

# 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.

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### 7 CFR Part 1776

RIN 0572-AC12

#### Amending the Household Water Well System Grant Program Regulations

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed rule.

**SUMMARY:** The Rural Utilities Service (RUS), an agency delivering the United States Department of Agriculture's (USDA) Rural Development Utilities Programs, hereinafter referred to as Rural Development or the Agency, is amending its regulations to administer the Household Water Well System Grant Program. This action implements provisions of the 2008 Farm Bill for limits on loans that nonprofit organizations may make to homeowners for private well systems. The 2008 Farm Bill raises the loan limit to \$11,000 from \$8,000. The intended effect is to make part 1776 current with statutory authority. The Agency will also amend the regulation to enable existing grant recipients to amend their grant agreements for the new \$11,000 loan limit.

In the final rule section of the **Federal Register**, the Agency is publishing this action as a direct final rule without prior proposal because Rural Development views this as a non-controversial action and expects no adverse comments. If no adverse comments are received in response to the direct final rule, no further action will be taken on this proposed rule, and the action will become effective at the time specified in the direct final rule. If the Agency receives adverse comments, a timely document will be published withdrawing the direct final rule, and all public comments received will be addressed in a subsequent final rule based on this action.

**DATES:** Comments on this proposed action must be received by Rural

Development or carry a postmark or equivalent no later than December 18, 2008.

**ADDRESSES:** You may submit comments to this rule by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. In the "Search Documents" box, enter RUS-08-WATER-03, check the box under the Search box labeled "Select to find documents accepting comments or submissions," and click on the GO>> key. To submit a comment, choose "Send a comment or submission," under the Docket Title. In order to submit your comment, the information requested on the "Public Comment and Submission Form," must be completed. (If you click on the hyperlink of the docket when the search returns it, you will see the docket details. Click on the yellow balloon to receive the "Public Comment and Submission Form.") Information on using [Regulations.gov](http://www.regulations.gov), including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "How to Use this Site" link.

- *Postal Mail/Commercial Delivery:* Please send your comment addressed to Michele Brooks, Director, Program Development and Regulatory Analysis, USDA Rural Development, 1400 Independence Avenue, STOP 1522, Room 5159, Washington, DC 20250-1522.

*Other Information:* Additional information about Rural Development and its programs is available at <http://www.rurdev.usda.gov/index.html>.

**FOR FURTHER INFORMATION CONTACT:** Cheryl Francis, Loan Specialist, Water and Environmental Programs, USDA Rural Development, 1400 Independence Avenue, STOP 1570, Room 2229 South Building, Washington, DC 20250-1570. Telephone: (202) 720-9589; FAX: (202) 690-0649; e-mail: [cheryl.francis@wdc.usda.gov](mailto:cheryl.francis@wdc.usda.gov).

**SUPPLEMENTARY INFORMATION:** See the Supplementary Information provided in the direct final rule located in the Rules and Regulations direct final rule section of the **Federal Register** for the applicable Supplementary Information on this action.

Dated: October 20, 2008.

James M. Andrew,

Administrator, Rural Utilities Service.

[FR Doc. E8-26770 Filed 11-17-08; 8:45 am]

BILLING CODE 3410-15-P

## 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; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Resolution and closure of petition docket; Correction.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is correcting a document that appeared in the **Federal Register** on November 6, 2008 (73 FR 66000). The 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. This document corrects an erroneous NRC docket number and date.

**DATES:** Effective November 18, 2008.

**FOR FURTHER INFORMATION CONTACT:** 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, telephone 301-415-7163, e-mail [Michael.Lesar@nrc.gov](mailto:Michael.Lesar@nrc.gov).

**SUPPLEMENTARY INFORMATION:** In FR doc. E8-26463 appearing on page 66000 in the **Federal Register** of Thursday, November 6, 2008, the following corrections are made:

1. On page 66000, in the first column, under the **ADDRESSES** section, second paragraph, seventh line, "2008-0332" is corrected to read "2004-0006".

2. On page 66000, in the center column, under the **SUPPLEMENTARY INFORMATION**, 17th line, "April 8, 2005 (67 FR 16654)" is corrected to read "November 7, 2005 (70 FR 67598)".

Dated at Rockville, Maryland, this 12th day of November 2008.

For the Nuclear Regulatory Commission.

**Michael T. Lesar,**

*Chief, Rulemaking, Directives, and Editing Branch, Division of Administrative Services, Office of Administration.*

[FR Doc. E8-27304 Filed 11-17-08; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 650

[FHWA Docket No. FHWA-2008-0038]

RIN 2125-AF24

#### National Tunnel Inspection Standards

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Advance Notice of Proposed Rulemaking (ANPRM); request for comments.

