and condition of wheat. These

tests are conducted in accordance with applicable standards using approved methodologies and can be applied at any point in the marketing chain. Furthermore, the tests yield rapid, reliable and consistent results. In addition, GIPSA-issued certificates describing the quality and condition of graded wheat are accepted as *prima facie* evidence in all Federal courts. U.S. wheat standards and the affiliated grading and testing services offered by GIPSA verify that a seller's wheat meets specified requirements, and ensure that customers receive the quality of wheat they purchased.

In order for U.S. standards and grading procedures for wheat to remain relevant, GIPSA is issuing this advance notice of proposed rulemaking to invite interested parties to submit comments, ideas, and suggestions on all aspects of the U.S. wheat standards and inspection procedures.

**Authority:** 7 U.S.C. 71-87K.

**J. Dudley Butler,**

*Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. E9-28429 Filed 11-25-09; 8:45 am]

**BILLING CODE 3410-KD-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 26

[Docket No. PRM-26-3; NRC-2009-0482]

#### Professional Reactor Operator Society; Receipt of Petition for Rulemaking

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; Notice of receipt.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has received and requests public comment on a petition for rulemaking dated October 16, 2009, filed by the Professional Reactor Operator Society (petitioner). The petition was docketed by the NRC and has been assigned Docket No. PRM-26-3. The petitioner is requesting that the NRC amend the regulations that govern fitness for duty programs. Specifically, the petitioner requests that the definition of "unit outage" be changed to "site outage" and be amended to clarify the way licensees schedule manpower on the front and

back end of outages. The petitioner believes the suggested amendment would require licensees to abandon past practice that could impact licensees' ability to safely execute future outages and would help to ensure that nuclear utilities continue to perform outages in a safe and efficient manner.

**DATE:** Submit comments by February 10, 2010. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

**ADDRESSES:** You may submit comments on this petition by any one of the following methods. Please include PRM-26-3 in the subject line of your comments. Comments on petitions submitted in writing or in electronic form will be made available for public inspection. Personal information, such as your name, address, telephone number, e-mail address, *etc.*, will not be removed from your submission.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

*Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID [NRC-2009-0482]. Address questions about NRC dockets to Carol Gallagher, 301-492-3668; e-mail [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

*Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff. E-mail comments to: [rulemaking.comments@nrc.gov](mailto:rulemaking.comments@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at 301-415-1677.

*Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays, telephone number 301-415-1677.

*Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

Publicly available documents related to this petition may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), Room O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected

documents, including comments, may be viewed and downloaded electronically via the Federal eRulemaking Portal <http://www.regulations.gov>.

Publicly available documents created or received at the NRC, 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 the NRC's Agencywide Documents Access and Management System (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 PDR Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

For a copy of the petition, write to Michael T. Lesar, Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The petition is also available electronically in ADAMS at ML092960440.

**FOR FURTHER INFORMATION CONTACT:**

Michael T. Lesar, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301-492-3663 or Toll-Free: 1-800-368-5642 or E-mail: [Michael.Lesar@NRC.Gov](mailto:Michael.Lesar@NRC.Gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The NRC has received a petition for rulemaking dated October 16, 2009, submitted by Robert N. Meyer on behalf of the Professional Reactor Operator Society (PROS) (petitioner). PROS is an organization of reactor operators employed at nuclear power plant sites throughout the U.S. The petitioner requests that the NRC amend 10 CFR part 26, "Fitness for Duty Programs." Specifically, the petitioner requests that the definition of *Unit outage* in § 26.5, "Definitions" be changed to *Site outage*. The petitioner also requests that the text of the definition be amended to clarify the way licensees schedule manpower on the front and back end of outages. The NRC has determined that the petition meets the threshold sufficiency requirements for a petition for rulemaking under 10 CFR 2.802. The petition was docketed by the NRC as PRM-26-3 on October 21, 2009. The NRC is soliciting public comment on the petition for rulemaking.

**Discussion of the Petition**

The petitioner states that the final rule the NRC published on March 31, 2008 (73 FR 16965), pertaining to fitness for duty programs of nuclear facility licensees required all licensees to establish "clear and enforceable requirements for the management of worker fatigue." The petitioner notes that the term "unit outage" was added to clarify that a specific reactor has to be disconnected from the electrical grid to be declared in an outage. The petitioner states that the NRC added this term in response to a stakeholder comment raised during a public meeting to clarify that for the purpose of implanting work hour controls, a reactor unit would only be considered in an outage if disconnected from the power grid, not when reactor power was reduced for repair but not shut down. The NRC determined that its definition provides a clearly identifiable plant state for applying the work hour controls specified in §§ 26.205(d)(4) and (5).

