

the representative of FSA. Before a challenged ballot is either counted or declared invalid, a determination shall be made by the FSA county office or representative of FSA as to the eligibility of the voter to vote in the referendum.

#### **§ 1205.206 Reporting results of referendum.**

(a) Each FSA county office shall transmit a written county summary of ballots showing the results of the referendum in its county to its State office.

(b) Each State office shall transmit a written summary of the referendum results from the county offices within its State to DAFO, and DAFO will provide a copy to the AMS. AMS will make the results available for public inspection for a period of 5 years following the end of the referendum period.

(c) AMS shall prepare and submit to the Secretary a report as to the results of the referendum. The Secretary shall then publically proclaim the results of the referendum.

#### **§ 1205.207 Challenge of correctness of county summary of ballots.**

The FSA State offices shall make a prompt investigation and decision in case of any dispute or challenge regarding the correctness of the county summary of ballots in any county: *Provided*, That no dispute of challenge shall be investigated unless it is brought to the attention of the State FSA office within 3 days after receipt by the FSA State office of the county summary of ballots from such county.

#### **§ 1205.208 Disposition of ballots and records.**

The FSA county office shall seal the voted ballots, challenged ballots found to be ineligible, spoiled ballots, register sheets, and summary sheets for county in one or more envelopes or packages, plainly marked with the identification of the referendum, the date and the names of the county and State, and place them under lock and key in a safe place under the custody of the FSA county office for a period of 45 days after the referendum period. If no notice to the contrary is received by the end of such time, and after the ballots and other records have been examined by a representative of the State FSA office, the voted ballots and challenged ballots shall be destroyed, but the registers and county summary sheets shall be filed for a period of 5 years in the office of the FSA county office.

#### **§ 1205.209 Confidential information.**

(a) The ballots cast or the manner in which any person voted and all

information furnished to, compiled by, or in the possession of the referendum agent shall be regarded as confidential.

(b) The ballots and other information or reports that reveal, or tend to reveal, the vote of any person covered under the Order and the voter list shall be strictly confidential and shall not be disclosed.

#### **§ 1205.210 Additional instructions and forms.**

AMS is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this subpart for the use of State and County FSA offices in conducting a referendum. Such additional instructions may include procedures for FSA county and State offices to report and announce the results of the preliminary count of the votes in the county and the State.

Dated: May 28, 2009.

**Robert C. Keeney,**

*Acting Associate Administrator, Agricultural Marketing Service.*

[FR Doc. E9-12931 Filed 6-3-09; 8:45 am]

**BILLING CODE P**

## **NUCLEAR REGULATORY COMMISSION**

### **10 CFR Part 70**

**[Docket No. PRM-70-8; NRC-2009-0184]**

### **Nuclear Energy Institute; 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 and requests public comment on a petition for rulemaking dated April 16, 2009, filed by the Nuclear Energy Institute (NEI) (petitioner). The petition was docketed by the NRC and has been assigned Docket No. PRM-70-8. The petitioner requests that the NRC amend its regulations to clarify the existing event reporting requirements based on experience gained since the requirements were implemented in 2000.

**DATES:** Comments must be submitted by August 18, 2009. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments on this petition by any one of the following methods. Comments

submitted in writing or in electronic form will be made available for public inspection. 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.

*Federal e-Rulemaking Portal:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2009-0184. Address questions about NRC dockets to Carol Gallagher 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: Rulemakings and Adjudications Staff.

*E-mail comments to:* *Rulemaking.Comments@nrc.gov*. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at 301-415-1677.

*Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm Federal workdays. (Telephone 301-415-1677).

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

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

*Federal e-Rulemaking Portal:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2009-0184.

*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 O1 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, contact the NRC's 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 a copy of the petition, write to Betty Golden, Rulemaking and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone 301-492-3669, toll

free 800-368-5642,  
*Betty.Golden@nrc.gov*.

**FOR FURTHER INFORMATION CONTACT:**

Michael T. Lesar, Chief, Rulemaking and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone 301-492-3663, toll free 800-368-5642,  
*Michael.Lesar@nrc.gov*.

**SUPPLEMENTARY INFORMATION:**

**The Petitioner**

NEI is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities comprising the fuel cycle industry and other nuclear industries. NEI is responsible for coordinating the combined efforts of licensed facilities on matters involving generic NRC regulatory policy issues and generic operational and technical regulatory issues affecting the industry operations of every NRC-licensed operating fuel cycle facility and those under construction.

**Background**

The petitioner states that in a June 2007 white paper, NEI documented challenges posed by implementation of the 2000 version of 10 CFR part 70, appendix A. The petitioner also states that the NRC had also observed inconsistent reporting of events under Appendix A to 10 CFR Part 70 and had developed a matrix of reporting issues based on actual events. A working group, consisting of NRC and industry representatives, was formed to achieve a common understanding of reports required under Appendix A. The petitioner states that industry endorses and is ready to support the following suggested modifications to 10 CFR part 70, appendix A.

