

# 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.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 73

[Docket No. PRM-73-11; NRC-2001-0023]

#### Petition for Rulemaking Filed by Scott Portzline, Three Mile Island Alert; Consider Petition in the Rulemaking Process

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Resolution and closure of petition docket.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is considering the issues raised in a petition for rulemaking submitted by Scott Portzline, on behalf of the Three Mile Island Alert, in the ongoing "Power Reactor Security Requirements" rulemaking. The petitioner requested that the NRC regulations governing physical protection of plants and materials be amended to require NRC licensees to post at least one armed guard at each entrance to the "owner controlled areas" (OCAs) surrounding all U.S. nuclear power plants. The petitioner stated that this should be accomplished by adding armed site protection officers (SPOs) to the security forces—not by simply moving SPOs from their protected area (PA) posts to the OCA entrances. The petitioner believes that its proposed amendment would provide an additional layer of security that would complement existing measures against radiological sabotage and would be consistent with the long-standing principle of defense-in-depth.

**DATES:** The docket for the petition for rulemaking PRM-73-11 is closed on July 29, 2008.

**ADDRESSES:** You can access publicly available documents related to this petition for rulemaking using the following methods:

*Federal e-Rulemaking Portal:* Further NRC action on the issues raised by this petition will be accessible at the federal

rulemaking portal, <http://www.regulations.gov>, by searching on rulemaking docket ID: NRC-2006-0016 and docket ID: NRC-2008-0019. The NRC also tracks all rulemaking actions in the "NRC Regulatory Agenda: Semiannual Report (NUREG-0936)." *NRC's Public Document Room (PDR):*

The public may examine and have copied for a fee, publicly available documents at the NRC's PDR, Public File Area O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

*NRC's Agencywide Document Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/NRC/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 any 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 FURTHER INFORMATION CONTACT:** Lauren Quinones, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone: 301-415-2007, or toll-free: 800-368-5642, *e-mail:* [Lauren.Quinones@nrc.gov](mailto:Lauren.Quinones@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On November 2, 2001 (66 FR 55603), the Nuclear Regulatory Commission (NRC) published for public comment a petition for rulemaking (PRM) filed by Scott Portzline, Three Mile Island Alert. The comment period closed on January 16, 2002. Eleven comments were received.

In a **Federal Register** notice published January 5, 2007 (72 FR 481), the NRC informed the public that PRM-73-11 and the public comments received on the petition would be considered in the proposed rulemaking, "Power Reactor Security Requirements," published in the **Federal Register** on October 26, 2006 (71 FR 62664). That rulemaking did consider the topics of PRM-73-13 and proposed extensive revisions to the NRC regulations in 10 CFR Parts 50, 72, and 73 that address security requirements for nuclear power reactor licensees. The comment period on that proposed rule expired on March 26, 2007.

Dated at Rockville, Maryland, this 1st day of July 2008.

For the Nuclear Regulatory Commission.

**R.W. Borchardt,**

*Executive Director for Operations.*

[FR Doc. E8-17319 Filed 7-28-08; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 73

[Docket No. PRM-73-13; NRC-2007-0023]

#### David Lochbaum, Union of Concerned Scientists; Consideration of Petition in the Rulemaking Process

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Resolution and closure of petition docket.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is considering the issues raised in a petition for rulemaking submitted by David Lochbaum, on behalf of the Union of Concerned Scientists, in the ongoing "Power Reactor Security Requirements" rulemaking. The petitioner requested that the NRC amend its regulations to require that licensees implement procedures to ensure that when information becomes known to a licensee about an individual that would prevent that individual from gaining unescorted access to the protected area of a nuclear power plant, the licensee will implement measures to ensure the individual does not enter the protected area, whether escorted, or not; and, when sufficient information is not available to a licensee about an individual to determine whether the criteria for unescorted access are satisfied, the licensee will implement measures to allow that individual to enter the protected area only when escorted at all times by an armed member of the security force who remains in periodic communication with security supervision.

**DATES:** The docket for the petition for rulemaking PRM-73-13 is closed on July 29, 2008.

**ADDRESSES:** You can access publicly available documents related to this petition for rulemaking using the following methods:

*Federal e-Rulemaking Portal:* Further NRC action on the issues raised by this petition will be accessible at the federal rulemaking portal, <http://www.regulations.gov>, by searching on rulemaking docket ID: NRC-2006-0016 and docket ID: NRC-2008-0019. The NRC also tracks all rulemaking actions in the "NRC Regulatory Agenda: Semiannual Report (NUREG-0936)."

*NRC's Public Document Room (PDR):* The public may examine and have copied for a fee, publicly available documents at the NRC's PDR, Public File Area O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

*NRC's Agencywide Document Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/nrc/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 any 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 FURTHER INFORMATION CONTACT:** Lauren Quinones, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone: 301-415-2007, or toll-free: 800-368-5642, e-mail: [Lauren.Quinones@nrc.gov](mailto:Lauren.Quinones@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On April 9, 2007 (72 FR 17440), the Nuclear Regulatory Commission (NRC) published for public comment a petition for rulemaking (PRM) filed by David Lochbaum, Union of Concerned Scientists. The comment period closed on June 25, 2007 and the NRC received twelve comments.

The NRC has determined that the issues raised in PRM-73-13 are appropriate for consideration and, in fact, the issues are already being considered in the ongoing "Power Reactors Security Requirements" rulemaking. NRC staff will address the comments filed in PRM-73-13 as part of the "Power Reactor Security Requirements" rulemaking. The proposed rule was published in the **Federal Register** on October 26, 2006 (71 FR 62664). That rulemaking did consider the topics of PRM-73-13 and proposed extensive revisions to the NRC regulations in 10 CFR Parts 50, 72, and 73 that address security requirements for nuclear power reactor licensees. The

comment period on that proposed rule expired on March 26, 2007.

Dated at Rockville, Maryland, this 1st day of July 2008.

For the Nuclear Regulatory Commission.

**R.W. Borchardt,**

*Executive Director for Operations.*

[FR Doc. E8-17321 Filed 7-28-08; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2008-0788; Directorate Identifier 2008-CE-039-AD]

RIN 2120-AA64

#### Airworthiness Directives; DG Flugzeugbau GmbH Model DG-500MB Gliders

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

**ACTION:** Notice of proposed rulemaking; correction.

**SUMMARY:** This document makes a correction to a proposed airworthiness directive (AD), which was published in the **Federal Register** on July 3, 2008 (73 FR 38160), and applies to certain Stemme GmbH & Co. KG (Stemme) Model S10-VT powered sailplanes. This document proposed to require replacement of the single ear clamps in the fuel system with improved design parts. The FAA incorrectly referenced the docket number of this proposed AD as "FAA-2008-0685" instead of "FAA-2008-0788." This document corrects the docket number.

**DATES:** The comment period ending date of August 4, 2008, remains the same. The FAA will also address any comments relating to this proposed AD submitted to Docket No. FAA-2008-0685.

**FOR FURTHER INFORMATION CONTACT:** Greg Davison, Glider Program Manager, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; fax: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

On June 27, 2008, the FAA issued a notice of proposed rulemaking (NPRM) to require replacement of the single ear clamps in the fuel system with improved design parts. This NPRM was published in the **Federal Register** on July 3, 2008 (73 FR 38160). The FAA incorrectly referenced the docket

number of this proposed AD as "FAA-2008-0685" instead of "FAA-2008-0788." This document corrects the docket number.

#### Need for the Correction

This correction is needed to assure that all correspondence related to this subject is posted in the correct docket.

#### Correction of Publication

Accordingly, the publication of July 3, 2008 (73 FR 38160), which was the subject of FR Doc. E8-15177, is corrected as follows:

On page 38160, in the first column, in the third line under the heading **DEPARTMENT OF TRANSPORTATION**, replace "FAA-2008-0685" with "FAA-2008-0788."

On page 38160, in the third column, in the third line, replace "FAA-2008-0685" with "FAA-2008-0788."

#### § 39.13 [Corrected]

On page 38161, in the second column, in the fifth and sixth lines under the heading **§ 39.13 [Amended]**, replace "FAA-2008-0685" with "FAA-2008-0788."

Action is taken herein to correct this reference in the proposed AD.

The comment period ending date of August 4, 2008, remains the same. The FAA will also address any comments relating to this proposed AD submitted to Docket No. FAA-2008-0685.

Issued in Kansas City, Missouri, on July 23, 2008.

**John R. Colomy,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E8-17369 Filed 7-28-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-106251-08]

RIN 1545-BH68

#### Employee Stock Purchase Plans Under Internal Revenue Code Section 423

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document contains proposed regulations relating to options granted under an employee stock purchase plan as defined in section 423 of the Internal Revenue Code (Code). These proposed regulations affect certain taxpayers who participate in the