

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which a hearing has been held.

#### **Recommended Marketing Agreements and Order Amending the Orders**

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Appalachian, Southeast and Florida marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions by be carried out.

#### **List of Subjects in 7 CFR Part 1005, 1006 and 1007**

Milk marketing orders.

For the reasons set forth in the preamble, 7 CFR Parts 1005, 1006 and 1007, are proposed to be amended as follows:

#### **PARTS 1005, 1006 AND 1007—MILK IN THE APPALACHIAN, SOUTHEAST AND FLORIDA MARKETING AREAS**

1. The authority citation for 7 CFR part 1005 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. Section 1005.85 is revised, to read as follows:

##### **§ 1005.85 Assessment for order administration.**

On or before the payment receipt date specified under § 1005.71, each handler shall pay to the market administrator its pro rata share of the expense of administration to the order at a rate specified by the market administrator that is no more than 8 cents per cwt with respect to:

(a) Receipts of producer milk (including the handler's own production) other than such receipts by a handler described in § 1000.9(c) that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in § 1000.9(c);

(c) Receipts of concentrated fluid milk products from unregulated supply plants and receipts of nonfluid milk products assigned to Class I use pursuant to § 1000.43(d) and other source milk allocated to Class I pursuant to § 1000.43(a)(3) and (8) and the

corresponding steps of § 1000.44(b), except other source milk that is excluded from the computations pursuant to § 1005.60(h) and (i); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1000.76(a)(1)(i) and (ii).

3. Section 1006.85 is revised to read as follows:

##### **§ 1006.85 Assessment for order administration.**

On or before the payment receipt date specified under § 1006.71, each handler shall pay to the market administrator its pro rata share of the expense of administration of the order at a rate specified by the market administrator that is no more than 8 cents per hundredweight with respect to:

(a) Receipts of producer milk (including the handler's own production) other than such receipts by a handler described in § 1000.9(c) that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in § 1000.9(c);

(c) Receipts of concentrated fluid milk products from unregulated supply plants and receipts of nonfluid milk products assigned to Class I use pursuant to § 1000.43(d) and other source milk allocated to Class I pursuant to § 1000.44(a)(3) and (8) and the corresponding steps of § 1000.44(b), except other source milk that is excluded from the computations pursuant to § 1007.60(h) and (i); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1000.76(a)(1)(i) and (ii).

4. Section 1007.85 is revised, to read as follows:

##### **§ 1007.85 Assessment for order administration.**

On or before the payment receipt date specified under § 1007.71, each handler shall pay to the market administrator its pro rata share of the expense of administration of the order at a rate specified by the market administrator that is no more than 8 cents per hundredweight with respect to:

(a) Receipts of producer milk (including the handler's own production) other than such receipts by a handler described in § 1000.9(c) that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in § 1000.9(c);

(c) Receipts of concentrated fluid milk products from unregulated supply

plants and receipts of nonfluid milk products assigned to Class I use pursuant to § 1000.43(d) and other source milk allocated to Class I pursuant to § 1000.44(a)(3) and (8) and the corresponding steps of § 1000.44(b), except other source milk that is excluded from the computations pursuant to § 1007.60(h) and (i); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1000.76(a)(1)(i) and (ii).

Dated: February 25, 2008.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E8–3846 Filed 2–28–08; 8:45 am]

**BILLING CODE 3410–02–P**

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## **DEPARTMENT OF ENERGY**

### **10 CFR Part 216**

### **48 CFR Parts 911 and 952**

**RIN 1991–AB69**

### **Defense Priorities and Allocations System**

**AGENCY:** Department of Energy.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice of proposed rulemaking (NOPR) amends Department of Energy (DOE) regulations at 10 CFR part 216 which implement DOE's delegated authority under section 101(c) of the Defense Production Act of 1950 (DPA). Section 101(c) of the DPA provides authority to the President of the United States (President) to require the allocation of, or priority performance under contracts or orders relating to, materials and equipment, services, or facilities, in order to maximize domestic energy supplies, if the President makes certain findings. The President's authority under section 101(c) was delegated to the Secretary of Commerce and the Secretary of Energy. The rulemaking would make a number of changes to part 216 to reflect a 1991 amendment of the DPA which broadens the scope of authority in section 101(c). Because DOE does not expect to receive any significant adverse comments, this regulatory action is also being issued as a direct final rule in today's issue of the **Federal Register**.

