

# Rules and Regulations

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

[NRC-2007-0008]

RIN 3150-A101

#### Alternate Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Correcting amendment.

**SUMMARY:** On January 3, 2010, the Nuclear Regulatory Commission (NRC or Commission) published in the **Federal Register** a final rule (75 FR 13) that amends the NRC's regulations in Title 10 of the Code of Federal Regulations (10 CFR) part 50, section 61a to provide alternate fracture toughness requirements for protection against pressurized thermal shock (PTS) events for pressurized water reactor (PWR) pressure vessels. On February 3, 2010, the NRC published in the **Federal Register** a correction to the final rule (75 FR 5495) to correct formatting and typographical errors. This document is necessary to further correct a typographical error that appears in the correction document.

**DATES:** The correction is effective on November 26, 2010, and is applicable beginning February 3, 2010, the date the original rule became effective.

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

**SUPPLEMENTARY INFORMATION:** This document is the third set of corrections to the final rule published on January 3, 2010. Previous corrections were

published on February 3, 2010 (75 FR 5495), and March 8, 2010 (75 FR 10410). This document further corrects a typographical error that appears in the correction document published in the **Federal Register** on February 3, 2010.

#### List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

■ For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 50.

#### PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 1. The authority citation for Part 50 continues to read as follows:

**Authority:** Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. 109-58, 119 Stat. 194 (2005). Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102-486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5841). Section 50.10 also issued under secs. 101, 185, 68 Stat. 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

#### § 50.61a [Amended]

■ 2. In § 50.61a, amend paragraph (g), Equation 7, by removing the text “ $A = 1.451 \times 10^{-7}$  for plates” and adding in its place the text “ $A = 1.561 \times 10^{-7}$  for plates”.

Dated at Rockville, Maryland, November 19, 2010.

For the Nuclear Regulatory Commission.

**Cindy Bladey,**

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

[FR Doc. 2010-29757 Filed 11-24-10; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2010-0892; Directorate Identifier 2010-NE-23-AD; Amendment 39-16524; AD 2010-24-05]

RIN 2120-AA64

#### Airworthiness Directives; Pratt & Whitney Canada Corp. (P&WC) PW305A and PW305B Turboprop Engines

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued 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:

As a result of a change in the low-cycle fatigue life methodology for the IMI 834 material, the recommended service life of certain PW305A and PW305B Impellers has been reduced, as published in the Airworthiness Limitations (AWL) section of Engine Maintenance Manual (EMM).

The in-service life of impellers P/N 30B2185, 30B2486 and 30B2858-01 has been reduced from 12,000 to 7,000 cycles; and of P/N 30B4565-01 from 8,000 to 7,000 cycles.

We are issuing this AD to prevent failure of the impeller, which could result in an uncontained event and possible damage to the airplane.

**DATES:** This AD becomes effective January 3, 2011. The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 3, 2011.

**ADDRESSES:** The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

**FOR FURTHER INFORMATION CONTACT:** James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: [james.lawrence@faa.gov](mailto:james.lawrence@faa.gov); phone: (781) 238-7176; fax: (781) 238-7199.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on August 19, 2010 (75 FR 51187). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

As a result of a change in the low-cycle fatigue lifing methodology for the IMI 834 material, the recommended service life of certain PW305A and PW305B Impellers has been reduced, as published in the Airworthiness Limitations (AWL) section of Engine Maintenance Manual (EMM).

The in-service life of impellers P/N 30B2185, 30B2486 and 30B2858-01 has been reduced from 12,000 to 7,000 cycles; and of P/N 30B4565-01 from 8,500 to 7,000 cycles.

This Airworthiness Directive (AD) is issued to mandate the incorporation of the revised in-service life limits for the affected impellers, in the AWL section of EMM, as introduced by Temporary Revision (TR) AL-8.

Within 30 days from the effective date of this AD, update AWL section of your PW305 EMM P/N 30B1402, to incorporate TR AL-8 for compliance with the revised in-service limits for the affected Impellers, installed on PW305A and PW305B engine.

**Comments**

We gave the public the opportunity to participate in developing this AD. We considered the comment received.

**Request To Establish an Ending Engine Serial Number Applicability**

One commenter, Bombardier—Learjet, asked us to establish an ending engine serial number (S/N) applicability for the proposed AD. The commenter said that any engine from S/N CA0651 forward will be linked to the updated engine maintenance manual (EMM) with the

7,000 cycle exducer life limit. Therefore, engines that have entered or will enter service with the appropriate Airworthiness Limitations already included in their EMM, will not be subject to this unsafe condition. To leave the AD applicability open-ended, will cause hours of unnecessary review and logbook entries for original equipment manufacturers (OEMs) and operators of engines that do not have an unsafe condition.

We don't agree. Because there are no mandatory links between the engine S/N and the EMM, there is no guarantee the EMM will stay with a particular engine S/N. Also, because the proposed AD is a onetime requirement to reduce the life limit for the exducer in the Airworthiness Limitations Section, the proposed AD won't cause hours of unnecessary review and logbook entries for OEMs and operators of engines. We didn't change the proposed AD.

**Conclusion**

We reviewed the available data, including the comment received, and determined that air safety and the public interest require adopting the AD as proposed.

**Costs of Compliance**

Based on the service information, we estimate that this AD will affect about 114 products of U.S. registry. We also estimate that it will take 0 work-hours per product to comply with this AD. The average labor rate is \$85 per work-hour. Required parts will cost about \$54,288 per product. Based on these figures, we estimate the cost of the AD on U.S. operators to be \$6,188,832. Our cost estimate is exclusive of possible warranty coverage.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. 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.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on

products identified in this rulemaking action.

