

NRC is adopting the following amendments to 10 CFR Part 40.

## PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

■ 1. The authority citation for part 40 continues to read as follows:

**Authority:** Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2)), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97–415, 96 Stat. 2067 (42 U.S.C. 2022); sec. 193, 104 Stat. 2835, as amended by Pub. L. 104–134, 110 Stat. 1321, 1321–349 (42 U.S.C. 2243), sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. No. 109–59, 119 Stat. 594 (2005).

Section 40.7 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. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

■ 2. In § 40.13, paragraph (a), the last sentence is revised, and a new paragraph (c)(5)(v) is added to read as follows:

### § 40.13 Unimportant quantities of source material.

(a) \* \* \* The exemption contained in this paragraph does not apply to Australian-obligated source material, nor does it include byproduct materials as defined in this part.

\* \* \* \* \*

(c) \* \* \*

(5) \* \* \*

(v) Consistent with § 40.52, the counterweights are not manufactured for a military purpose using Australian-obligated source material.

\* \* \* \* \*

■ 3. Section 40.52 is added to read as follows:

### § 40.52 Restrictions on the use of Australian-obligated source material.

(a) In accordance with Article 8 of the Agreement between the Government of Australia and the Government of the United States of America Concerning Peaceful Uses of Nuclear Energy, dated 2010, Australian-obligated source material shall not be used for military purposes. As used in this section, “military purposes” includes, but is not limited to, the production of tritium for use in nuclear explosive devices;

military nuclear propulsion; munitions, including depleted uranium munitions; and other direct military non-nuclear applications. “Military purposes” does not include the supply of electricity to a military base from any power network; the production of radioisotopes to be used for medical purposes in military hospitals; and such other similar purposes.

(b) Licensees are prohibited from receiving, processing, transferring, or otherwise using Australian-obligated source material for military purposes.

Dated at Rockville, Maryland, this 13th day of October 2011.

For the Nuclear Regulatory Commission.

**Michael F. Weber,**

*Acting Executive Director for Operations.*

[FR Doc. 2011–28894 Filed 11–7–11; 8:45 am]

**BILLING CODE 7590–01–P**

## DEPARTMENT OF ENERGY

### 10 CFR Part 431

[Docket Number EERE–2006–STD–0127]

RIN 1904–AB93

### Energy Conservation Program: Energy Conservation Standards for Certain Consumer Products (Dishwashers, Dehumidifiers, Microwave Ovens, and Electric and Gas Kitchen Ranges and Ovens) and for Certain Commercial and Industrial Equipment (Commercial Clothes Washers); Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** This final rule reinstates in Department of Energy (DOE) regulations the energy and water conservation standards required by the Energy Policy Act of 2005 (EPACT 2005) for commercial clothes washers (CCWs) until January 1, 2013. In the final rule establishing amended standards for CCW, published in the **Federal Register** on Friday, January 8, 2010 (75 FR 1122) and applicable as of January 1, 2013, DOE erroneously deleted reference to these EPACT 2005 standards.

**DATES:** This correction is effective on November 8, 2011. The effective date of the rule published Friday, January 8, 2010, was March 9, 2010. The standards established in that final rule will be applicable starting January 8, 2013.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Witkowski, 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) 586–7463. *Email:* Stephen.Witkowski@ee.doe.gov.

Elizabeth Kohl, Esq., U.S. Department of Energy, Office of General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121.  
*Telephone:* (202) 586–7796. *Email:* Elizabeth.Kohl@hq.doe.gov.

**SUPPLEMENTARY INFORMATION:** DOE published amended energy and water conservation standards for commercial clothes washers on January 8, 2010 (75 FR 1122). Compliance with these amended standards is required as of January 1, 2103. Prior to January 1, 2013, manufacturers are required to meet the standards established by Title III, Part C<sup>1</sup> of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Public Law 94–163 (42 U.S.C. 6311–6317, as codified), as amended by the Energy Policy Act of 2005 (EPACT 2005; Pub. L. 109–058). Those standards require that CCWs manufactured on or after January 1, 2007 have a modified energy factor (MEF) of at least 1.26 cubic feet of capacity (ft<sup>3</sup>) per kilowatt-hour (kWh) and a water factor (WF) of not more than 9.5 gallons of water (gal) per ft<sup>3</sup>. (42 U.S.C. 6313(e)) The EPACT 2005 standards were previously codified in title 10 of the Code of Federal Regulations (CFR) part 431, subpart I, section 431.156 (70 FR 60407, Oct. 5, 2008). In the January 8, 2010 final rule, however, DOE mistakenly deleted the EPACT 2005 standards from the regulatory text. This final rule reinserts the EPACT 2005 standards, which are applicable until January 1, 2013, into the regulatory text.