**Proposed Action**

The petitioner requests that 10 CFR part 70, appendix A, be amended to clarify the requirements for reportable safety events based on experience to date. The petitioner believes that these modifications will help ensure a more uniform understanding of the requirements by licensees and NRC, as well as more consistent reporting of events by licensees.

The petitioner's suggested changes to 10 CFR part 70, appendix A, are as follows:

1. In the introductory text to Appendix A, remove "except for (a)(1),

(a)(2), and (b)(4), after they have submitted an ISA Summary in accordance with § 70.62(c)(3)(ii). Licensees must comply with (a)(1), (a)(2), and (b)(4) after October 18, 2000." The petitioner states that this text is no longer needed as the exemption expired October 18, 2004.

2. In paragraph (a) of Appendix A, change the time requirement to submit a written report on events reported to the NRC Operations Center within 1 hour of discovery, from 30 days to 60 days. The petitioner states that a 60 day report provides higher assurance of a more complete report without compromising safety and is consistent with equivalent event reporting requirements for operating nuclear power plants in 10 CFR 50.73(a). The petitioner believes that changing the time limit from 30 days to 60 days does not mean that licensees will take longer to develop and implement corrective actions, which are done on a time scale commensurate with the safety significance of the issue. The petitioner believes that for those cases where it does take longer than 30 days to complete root cause analysis, this change will result in fewer reports that require submittal of an amended report.

3. Revise paragraph (a)(2) of Appendix A to clarify that the intake is associated with a person located outside of the controlled area to make reporting commensurate with the performance requirements described in 10 CFR 70.61(b)(3). The petitioner states that the 30 mg limit may be changed to conform to a revised intake limit.

4. Revise paragraph (a)(3) of Appendix A to read, "An acute chemical exposure to an individual inside the controlled area from licensed material or hazardous chemicals produced from licensed material that could endanger the life of a worker; or, a chemical release involving licensed material or hazardous chemicals produced from licensed materials that results in a concentration outside of the controlled area that exceeds the quantitative standards established as required by 10 CFR 70.61(b)(4)(ii)." The petitioner states that the proposed wording eliminates potential confusion regarding quantitative values for individuals located inside the controlled area. The petitioner states that it also requires reporting if the chemical release concentration is such that it exceeds the quantitative standard for an individual located outside of the controlled area, rather than requiring the licensee to determine if such an exposure actually occurred before being required to make a report.

5. Remove paragraph (a)(5) of Appendix A. The petitioner believes that reporting of this type of event (e.g., loss of controls) is currently required by paragraph (b)(2) of Appendix A. The petitioner states that additionally, a one hour reporting requirement for nuclear criticality safety is not consistent with the allowed risk for other high consequence events for which a single item relied on for safety (IROFS) is allowed.

6. In paragraph (b) of Appendix A, change the time requirement to submit written reports on events reported to the NRC Operations Center within 24 hours of discovery, supplemented with the information in 10 CFR 70.50(c)(1) as it becomes available, from 30 days to 60 days. The petitioner states that a 60 day report provides higher assurance of a more complete report without compromising safety and is consistent with equivalent event reporting requirements for operating nuclear power plants in 10 CFR 50.73a. The petitioner believes that changing the time limit from 30 days to 60 days does not mean that licensees will take longer to develop and implement corrective actions, which are done on a time scale commensurate with the safety significance of the issue. The petitioner states that, for those cases where it does take longer than 30 days to complete a root cause analysis, this change will result in fewer reports that require submittal of an amended report.

7. Revise paragraph (b)(3) of Appendix A to read, "An acute chemical exposure to an individual inside the controlled area from licensed material or hazardous chemicals produced from licensed materials that requires medical treatment at an off-site medical facility." The petitioner believes that this proposed change would help ensure event reporting at a threshold that the NRC would generally want to know about, and that licensees would generally notify NRC whether or not reporting was required.

8. In paragraph (b)(4) of Appendix A, remove "or may have affected" to clarify NRC's expectation on reporting any natural phenomenon or other external event, including fires internal and external to the facility. The petitioner believes that if the safety function or availability of an IROFS has been affected, then this phrase is very clear. However, the petitioner states that the phrase "or may have affected" is subjective and difficult to interpret for licensees and the NRC. The petitioner states that, for example, a wind storm "may have" impacted an IROFS if it had been more severe. The petitioner believes that the current approach to

reporting is not consistent with other event reporting requirements.

9. Remove paragraph (b)(5) of Appendix A because it is redundant with paragraph (b)(1) of Appendix A.

10. The petitioner states that the industry understands that additional NRC staff guidance is being prepared concerning the issuance of reports submitted to the NRC Operations Center concurrent to the news release or other notification concerning any event or situation, related to the health and safety of the public or onsite personnel, or protection of the environment. The petitioner encourages the NRC to issue the guidance for public comment as soon as possible.

