

concurrently as a direct final rule in the Rules and Regulations section of this **Federal Register**. Adequate protection of public health and safety continues to be ensured. The direct final rule will become effective on March 17, 2008. However, if the NRC receives significant adverse comments on the direct final rule by January 30, 2008, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments received in response to the proposed revisions in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or TS.

For additional procedural information and the regulatory analysis, see the direct final rule published in the Rules and Regulations section of this **Federal Register**.

#### List of Subjects In 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

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; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR part 72.

#### PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

1. The authority citation for part 72 continues to read as follows:

**Authority:** Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended; sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242; as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951, as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241; sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); sec. 651(e), Pub. L. 109–58, 119 Stat. 806–10 (42 U.S.C. 2014, 2021, 2021b, 2111).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c),(d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.214, Certificate of Compliance 1014 is revised to read as follows:

#### § 72.214 List of approved spent fuel storage casks.

\* \* \* \* \*

Certificate Number: 1014.

Initial Certificate Effective Date: May 31, 2000.

Amendment Number 1 Effective Date: July 15, 2002.

Amendment Number 2 Effective Date: June 7, 2005.

Amendment Number 3 Effective Date: May 29, 2007.

Amendment Number 4 Effective Date: January 8, 2008.

Amendment Number 5 Effective Date: March 17, 2008.

SAR Submitted by: Holtec International.  
SAR Title: Final Safety Analysis Report for the HI–STORM 100 Cask System.

Docket Number: 72–1014.

Certificate Expiration Date: June 1, 2020.

Model Number: HI–STORM 100.

\* \* \* \* \*

Dated at Rockville, Maryland, this 11th day of December, 2007.

For the Nuclear Regulatory Commission.

**Luis A. Reyes,**

*Executive Director for Operations.*

[FR Doc. E7–25414 Filed 12–28–07; 8:45 am]

BILLING CODE 7590–01–P

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2007–0373; Directorate Identifier 2006–SW–14–AD]

RIN 2120–AA64

#### Airworthiness Directives; Erickson Air-Crane Incorporated Model S–64E and S–64F Helicopters

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes adopting a new airworthiness directive (AD) for the specified Erickson Air-Crane Incorporated (Erickson) model helicopters. The AD would require determining whether each specified tail rotor blade assembly (blade assembly) has an affected serial number or part marking. If a blade assembly has a certain serial number or part marking, the AD would also require initially and repetitively inspecting the tail rotor blade for a crack in the strap and pocket areas. If a crack is found, this AD would also require, before further flight, replacing the blade assembly with an airworthy blade assembly that does not have an affected serial number or part marking. This proposal is prompted by several reports of cracking in the strap and pocket areas of the tail rotor blade. The actions specified by the proposed AD are intended to prevent failure of the tail rotor blade and subsequent loss of control of the helicopter.

**DATES:** Comments must be received on or before February 29, 2008.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD:

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

• *Fax*: 202-493-2251.

• *Mail*: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

• *Hand Delivery*: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may get the service information identified in this proposed AD from Erickson Air-Crane Incorporated, P. O. Box 3247, Central Point, OR 97502, telephone 541-664-5544, fax 541-664-2312, or at <http://www.ericksonaircrane.com>.

You may examine the comments to this proposed AD in the AD docket on the Internet at <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Michael Kohner, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, Fort Worth, Texas 76193-0170, telephone (817) 222-5447, fax (817) 222-5783.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to submit any written data, views, or arguments regarding this proposed AD. Send your comments to the address listed under the caption **ADDRESSES**. Include the docket number "FAA-2007-0373, Directorate Identifier 2006-SW-14-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed rulemaking. Using the search function of our docket web site, you can find and read the comments to any of our dockets, including the name of the individual who sent or signed the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://dms.dot.gov>.