### Procedural Issues and Regulatory Review

The regulatory reviews conducted for this rulemaking are those set forth in the October 8, 2005 final rule that originally codified the EPACT 2005 standards into DOE’s regulations.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b), DOE has determined that notice and prior opportunity for comment on this rule are unnecessary and contrary to the public interest. The standards being reinstated into DOE’s regulations in today’s final rule are currently required by EPACT 2005. DOE previously codified these standards in its regulations in the October 2005 final rule without prior opportunity for comment given the EPACT 2005 directive. DOE has determined that there is good cause to waive the 30-day

<sup>1</sup> For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

delay in effective date for these same reasons.

#### List of Subjects in 10 CFR Part 431

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Intragovernmental relations, Reporting and recordkeeping requirements, and Small businesses.

Accordingly, part 431 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations, is corrected by making the following correcting amendments:

#### PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

- 1. The authority citation for part 431 continues to read as follows:

**Authority:** 42 U.S.C. 6291–6317.

- 2. Section 431.156 of subpart I is revised to read as follows:

#### § 431.156 Energy and water conservation standards and effective dates.

(a) Each commercial clothes washer manufactured between January 1, 2007, and January 8, 2013, shall have—

(1) A modified energy factor of at least 1.26; and

(2) A water consumption factor of not more than 9.5.

(b) Each commercial clothes washer manufactured on or after January 8, 2013, shall have a modified energy factor no less than and a water factor no greater than:

Equipment class	Modified energy factor, cu. ft./kWh/cycle	Water factor, gal./cu. ft./cycle
Top-Loading .....	1.60	8.5
Front-Loading ...	2.00	5.5

Issued in Washington, DC, on November 1, 2011.

**Kathleen B. Hogan,**

*Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.*

[FR Doc. 2011–28920 Filed 11–7–11; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2007–27747; Directorate Identifier 2007–CE–030–AD; Amendment 39–16782; AD 2009–10–09 R2]

**RIN 2120–AA64**

#### Airworthiness Directives; Cessna Aircraft Company Airplanes

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

**ACTION:** Final rule; correction.

**SUMMARY:** The FAA is correcting an airworthiness directive (AD) that published in the **Federal Register**. That AD applies to certain Cessna Aircraft Company (Cessna) Models 150F, 150G, 150H, 150J, 150K, 150L, 150M, A150K, A150L, A150M, F150F, F150G, F150H, F150J, F150K, F150L, F150M, FA150K, FA150L, FRA150L, FA150M, FRA150M, 152, A152, F152, and FA152 airplanes. There is an error in the compliance instructions. This document corrects that error. In all other respects, the original document remains the same.

**DATES:** This final rule; correction, is effective November 8, 2011. The effective date for AD 2009–10–09 R2 remains September 12, 2011.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility 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 address for the Docket Office (phone: (800) 647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Ann Johnson, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; phone: (316) 946–4105; fax: (316) 946–4107; email: [ann.johnson@faa.gov](mailto:ann.johnson@faa.gov).

#### SUPPLEMENTARY INFORMATION:

Airworthiness Directive 2009–10–09 R2, Amendment 39–16782 (76 FR 53308, August 26, 2011), currently requires either installing a placard prohibiting spins and other acrobatic maneuvers in the airplane or replacing the rudder stop, the rudder stop bumper, and the attachment hardware with a new rudder

stop modification kit for certain Cessna Models 150F, 150G, 150H, 150J, 150K, 150L, 150M, A150K, A150L, A150M, F150F, F150G, F150H, F150J, F150K, F150L, F150M, FA150K, FA150L, FRA150L, FA150M, FRA150M, 152, A152, F152, and FA152 airplanes.

As published, the text in the Procedures column of Table 2 in paragraph (g)(1) of this AD incorrectly states “\* \* \* fabricate the placard required in paragraph (g)(1)(i) of this AD \* \* \*”, and the text should refer to paragraph (g)(1)(ii).

No other part of the preamble or regulatory information has been changed; therefore, only the changed portion of the final rule is being published in the **Federal Register**.

The effective date of this AD remains September 12, 2011.

#### Correction of Regulatory Text

#### § 39.13 [Corrected]

In the **Federal Register** of August 26, 2011, on page 53311, in the 3rd column, Procedures, paragraph (g)(1), Table 2—Actions, Compliance and Procedures, of AD 2009–10–09 R2 is corrected to read as follows:

\* \* \* \* \*

A person authorized to perform maintenance as specified in 14 CFR 43.3 of the Federal Aviation Administration Regulations (14 CFR 43.3) is required to make the AFM and POH changes, fabricate the placard required in paragraph (g)(1)(ii) of this AD, and make an entry into the aircraft logbook showing compliance with the portion of the AD per compliance with 14 CFR 43.9.

\* \* \* \* \*

Issued in Kansas City, Missouri, on November 2, 2011.

**John R. Colomy,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2011–28861 Filed 11–7–11; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2010–1301; Directorate Identifier 2010–SW–008–AD; Amendment 39–16851; AD 2011–22–08]

**RIN 2120–AA64**

#### Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.