**Regulatory Findings**

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

**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 AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (phone (800) 647-5527) is provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

**Adoption of the Amendment**

- Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

- 2. The FAA amends § 39.13 by adding the following new AD:

**2010-24-05 Pratt & Whitney Canada Corp. (Formerly Pratt & Whitney Canada, Inc.): Amendment 39-16524. Docket No.**

FAA-2010-0829; Directorate Identifier  
2010-NE-23-AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective January 3, 2011.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Pratt & Whitney Canada Corp. (P&WC) PW305A and PW305B turboprop engines with certain impellers, part numbers (P/Ns) 30B2185, 30B2486, 30B2858-01, or 30B4565-01 installed. These engines are installed on, but not limited to, Hawker-Beech Corporation BAe.125 series 1000A, 1000B, and Hawker 1000 airplanes and Learjet Inc. Learjet 60 airplanes.

#### Reason

(d) This AD results from:

As a result of a change in the low-cycle fatigue lifing methodology for the IMI 834 material, the recommended service life of certain PW305A and PW305B Impellers has been reduced, as published in the Airworthiness Limitations (AWL) section of Engine Maintenance Manual (EMM).

The in-service life of impellers P/N 30B2185, 30B2486 and 30B2858-01 has been reduced from 12,000 to 7,000 cycles; and of P/N 30B4565-01 from 8,500 to 7,000 cycles.

We are issuing this AD to prevent failure of the impeller, which could result in an uncontained event and possible damage to the airplane.

#### Actions and Compliance

(e) Unless already done, do the following actions.

(f) Within 30 days from the effective date of this AD, update AWL section of your PW305 EMM P/N 30B1402, to incorporate Pratt & Whitney Canada Corp. Temporary Revision (TR) AL-8, dated January 20, 2010, for compliance with the revised in-service limits for the affected Impellers, installed on PW305A and PW305B engine.

#### FAA AD Differences

(g) None.

#### Other FAA AD Provisions

(h) The following provisions also apply to this AD:

#### Alternative Methods of Compliance (AMOCs)

(i) The Manager, Engine Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

#### Related Information

(j) Refer to MCAI Transport Canada Airworthiness Directive CF-2010-09, dated March 17, 2010, for related information.

(k) Contact James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: [james.lawrence@faa.gov](mailto:james.lawrence@faa.gov); phone: (781) 238-7176; fax: (781) 238-7199, for more information about this AD.

#### Material Incorporated by Reference

(l) You must use Pratt & Whitney Canada Corp. Temporary Revision No. AL-8, dated January 20, 2010, to P&WC EMM P/N 30B1402 to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada J4G 1A1; telephone (800) 268-8000; fax (450) 647-2888; or go to: <http://www.pwc.ca>.

(3) You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Burlington, Massachusetts, on November 10, 2010.

#### Peter A. White,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2010-29599 Filed 11-24-10; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 922

[Docket No. 090122044-0403-02]

RIN 0648-AX58

#### Marine Sanitation Device Discharge Regulations for the Florida Keys National Marine Sanctuary

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Final rule.

**SUMMARY:** NOAA is amending the regulations for the Florida Keys National Marine Sanctuary (FKNMS or sanctuary) by eliminating the exemption that allows discharges from within the boundary of the sanctuary of biodegradable effluent incidental to vessel use and generated by marine sanitation devices (MSDs) approved under the Clean Water Act (CWA), and by requiring that MSDs be secured to prevent discharges of treated and untreated sewage. This action builds upon the Environmental Protection Agency's creation of a No Discharge Zone (NDZ) for the state waters of the

FKNMS, and will help protect the Florida Keys ecosystem from potentially harmful vessel sewage discharges. An environmental assessment has been prepared for this action pursuant to the National Environmental Policy Act. The environmental assessment includes a Finding of No Significant Impact (FONSI) regarding the impacts of this rulemaking.

**DATES:** These regulations are effective on December 27, 2010.

**ADDRESSES:** A copy of the environmental assessment, which includes the FONSI, described in this rule is available upon request to Sean Morton, Sanctuary Superintendent, Florida Keys National Marine Sanctuary, 33 East Quay Road, Key West, Florida 33040. It is also available for viewing and download at <http://floridakeys.noaa.gov/>.

#### FOR FURTHER INFORMATION CONTACT:

Sean Morton, Sanctuary Superintendent, Florida Keys National Marine Sanctuary, 33 East Quay Road, Key West, Florida 33040. Phone: 305-809-4700.

#### SUPPLEMENTARY INFORMATION:

#### Electronic Access

This Federal Register document is also accessible via the Internet at <http://www.gpoaccess.gov/fr/index.html>.

#### I. Statutory and Regulatory Background

The National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1431 *et seq.*) authorizes the Secretary of Commerce to designate and protect as national marine sanctuaries areas of the marine environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities. Management of national marine sanctuaries has been delegated by the Secretary of Commerce to NOAA's Office of National Marine Sanctuaries. The primary objective of the NMSA is to protect marine resources, such as coral reefs, sunken historical vessels, or unique habitats.

The FKNMS was designated by Congress in 1990 through the Florida Keys National Marine Sanctuary Protection Act (FKNMSPA, Pub. L. 101-605) and extends approximately 220 nautical miles southwest from the southern tip of the Florida peninsula. The sanctuary's marine ecosystem supports over 6,000 species of plants, fishes and invertebrates, including the Nation's only living coral reef that lies adjacent to the continent. The area includes one of the largest seagrass