##### Examining the Docket

You may examine the docket that contains the proposed AD, any comments, and other information in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647-5527) is located in Room W12-140 on the ground floor of the West Building at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

##### Discussion

This document proposes adopting a new AD for the specified Erickson model helicopters. The AD would require determining whether certain tail rotor blade assemblies have an affected serial number or part marking. If a blade assembly has a certain serial number or part marking, the AD would also require initially and repetitively inspecting the tail rotor blade for a crack in the strap and pocket areas. If a crack is found, this AD would also require, before further flight, replacing the blade assembly with an airworthy blade assembly that does not have an affected serial number or part marking. This proposal is prompted by several reports of cracking in the strap or pocket areas of the tail rotor blade. This condition, if not corrected, could result in failure of the tail rotor blade and subsequent loss of control of the helicopter.

We have reviewed Erickson Alert Service Bulletin 64B15-9, Revision B, dated October 6, 2006 (ASB), which describes procedures for determining and inspecting certain marked or serial numbered tail rotor blades. The ASB specifies repetitive inspections not to exceed 6 flight hours for the S-64F model and not to exceed 15 flight hours for the S-64E model. Alternate inspection schedules are also included for "ferry flights" used for delivering the helicopter from one area of operation to another. The "ferry flight" time would be the flight time beginning at the end of the last operation in one area to the beginning of the first operation in another area. If a crack is found in the strap or pocket, the ASB specifies removing and replacing the blade.

We propose to depart from the language of the ASB and propose to use the terms hours time-in-service (TIS) instead of maximum ground-air-ground (GAG) cycles. We propose to define a "ferry flight" as a helicopter flight used for delivering the helicopter from one area of operation to another. During the "ferry flight" the helicopter would not drop off an external load or pick up an

external load. A GAG cycle as defined in the ASB for the purposes of these inspections is any maneuver that results in a climb-out similar to one following takeoff. The proposed inspection intervals for the ferry flights were also modified to accommodate a new range of values based on specifications supplied by Erickson. The proposed inspection intervals were determined by multiplying the maximum GAG cycles in the ASB for the given takeoff weight by the flight endurance of 2.5 hours TIS for the Model S-64E and 2.2 hours TIS for the Model S-64F helicopters and rounding the result to a near whole number as deemed appropriate.

This unsafe condition is likely to exist or develop on other helicopters of these same type designs. Therefore, the proposed AD would require for each blade assembly, part number (P/N) 65161-00001-042 or -043, the following actions:

- Within 25 hours TIS, unless done previously, determine if the blade assembly has a serial number listed in the ASB. Also, determine if the blade assembly is marked with an "RS503" near the part number.

- If the blade assembly serial number is not listed in the ASB and does not have "RS503" marked near the part number, no further action would be required by this AD.

- If a blade assembly has either an affected serial number or part marking, before further flight, using a 10-power or higher magnifying glass, inspect both sides of the blade assembly for a crack in the strap and pocket areas paying particular attention to the circled area as depicted in Figure 1 of the ASB.

- If no crack is found, inspect the blade assembly at intervals not to exceed those TIS intervals specified in Table 1 of the AD.

- If a crack is found, before further flight, replace the unairworthy blade assembly with an airworthy FAA approved blade assembly that does not have a serial number listed in the ASB and does not have "RS503" marked near the part number.

The actions would be required to be done by following the specified portions of the ASB described previously.

We estimate that this proposed AD would:

- Affect 20 helicopters of U.S. registry; 13 Model S-64E and 7 Model S-64F;

- Require about 1 work hour to determine whether an affected blade is installed;

- Require about 1 work hour to inspect the blade assembly, assuming about 40 inspections a year for each Model S-64E (total 520) and about 100

inspections a year for each Model S-64F (total 700);

- Require about 4 work hours to replace each tail rotor blade, assuming 10 tail rotor blade assemblies are replaced;
- Cost about \$80 per work hour; and
- Cost about \$60,000 per blade assembly.

Based on these figures, the estimated total cost impact of the proposed AD on U.S. operators would be \$702,400, based on the stated assumptions.

### Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. Additionally, this proposed AD would 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 that the proposed regulation:

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 draft economic evaluation of the estimated costs to comply with this proposed AD. See the DMS to examine the draft economic evaluation.

