

# 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 50

[Docket No. PRM-50-75; NRC-2002-0018]

#### Anthony R. Pietrangelo, Nuclear Energy Institute; 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 Anthony R. Pietrangelo, on behalf of the Nuclear Energy Institute, in the ongoing "Risk-Informed Redefinition of Large Break Loss-of-Coolant Accident (LOCA) Emergency Core Cooling System (ECCS) Requirements" rulemaking. The petitioner requested that the NRC amend its regulations to allow the use of an alternative to the currently required double-ended rupture of the largest pipe in the reactor coolant system in ECCS evaluation models.

**DATES:** The docket for the petition for rulemaking PRM-50-75 is closed on November 6, 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-2002-0018 and docket ID: NRC-2008-0332. 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:**

Lynn M. Hall, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone: 301-415-3759, or toll-free: 800-368-5642, e-mail: [Lynn.Hall@nrc.gov](mailto:Lynn.Hall@nrc.gov)

**SUPPLEMENTARY INFORMATION:** On April 8, 2002 (67 FR 16654), the NRC published for public comment a petition for rulemaking (PRM) filed by Anthony R. Pietrangelo, on behalf of the Nuclear Energy Institute. The comment period closed on June 24, 2002, and the NRC received eighteen comment letters ML082460625. The NRC has determined that the issues raised in PRM-50-75 are appropriate for consideration and, in fact, the issues are already being considered in the ongoing "Risk-Informed Redefinition of Large Break LOCA ECCS Requirements" rulemaking. This proposed rule was published on April 8, 2005 (67 FR 16654), and a report on "Seismic Considerations for the Transition Break Size" was published for public comment on December 20, 2005 (70 FR 75501). The comment periods for both the proposed rule and the report expired on February 6, 2006. The NRC will address substantive comments filed in PRM-50-75 as part of the "Risk-Informed Redefinition of Large Break LOCA ECCS Requirements" rulemaking.

Dated at Rockville, Maryland, this 15th day of October 2008.

For the Nuclear Regulatory Commission.

**Bruce S. Mallett,**

*Acting Executive Director for Operations.*

[FR Doc. E8-26463 Filed 11-5-08; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

[Docket No. PRM-50-71; NRC-2000-0004]

#### Petition for Rulemaking Filed by David J. Modeen, Nuclear Energy Institute; 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 J. Modeen, on behalf of the Nuclear Energy Institute, in the ongoing "Performance-Based Emergency Core Cooling System (ECCS) Cladding Acceptance Criteria" rulemaking (ADAMS accession no. ML020630082). The petitioner requested that the NRC amend its regulations to allow nuclear power plant licensees to use zirconium-based cladding materials other than Zircaloy or ZIRLO, provided the cladding materials meet the requirements for fuel cladding performance and have been approved by the NRC staff. Specifically, the petitioner stated that the NRC's current regulations require uranium oxide fuel pellets, used in commercial reactor fuel, to be contained in cladding material made of Zircaloy or ZIRLO. The requirement to use either of these materials is stated in the regulations that govern combustible gas control and acceptance criteria for emergency core cooling systems for nuclear power reactors. The petitioner noted that subsequent to promulgation of these regulations, commercial nuclear fuel vendors have developed and continue to develop materials other than Zircaloy or ZIRLO. To allow a licensee to use fuel made with these new cladding alloys, the NRC must review and approve an exemption request. The petitioner requested that the NRC amend these regulations to allow licensees discretion to use zirconium-based cladding materials other than Zircaloy or ZIRLO, provided that the cladding materials meet the fuel cladding performance requirements and have been reviewed and approved by the NRC staff.

**DATES:** The docket for the petition for rulemaking PRM-50-71 is closed on November 6, 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-2000-0004 and docket ID: NRC-2008-0332. 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:** Lynn M. Hall, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone: 301-415-3759, or toll-free: 800-368-5642, e-mail: [Lynn.Hall@nrc.gov](mailto:Lynn.Hall@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On May 31, 2000 (65 FR 34599), the NRC published for public comment a petition for rulemaking (PRM) filed by David J. Modeen, on behalf of the Nuclear Energy Institute. The comment period closed on August 14, 2000, and the NRC received 11 comment letters. In response to this petition, the NRC amended § 50.44 of its regulations (68 FR 54123, September 16, 2003) to eliminate the requirement to use Zircaloy or ZIRLO cladding. With respect to the cladding requirements specified in § 50.46, the NRC has determined that the petitioner's request in PRM-50-71 is appropriate for consideration and, in fact, is already being considered in the ongoing "Performance-Based Emergency Core Cooling System (ECCS) Cladding

Acceptance Criteria" rulemaking. This rulemaking proposes revisions to the NRC regulations in 10 CFR Part 50 that addresses licensing of production and utilization facilities in which the remaining open issues from PRM-50-71 will be resolved. The NRC will address the comments filed in PRM-50-71 as part of this rulemaking.

Dated at Rockville, Maryland, this 9th day of October 2008.

For the Nuclear Regulatory Commission.  
**R.W. Borchardt,**  
*Executive Director for Operations.*  
 [FR Doc. E8-26459 Filed 11-5-08; 8:45 am]  
**BILLING CODE 7590-01-P**

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-146895-05]

RIN 1545-BF05

#### Election To Expense Certain Refineries; Hearing Cancellation

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

**ACTION:** Cancellation of notice of public hearing on proposed rulemaking by cross-reference to temporary regulations.

**SUMMARY:** This document cancels a public hearing on proposed rulemaking by cross-reference to temporary regulations under section 179C of the Internal Revenue Code relating to the election to expense qualified refinery property.

**DATES:** The public hearing, originally scheduled for November 20, 2008 at 10 a.m. is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Funmi Taylor of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration) at (202) 622-3628 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking by cross-reference to temporary regulations and a notice of public hearing that appeared in the **Federal Register** on Wednesday, July 9, 2008 (73 FR 39270) announced that a public hearing was scheduled for November 20, 2008, at 10 a.m. in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is under the section 179C of the Internal Revenue Code.

The public comment period for these regulations expired on September 8,

2008. The notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing instructed those interested in testifying at the public hearing to submit an outline of the topics to be addressed by October 14, 2008. As of Monday, October 27, 2008, no one has requested to speak. Therefore, the public hearing scheduled for November 20, 2008, is cancelled.

**Guy Traynor,**

*Federal Register Liaison, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. E8-26426 Filed 11-5-08; 8:45 am]  
**BILLING CODE 4830-01-P**

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2008-0049]

#### Drawbridge Operation Regulations; Gulf Intracoastal Waterway (GIWW), Mile 49.8, Near Houma, Lafourche Parish, LA

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard is withdrawing its notice of proposed rulemaking concerning the operation of the SR 316 Blue Bayou Pontoon Bridge across the GIWW, mile 49.8, near Houma, Lafourche Parish, Louisiana. The notice of proposed rulemaking proposed to allow the bridge to stay closed for school buses to pass when carrying children, but due to mechanical improvements of the bridge, the requester, Lafourche Parish Council, has withdrawn their request.

**DATES:** The notice of proposed rulemaking is withdrawn on November 6, 2008.

**ADDRESSES:** The docket for this withdrawn rulemaking is available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room 212-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** If you have questions on the proposed rule