Dated at Rockville, Maryland, this 29th day of May 2009.

For the Nuclear Regulatory Commission,  
**Annette L. Vietti-Cook,**  
*Secretary of the Commission.*

[FR Doc. E9-13023 Filed 6-3-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### 10 CFR Part 430

[Docket No. EERE-2008-BT-STD-0005]

RIN 1904-AB57

#### Energy Efficiency Program for Consumer Products: Public Meeting and Availability of Framework Document for Battery Chargers and External Power Supplies

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of public meeting and availability of a Framework Document.

**SUMMARY:** The U.S. Department of Energy (DOE) is initiating a rulemaking process to consider establishing new energy conservation standards for battery chargers and amending the energy conservation standards for Class A external power supplies, as directed by the Energy Independence and Security Act of 2007 (EISA). Accordingly, DOE will hold an informal public meeting to discuss and receive comments on its planned analytical approach and issues it will address in this rulemaking proceeding. DOE also welcomes written comments from the public concerning this rulemaking. To inform interested parties and to facilitate this process, DOE has prepared two documents: a framework document, which explains the analytical approach and identifies particular issues on which DOE is interested in receiving

comment; and a draft technical report, which details DOE's research and analysis on these products to date. Copies of these and all other documents associated with this rulemaking are available at [http://www.eere.energy.gov/buildings/appliance\\_standards/residential/battery\\_external.html](http://www.eere.energy.gov/buildings/appliance_standards/residential/battery_external.html).

**DATES:** DOE will hold a public meeting in Washington, DC, beginning on July 16, 2009, from 9 a.m. to 5 p.m. The agenda for the public meeting will include the energy conservation standards rulemaking on battery chargers and external power supplies. DOE must receive requests to speak at this public meeting no later than 4 p.m., Thursday, July 2, 2009. DOE must receive a signed original and an electronic copy of statements to be given at the public meeting no later than 4 p.m., Thursday, July 9, 2009. Written comments on the framework document are welcome, especially following the public meeting, and should be submitted by July 20, 2009.

**ADDRESSES:** The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 1E-245, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Please note that foreign nationals participating in the public meeting are subject to advance security screening procedures. If a foreign national wishes to participate in the public meeting, please inform DOE as soon as possible by contacting Ms. Brenda Edwards at (202) 586-2945 so that the necessary procedures can be completed.

Interested parties may submit comments, identified by docket number EERE-2008-BT-STD-0005 and/or Regulation Identifier Number (RIN) 1904-AB57, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail:* [BC&EPS\\_ECS@ee.doe.gov](mailto:BC&EPS_ECS@ee.doe.gov). Include docket number EERE-2008-BT-STD-0005 and/or RIN 1904-AB57 in the subject line of the message.

- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2J, Framework Document for Battery Chargers and External Power Supplies, docket number EERE-2008-BT-STD-0005 and/or RIN 1904-AB57, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Please submit one signed paper original.

- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza, SW.,

Washington, DC 20024. Please submit one signed paper original.

**Instructions:** All submissions received must include the agency name and docket number or RIN for this rulemaking.

**Docket:** For access to the docket to read background documents or comments received, go to the U.S. Department of Energy, Resource Room of the Building Technologies Program, Sixth Floor, 950 L'Enfant Plaza, SW., Washington, DC 20024, (202) 586-2945, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards first at the above telephone number for additional information about visiting the Resource Room.

**FOR FURTHER INFORMATION CONTACT:** Mr. Victor Petrolati, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Telephone: (202) 586-4549. E-mail: [Victor.Petrolati@ee.doe.gov](mailto:Victor.Petrolati@ee.doe.gov).

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC-72, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone: (202) 586-9507. E-mail: [Michael.Kido@hq.doe.gov](mailto:Michael.Kido@hq.doe.gov).

For information on how to submit or review public comments and on how to participate in the public meeting, contact Ms. Brenda Edwards, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-2J, 1000 Independence Avenue, SW., Washington, DC, 20585-0121. Telephone (202) 586-2945. E-mail: [Brenda.Edwards@ee.doe.gov](mailto:Brenda.Edwards@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:** Title III of the Energy Policy and Conservation Act (EPCA), as amended (42 U.S.C. 6291 *et seq.*), sets forth a variety of provisions designed to improve energy efficiency. Part B of Title III (42 U.S.C. 6291-6309), subsequently renamed Part A, established the "Energy Conservation Program for Consumer Products Other Than Automobiles."<sup>1</sup> The consumer products subject to this program are referred to as "covered products."

Section 135 of the Energy Policy Act of 2005 (EPACT 2005), Public Law 109-58, amended sections 321 and 325 of EPCA, by defining battery chargers and external power supplies and directing the Secretary to prescribe "definitions and test procedures for the power use of battery chargers and external power

<sup>1</sup> This part was originally titled Part B but it was redesignated Part A in the United States Code for editorial reasons.