### 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.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

**Erickson Air-Crane Incorporated:** Docket No. FAA-2007-0373; Directorate Identifier 2006-SW-14-AD.

### Applicability

Model S-64E and S-64F helicopters, with tail rotor blade assembly (blade assembly), part number (P/N) 65161-00001-042 or -043, installed, certificated in any category.

### Compliance

Required as indicated.

To prevent failure of the tail rotor blade and subsequent loss of control of the helicopter, do the following:

(a) Within 25 hours time-in-service (TIS), unless accomplished previously:

(1) Determine if the blade assembly has a serial number listed in the Accomplishment Instructions, paragraph 2.A., of Erickson Air-Crane Incorporated Alert Service Bulletin No. 64B15-9, Revision B, dated October 6, 2006 (ASB). Also, determine if the blade assembly has "RS503" marked near the P/N.

(2) If the blade assembly serial number is not listed in the ASB and does not have "RS503" marked near the P/N, no further action is required by this AD.

(3) If a blade assembly has either a serial number listed in paragraph 2.A of the ASB or has "RS503" marked near the part number, before further flight, using a 10-power or higher magnifying glass, inspect both sides of the blade assembly for a crack in the strap and pocket areas paying particular attention to the circled area as depicted in Figure 1 of the ASB.

(i) If no crack is found, inspect the blade assembly as specified in paragraph (a)(3) of this AD at intervals not to exceed those shown in the following table:

TABLE 1

Mission type	Gross takeoff weight (lbs)	Maximum time between inspections (hours TIS)
<b>Model S-64E Tail Rotor Blade Strap Inspection Intervals</b>		
Ferry Only .....	Above 35,000 .....	30
Ferry Only .....	Above 30,000 and less than or equal to 35,000 .....	35
Ferry Only .....	Below or equal to 30,000 .....	40
All Others .....	All .....	15
<b>Model S-64F Tail Rotor Blade Strap Inspection Intervals</b>		
Ferry Only .....	Above 35,000 .....	8
Ferry Only .....	Above 30,000 and less than or equal to 35,000 .....	15
Ferry Only .....	Below or equal to 30,000 .....	17
All Others .....	All .....	6

**Note:** For the purposes of this AD, a ferry flight is defined as a helicopter flight used for delivering the helicopter from one area of operation to another. During the ferry flight,

the helicopter would not drop off an external load or pick up an external load.

(ii) If a crack is found, before further flight, replace the unairworthy blade assembly with an airworthy FAA approved blade assembly

that does not have a serial number listed in paragraph 2.A of the ASB and does not have "RS503" marked near the P/N.

(b) Installing an airworthy blade assembly that does not have a serial number listed in paragraph 2.A of the ASB and does not have "RS503" marked near the P/N is terminating action for the requirements of this AD.

(c) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Rotorcraft Directorate, Rotorcraft Certification Office, FAA, ATTN: Michael Kohner, Aviation Safety Engineer, Fort Worth, Texas 76193-0170, telephone (817) 222-5447, fax (817) 222-5783.

Issued in Fort Worth, Texas, on November 28, 2007.

**Mark R. Schilling,**

*Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.*

[FR Doc. E7-25411 Filed 12-28-07; 8:45 am]

**BILLING CODE 4910-13-P**

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 150

**RIN 3038-AC51**

#### Revision of Federal Speculative Position Limits

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Reopening of comment period.

**SUMMARY:** The Commodity Futures Trading Commission is reopening the period for public comment to provide interested persons additional time to comment on certain proposed amendments pertaining to the Federal speculative position limits for agricultural commodities.