**DATES:** Public comments on the amendment proposed herein will be accepted until March 31, 2008.

**ADDRESSES:** This notice of proposed rulemaking is available and comments may be submitted online at <http://>

[www.Regulations.gov](http://www.Regulations.gov). Comments may be submitted by e-mail to [Mike.Soboroff@hq.doe.gov](mailto:Mike.Soboroff@hq.doe.gov). Comments may be mailed to: Mike Soboroff, U.S. Department of Energy, Office of Electricity and Energy Assurance, OE-30, 1000 Independence Avenue, SW., Washington, DC 20585. Comments by e-mail are encouraged.

**FOR FURTHER INFORMATION CONTACT:** Mike Soboroff at (202) 586-4936 or via e-mail at [Mike.Soboroff@hq.doe.gov](mailto:Mike.Soboroff@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** This NOPR proposes to amend DOE regulations at 10 CFR part 216, which implement DOE's delegated authority under section 101(c) of the DPA. Section 101(c) provides authority to require the allocation of, or priority performance under contracts or orders relating to, materials and equipment, services, or facilities, in order to maximize domestic energy supplies, if DOE and the Department of Commerce make certain findings. The NOPR would make a number of technical changes to part 216 regulations to reflect a 1991 amendment, which broadens the scope of authority in section 101(c), and Executive Order 12919, (June 3, 1994). The NOPR also proposes conforming changes in the Department of Energy Acquisition Regulation at 48 CFR parts 911 and 952.

Today, DOE is also publishing, elsewhere in this issue of the **Federal Register**, a direct final rule that makes changes to the DOE regulations regarding materials allocation and priority performance under contracts or orders to maximize domestic energy supplies. The amendments in the direct final rule are identical to the amendments that are being proposed in this NOPR. As explained in the preamble of the direct final rule, DOE considers these amendments to be non-controversial and unlikely to generate any significant adverse comments. If no significant adverse comments are received by DOE on the amendments, the direct final rule will become effective on the date specified in that rule, and there will be no further action on this proposal. If significant adverse comments are timely received on the direct final rule, the direct final rule will be withdrawn. The public comments will then be addressed in a subsequent final rule based on the rule proposed in this NOPR. Because DOE will not institute a second comment period on this proposed rule, any party interested in commenting should do so during this comment period.

For further supplemental information, the detailed rationale, and the rule amendment, see the information

provided in the direct final rule in this issue of the **Federal Register**.

### List of Subjects

#### 10 CFR Part 216

Energy, Government contracts, Reporting and recordkeeping requirements, Strategic and critical materials.

#### 48 CFR Part 911

Government procurement.

#### 48 CFR Part 952

Government procurement, Reporting and recordkeeping requirements.

Issued in Washington, DC on February 20, 2008.

#### Edward R. Simpson,

*Director, Office of Procurement and Assistance Management, Department of Energy.*

#### William N. Bryan,

*Deputy Assistant Secretary, Infrastructure Security and Energy Restoration, Department of Energy.*

#### David O. Boyd,

*Director, Office of Acquisition and Supply Management, National Nuclear Security Administration.*

[FR Doc. E8-3776 Filed 2-28-08; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2008-0222; Directorate Identifier 2007-NM-300-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A300 and A300-600 Series Airplanes

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Due to several crack findings in the area of wing centre box lower aft corner at FR47, this area of structure has been subjected to accomplishment of several inspection Service Bulletins rendered mandatory in accordance with Airworthiness Limitation Items requirement for A300 aircraft and

Airworthiness Directive (AD) F-2004-159 for A300-600 aircraft [which corresponds to FAA AD 2005-23-08]. This AD is published \* \* \* in order to control or correct the development of cracks, which could affect the structural integrity of the aircraft.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by March 31, 2008.

**ADDRESSES:** You may send comments by any of the following methods:

- **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 W12-40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Tom Stafford, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1622; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2008-0222; Directorate Identifier 2007-NM-300-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.