**SUMMARY:** The FHWA is soliciting comments concerning the creation of a regulation establishing National Tunnel Inspection Standards (NTIS). The FHWA is considering the establishment of NTIS by adding Subpart E to 23 CFR Part 650. The NTIS would set minimum tunnel inspection standards that apply to all Federal-aid highway tunnels on public roads. The FHWA anticipates that NTIS could be modeled after the existing National Bridge Inspection Standards (NBIS) regulation, found at 23 CFR Part 650, Subpart C, as applicable. The NTIS likely would include requirements for inspection procedures for structural, mechanical, electrical, hydraulic and ventilation systems, and other major elements specific to tunnels such as tunnel finishes; the qualification and training of inspectors; and a National Tunnel Inventory.

**DATES:** Comments must be received on or before February 17, 2009. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** Mail or hand deliver comments to: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001, or submit electronically at <http://www.regulations.gov>, or fax comments to (202) 493-2251.

All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal

holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or may print the acknowledgment page that appears after submitting comments electronically. Anyone is able to search the electronic form of all comments in any one of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, or labor union). You may review the U.S. Department of Transportation's (DOT) complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, Pages 19477-78), or you may visit <http://DocketsInfo.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jesus M. Rohena, P.E., Office of Bridge Technology, HIBT-10, (202) 366-4593, or Mr. Robert Black, Office of the Chief Counsel, HCC-30, (202) 366-1359, Federal Highway Administration, 1200 New Jersey Ave., SE., Washington, DC 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access and Filing

You may submit or retrieve comments online through the Federal Docket Management System at <http://www.regulations.gov>. It is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the Web site. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's home page at: <http://www.archives.gov> or the Government Printing Office's Web page at <http://www.gpoaccess.gov/nara>.

##### Background

The safety and security of our Nation's tunnels are of paramount importance to the FHWA. Recognizing that tunnel owners are not mandated to routinely inspect tunnels and that inspection methods vary among entities that inspect tunnels, the FHWA and the Federal Transit Administration developed guidelines for the inspection of tunnels in 2003. The guidelines, known as the "Highway and Rail Transit Tunnel Inspection Manual,"<sup>1</sup> were updated in 2005. In addition, the FHWA developed Tunnel Management Software to help tunnel owners manage

their tunnel inventory, but tunnel owners have not adopted the software uniformly.

After investigating the fatal July 2006 suspended ceiling collapse in the Central Artery Tunnel in Boston, Massachusetts, the National Transportation Safety Board (NTSB) stated in its report that, "had the Massachusetts Turnpike Authority, at regular intervals between November 2003 and July 2006, inspected the area above the suspended ceilings in the D Street portal tunnels, the anchor creep that led to this accident would likely have been detected, and action could have been taken that would have prevented this accident." Among its recommendations, the NTSB suggested that the FHWA seek legislative authority to establish a mandatory tunnel inspection program similar to the NBIS that would identify critical inspection elements and specify an appropriate inspection frequency. Additionally, the DOT Inspector General (IG), in testimony before Congress in October 2007, highlighted the need for a tunnel inspection and reporting system to ensure the safety of the Nation's tunnels, stating that the FHWA "should develop and implement a system to ensure that States inspect and report on tunnel conditions." Additionally, the IG stated that "FHWA should move aggressively on this rulemaking and establish rigorous inspection standards as soon as possible."

The NTIS would implement these NTSB and IG recommendations. The FHWA anticipates that NTIS could be modeled after the existing NBIS, contained at 23 CFR 650, Subpart C. The FHWA likely would revise 23 CFR Part 650—Bridges, Structures, and Hydraulics, by adding the NTIS under Subpart E.

The NTIS would require the proper safety inspection and evaluation of all Federal-aid highway tunnels on public roads. National Tunnel Inspection Standards are needed to ensure that all structural, mechanical, electrical, hydraulic and ventilation systems, and other major elements of our Nation's tunnels are inspected and tested on a regular basis. The NTIS would also ensure safety for the surface transportation users of our Nation's highway tunnels, and would make tunnel inspection standards consistent across the Nation. Additionally, tunnel inspections would help protect Federal investment in such key infrastructure.

Timely tunnel inspection is vital to uncovering safety problems and preventing failures. When corrosion or leakage occur, electrical or mechanical systems malfunction, or concrete

<sup>1</sup> Federal Highway Administration and Federal Transit Administration, United States Department of Transportation, *Highway and Rail Transit Tunnel Inspection Manual* (2005) available at [www.fhwa.dot.gov/bridge/tunnel/inspctman00.cfm](http://www.fhwa.dot.gov/bridge/tunnel/inspctman00.cfm).