**DATES:** Comments must be received by January 21, 2008.

**ADDRESS:** Comments should be submitted to David A. Stawick, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Comments may be sent by facsimile to 202.418.5521, or by e-mail to [secretary@cftc.gov](mailto:secretary@cftc.gov). Reference should be made to the "Proposed Revision of Federal Speculative Position Limits." Comments may also be submitted through the Federal eRulemaking Portal at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Don Heitman, Attorney, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, telephone (202) 418-5041, facsimile number (202) 418-5507, electronic mail [dheitman@cftc.gov](mailto:dheitman@cftc.gov); or Martin Murray, Economist, Division of Market Oversight, telephone (202) 418-

5276, facsimile number (202) 418-5507, electronic mail [mmurray@cftc.gov](mailto:mmurray@cftc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission is reopening the period for public comment on proposed amendments to regulation 150.2.<sup>1</sup> The amendments were proposed on November 21, 2007 and the comment period initially closed on December 21, 2007.<sup>2</sup> The amendments, if adopted by the Commission, would increase the Federal speculative position limits enumerated in regulation 150.2 for all single-month and all-months-combined positions in all commodities except oats, pursuant to parameters specified in Commission regulation 150.5(c). The amendments would also aggregate positions in all designated contract market products that share substantially identical terms with the contracts enumerated in regulation 150.2 for the purposes of ascertaining compliance with the Federal speculative position limits.

By letter dated December 7, 2007, the National Grain and Feed Association, an association representing companies that utilize exchange traded agricultural contracts to manage price and inventory risks,<sup>3</sup> and by letter dated December 14, 2007, the American Bakers Association, an association representing the interests of the wholesale baking industry,<sup>4</sup> requested an extension of the comment period to better develop a response to Commission's proposed amendments. While the Commission has received commentary on the proposed amendments,<sup>5</sup> it believes that it would be appropriate to reopen the comment period to ensure that an adequate opportunity is provided for the submission of additional meaningful and substantive comments. Accordingly, the Commission has determined to reopen the comment period for the proposed amendments to regulation 150.2 to January 21, 2008. The Commission notes that it will give full consideration to any comment received in the interval between the closing and reopening of the comment period for the proposed amendments.

<sup>1</sup> 17 CFR 150.2.

<sup>2</sup> 72 FR 65783 (November 21, 2007).

<sup>3</sup> Letter from Rod Clark, Chair, Risk Management Committee, National Grain and Feed Association, to David A. Stawick, Secretary of the Commission (December 7, 2007) (on file with the Commission).

<sup>4</sup> Letter from Lee Sanders, Senior Vice President, Government Relations & Public Affairs, Corporate Secretary, American Bakers Association, to David A. Stawick, Secretary of the Commission (December 14, 2007) (on file with the Commission).

<sup>5</sup> Comment File: 07-014, available at <http://www.cftc.gov/lawandregulation/federalregister/federalregistercomments/2007/07-014.html>.

Issued in Washington, DC, on December 21, 2007 by the Commission.

**David A. Stawick,**

*Secretary of the Commission.*

[FR Doc. E7-25344 Filed 12-28-07; 8:45 am]

**BILLING CODE 6351-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

**[REG-147290-05]**

**RIN 1545-BF08**

#### Nuclear Decommissioning Funds

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

**ACTION:** Notice of proposed rulemaking by cross reference to temporary regulations.

**SUMMARY:** In the Rules and Regulations section of this issue of the **Federal Register**, the IRS is issuing temporary regulations under section 468A of the Internal Revenue Code relating to deductions for contributions to trusts maintained for decommissioning nuclear power plants. The temporary regulations reflect changes to the law made by the Energy Policy Act of 2005, and affect most taxpayers that own an interest in a nuclear power plant. The text of the temporary regulations also serves as the text of these proposed regulations.

**DATES:** Written or electronic comments and requests for a public hearing must be received by March 31, 2008.

**ADDRESSES:** Send submissions to: CC:PA:LPD:PR (REG-147290-05), room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC:PA:LPD:PR (REG-147290-05), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, or sent electronically, via the Federal eRulemaking Portal at <http://www.regulations.gov/> (IRS REG-147290-05).

#### FOR FURTHER INFORMATION CONTACT:

Concerning the regulations, Patrick S. Kirwan, (202) 622-3110; concerning submissions and to request a hearing, Kelly Banks, (202) 622-7180 (not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

#### Paperwork Reduction Act

The collection of information contained in this notice of proposed