The petitioner disagrees with the rationale for this definition and recommends two changes:

- (1) The definition should be changed from "unit outage" to "site outage" and
- (2) Clarify the definition of "site outage" to "up to one week prior to disconnecting the reactor unit from the grid and up to 75 percent turbine power following reconnection to the grid." The current definition of "unit outage" in § 26.5 "means, for the purposes of this part, that the reactor unit is disconnected from the electrical grid."

The petitioner states that its proposal applies to dual-unit sites with a shared control room where the reactor operators are licensed on both units to allow the control room to use a 12-hour supercrew, resulting in less work hours for personnel on the operating unit. The petitioner believes this is particularly important in view of the recently implemented work hours rule. The petitioner notes that although the outage work for many crews falls between the breaker open and close phases, this is not true for operations crews. Just before shutdown, activities such as the switch from the non-outage shift to the outage shift schedules, training for the control room crew who will actually perform the shutdown, and final work schedule walkdowns occur.

The petitioner states that many facilities combine the operations crews into four groups (two for days and two for nights) one week before shutdown to accommodate the additional workload. The petitioner believes the pre-outage advantages to the proposed amendment

include the crew's acclimation to the outage shift before shutdown and familiarization with each other, a transition period from normal shift rotation to the outage shift rotation, adequate staffing for outage crew preparation, and better preparation time to safely perform the large amount of infrequently performed tasks associated with plant shutdown. The petitioner also cites outage preparation that will be performed by outage crews, not regular shift personnel whose main responsibility should be monitoring the operating reactor, and more preparation time to keep the stress level as low as possible in the Control Room to reduce the chance of errors and improve overall safety as additional pre-outage advantages to its proposed amendment.

The petitioner also states that post-outage advantages to its proposed definition include allowing major equipment to be tested and placed in service before release of support personnel, ensuring there are sufficient personnel on duty to handle any emergencies following an outage, and allowing for a controlled transition from an outage shift schedule to the normal schedule to eliminate worker fatigue because the same crews who were performing outage functions are now the ones operating the reactor. The petitioner sees the only disadvantage to its proposal is that the total outage time may be longer, meaning that personnel operating the plant just before shutdown or startup may have worked beyond the hourly limitations normally permitted for an operating reactor but believes the advantages cited far outweigh any potential disadvantage. The petitioner states that it is not proposing any change in the work hour allowance specified in § 26.205(d)(4) but believes its proposed amendment would allow licensees more flexibility for applying the outage working hour limitations when preparing for and recovering from an outage.

Lastly, the petitioner states that its proposed amendment would not require an environmental impact statement, does not contain any new or amended information requirements subject to the Paperwork Reduction Act of 1980, and does not involve backfit issues.

The petitioner has concluded that adopting its proposed amendment will help ensure that nuclear power facilities continue to perform outages safely and efficiently.

Dated at Rockville, Maryland, this 23rd day of November 2009.

For the Nuclear Regulatory Commission.  
**Annette L. Vietti-Cook**,  
*Secretary of the Commission.*  
 [FR Doc. E9-28380 Filed 11-25-09; 8:45 am]  
**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2009-1014; Airspace Docket No. 09-ANM-10]

#### Proposed Establishment and Amendment of Class E Airspace; Rifle, CO

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

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

**SUMMARY:** This action proposes to establish Class E airspace at Garfield County Regional Airport, Rifle, CO. Controlled airspace is necessary to accommodate aircraft using a new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at Garfield County Regional Airport. The FAA is proposing this action to enhance the safety and management of aircraft operations at the airport. This action also would amend existing Class E airspace by changing the airport name.

**DATES:** Comments must be received on or before January 11, 2010.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, 20590. Telephone (202) 366-9826. You must identify FAA Docket No. FAA-2009-1014; Airspace Docket No. 09-ANM-10, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Eldon Taylor, Federal Aviation Administration, Operations Support Group, AJV-W2, Western Service Center, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203-4537.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in

developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2009-1014 and Airspace Docket No. 09-ANM-10) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2009-1014 and Airspace Docket No. 09-ANM-10". The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/airports\\_airtraffic/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, AJV-W2, 1601 Lind Avenue, SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking,