

# 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 26

[Docket No. PRM-26-6; NRC-2010-0310]

#### Erik Erb; Notice of Receipt of Petition for Rulemaking

**AGENCY:** Nuclear Regulatory Commission.

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

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has received a petition for rulemaking (PRM) dated August 17, 2010, submitted by Erik Erb (the Petitioner) and 91 co-signers. The petition was docketed by the NRC on September 17, 2010, and has been assigned PRM-26-6. The petitioner requests that the NRC amend its regulations to decrease the minimum days off (MDO) requirement for security officers working 12-hour shifts from an average of 3 days per week to 2.5 or 2 days per week. The NRC is also requesting public comments on the PRM.

**DATES:** Submit comments by February 7, 2011. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Please include Docket ID NRC-2010-0310 in the subject line of your comments. For instructions on submitting comments and accessing documents related to this action, see "Submitting Comments and Accessing Information" in the **SUPPLEMENTARY INFORMATION** section of this document. You may submit comments by any one of the following methods.

*Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2010-0310. Address questions about NRC dockets to Carol Gallagher, telephone: 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: Rulemaking 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 301-415-1966.

*Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852 between 7:30 a.m. and 4:15 p.m. during Federal workdays (telephone: 301-415-1966).

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

**FOR FURTHER INFORMATION CONTACT:** Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-492-3667, toll free: 800-368-5642, e-mail: [Cindy.Bladey@nrc.gov](mailto:Cindy.Bladey@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Submitting Comments and Accessing Information

Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal Rulemaking Web site, <http://www.regulations.gov>. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. 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.

You can access publicly available documents related to this document using the following methods:

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

*NRC's Agencywide Documents 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/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, then contact the NRC's PDR reference staff at 800-397-4209, or 301-415-4737, or by e-mail to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The ADAMS accession number for the petition is ML102630127.

*Federal Rulemaking Web site:* Public comments and supporting materials related to this action, including the petition for rulemaking, can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2010-0310.

#### Petitioner

The petitioner is Erik Erb, a nuclear security officer at Constellation's Nine Mile Point Nuclear Station in Oswego, New York. Mr. Erb has held this position since April 2004. The petition has 91 co-signers; most co-signers have identified their position as nuclear security officer or guard.

#### Background

##### Grounds for Action Requested

The Petitioner proposes that the NRC amend its regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) part 26, subpart I, to decrease the MDO requirement for security officers working 12-hour shifts from an average of 3 days per week to 2.5 or 2 days per week. Specifically, the Petitioner claims that the MDO requirement of 3 days per week has led to unintended detrimental consequences at the Nine Mile Point facility.

The Petitioner states that the MDO requirement has reduced the amount of overtime available to security officers at Nine Mile Point. The Petitioner states that this may provide the impetus for security officers to seek additional part-time employment. The Petitioner claims that hours worked at another place of employment would most likely be unrecorded, unmonitored, and unreported to the licensee. The Petitioner states that security officers working additional part-time hours to supplement lost income would "seem to be counterproductive to the aim of the MDO requirement."

The Petitioner states that officers who previously did not work much overtime must now “pick up the slack,” sometimes to the point of being forced to work overtime. The Petitioner also states that training sometimes has to be rescheduled or canceled, because the officers facilitating the training have reached their MDO mandate.

The Petitioner states that non-management/non-supervisor security chiefs have been impacted by the use of the fatigue software, EmpCenter, at the Nine Mile Point facility. The Petitioner claims that when an employee is asked to work overtime, the chiefs must use the software to determine whether that employee will exceed the MDO requirement. The petitioner describes this extra step as a burden on the chiefs. According to the petition, the attention/focus of the chiefs is diverted by the need to coordinate with their supervisors in order to ensure compliance with the MDO requirement.

The Petitioner also claims that licensees have had to increase their staffing across affected departments, in part due to the MDO requirement, thus increasing their costs. The Petitioner claims that licensees may be required to pass these extra costs onto the rate payer. Alternatively, the Petitioner claims that licensees may explore the option of contract security as a cost-saving measure.

#### *The Petition*

The Petitioner requests that the NRC amend its regulations in 10 CFR part 26, Subpart I, to decrease the MDO requirement for security officers working 12-hour shifts from an average of 3 days per week to 2.5 or 2 days per week. The Petitioner claims that such a decrease in MDO would (1) bring the requirement in line with MDO requirements for Operations, Maintenance, and other personnel subject to the MDO requirements; and (2) have a sizeable impact on alleviating some of the issues the MDO requirements have caused or may cause in the future.

Dated at Rockville, Maryland, this 17th day of November 2010.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 2010-29480 Filed 11-22-10; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2010-1157; Directorate Identifier 2010-NM-137-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Bombardier, Inc. Model DHC-8-102, -103, -106, -201, -202, -301, -311, -315, -401, and -402 Airplanes**

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

There have been several in-service reports of finding trapped water on the bottom of the cockpit windshield frames (or lower windshield frames) that resulted in either corrosion or water ingress into the cockpit. In one occurrence, the trapped water caused severe corrosion of numerous anchor nuts that secure the windshield to the lower windshield frame, such that the intended fastening function was seriously compromised.

Corrosion of the lower windshield frames, including the anchor nuts that secure the windshield to the aircraft structure, can result in a serious structural degradation possibly leading to the loss of the windshield during flight. Also, water could leak into the cockpit and cause either a malfunction or failure of the electrical and electronics systems in the area of the cockpit instrument panels.

\* \* \* \* \*

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by January 7, 2011.

**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 W12-40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416-375-4000; fax 416-375-4539; e-mail [thd.qseries@aero.bombardier.com](mailto:thd.qseries@aero.bombardier.com); Internet <http://www.bombardier.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

#### **Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office 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 Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### **FOR FURTHER INFORMATION CONTACT:**

Craig Yates, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7355; fax (516) 794-5531.

#### **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-2010-1157; Directorate Identifier 2010-NM-137-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 based on 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.