

**Authority:** 7 U.S.C. 4501–4514 and 7 U.S.C. 7401.

■ 2. In § 1150.131, paragraphs (a)(1), (a)(2), (a)(3), (a)(4), (a)(11), and (a)(12) are revised as follows:

**§ 1150.131 Establishment and membership.**

(a) \* \* \*

(1) One member from region number one comprised of the following States: Washington and Oregon.

(2) Eight members from region number two comprised of the following State: California.

(3) Four members from region number three comprised of the following States: Arizona, Colorado, Idaho, Montana, Nevada, Utah and Wyoming.

(4) Four members from region number four comprised of the following States: Arkansas, Kansas, New Mexico, Oklahoma and Texas.

\* \* \* \* \*

(11) Two members from region number eleven comprised of the following States: Delaware, Maryland, New Jersey and Pennsylvania.

(12) Two members from region number twelve comprised of the following State: New York.

\* \* \* \* \*

Dated: September 23, 2008.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E8–22739 Filed 9–26–08; 8:45 am]

**BILLING CODE 3410–02–P**

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 140**

**RIN 3150–AI44**

**[NRC–2008–0512]**

**Inflation Adjustment to the Price-Anderson Act Financial Protection Regulations**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Atomic Energy Act of 1954, as amended, (AEA) requires the NRC to adjust the maximum total and annual standard deferred premiums specified in the Price-Anderson Act for inflation at least once during each 5-year period following August 20, 2003. The NRC is amending its regulations to satisfy this requirement.

**DATES:** This rule is effective on October 29, 2008.

**FOR FURTHER INFORMATION CONTACT:** Maxwell C. Smith, Office of the General

Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–1246, e-mail: [maxwell.smith@nrc.gov](mailto:maxwell.smith@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background
- II. Discussion of Final Rule
- III. Voluntary Consensus Standard
- IV. Environmental Impact: Categorical Exclusion
- V. Paperwork Reduction Act Statement
- VI. Regulatory Analysis
- VII. Regulatory Flexibility Certification
- VIII. Backfit Analysis
- IX. Congressional Review Act

**I. Background**

Section 604 of the Energy Policy Act of 2005, Public Law 109–58, amended section 170 of the AEA (“Price-Anderson Act”) to require the NRC to adjust the maximum total and annual standard deferred premiums not less than once during each 5-year period following August 20, 2003 in accordance with the aggregate percentage change in the Consumer Price Index. The NRC made the initial changes to the Price-Anderson Act amounts required by section 604 of the Energy Policy Act on October 27, 2005 (70 FR 61885). This final rule makes the required inflation adjustments to the maximum total and annual standard deferred premiums.

This rule simply incorporates mandatory statutory requirements. Accordingly, good cause exists under 5 U.S.C. section 553(d)(3) to publish this final rule without soliciting public comment because the Commission has no discretion in these matters and public comment would serve no useful purpose. The NRC is required only to perform ministerial computations. The revisions are being published as a final rule that will become effective 30 days from the date of publication in the **Federal Register**.

**II. Discussion of the Final Rule**

Section 170t. “Inflation Adjustment” of the AEA requires the NRC to “adjust the amount of the maximum total and annual standard deferred premium under subsection b.(1) not less than once during each 5-year period following August 20, 2003 in accordance with the aggregate percentage change in the Consumer Price Index.” The NRC’s implementing regulations for the Price-Anderson Act are found in 10 CFR part 140. Accordingly, the Commission is amending 10 CFR 140.11, “Amounts of financial protection for certain reactors”, to adjust for the increase in inflation since August 20, 2003. Specifically, as set forth in section 170t.

of the AEA, the Commission is adjusting the amount of the maximum total and annual standard deferred premium.

The current maximum total deferred premium in 10 CFR 140.11(a)(4) is \$95,800,000 and the maximum annual deferred premium is \$15,000,000. The Consumer Price Index in August 2003 was 183.9. The most recent Consumer Price Index, April 2008, is 214.823. This represents an increase of approximately 16.82%. When this increase is applied to the maximum total and annual standard deferred premium and rounded, the new maximum total deferred premium is \$111,900,000, and the maximum annual deferred premium is \$17,500,000. Section 140.11(a)(4) is being changed accordingly.

**III. Voluntary Consensus Standards**

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless using such a standard is inconsistent with applicable law or is otherwise impractical. In this rule, the NRC is revising its regulations to reflect statutory mandates contained in the Energy Policy Act of 2005. This action does not constitute the establishment of a standard that contains generally applicable requirements.

**IV. Environmental Impact: Categorical Exclusion**

The Commission has determined that this final rule is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

**V. Paperwork Reduction Statement**

This final rule does not contain information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

*Public Protection Notification*

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

**VI. Regulatory Analysis**

A regulatory analysis has not been prepared for this regulation. This rule amends NRC regulations to be consistent with provisions of the

Atomic Energy Act of 1954, as amended. This rule does not involve an exercise of Commission discretion and, therefore, does not necessitate preparation of a regulatory analysis.

#### VII. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this final rule would not have a significant economic impact upon a substantial number of small entities.

#### VIII. Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, 70.76, 72.62, 76.76, does not apply to this final rule because these amendments are mandated by the Energy Policy Act of 2005.

#### IX. Congressional Review Act

In accordance with the Congressional Review Act, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

#### List of Subjects in 10 CFR Part 140

Criminal penalties, Extraordinary nuclear occurrence, Insurance, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

■ 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; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR part 140.

#### PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

■ 1. The authority citation for part 140 continues to read as follows:

**Authority:** Secs. 161, 170, 68 Stat. 948, 71 Stat. 576 as amended (42 U.S.C. 2201, 2210); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Pub. L. 109–58.

■ 2. Section 140.11, paragraph (a)(4) is revised to read as follows:

##### § 140.11 Amounts of financial protection for certain reactors.

(a) \* \* \*

(4) In an amount equal to the sum of \$300,000,000 and the amount available as secondary financial protection (in the form of private liability insurance available under an industry retrospective rating plan providing for

deferred premium charges equal to the pro rata share of the aggregate public liability claims and costs, excluding costs payment of which is not authorized by section 170o.(1)(D) of the Act, in excess of that covered by primary financial protection) for each nuclear reactor which is licensed to operate and which is designed for the production of electrical energy and has a rated capacity of 100,000 electrical kilowatts or more: Provided, however, that under such a plan for deferred premium charges for each nuclear reactor which is licensed to operate, no more than \$111,900,000 with respect to any nuclear incident (plus any surcharge assessed under subsection 170o.(1)(E) of the Act) and no more than \$17,500,000 per incident within one calendar year shall be charged. *Except that*, where a person is authorized to operate a combination of 2 or more nuclear reactors located at a single site, each of which has a rated capacity of 100,000 or more electrical kilowatts but not more than 300,000 electrical kilowatts with a combined rated capacity of not more than 1,300,000 electrical kilowatts, each such combination of reactors shall be considered to be a single nuclear reactor for the sole purpose of assessing the applicable financial protection required under this section.

\* \* \* \* \*

Dated at Rockville, Maryland, this 9th day of September, 2008.

For the Nuclear Regulatory Commission.

**R.W. Borchardt,**

*Executive Director for Operations.*

[FR Doc. E8–22784 Filed 9–26–08; 8:45 am]

**BILLING CODE 7590–01–P**

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA–2008–0675; Directorate Identifier 2007–NM–192–AD; Amendment 39–15682; AD 2008–20–03]**

**RIN 2120–AA64**

#### **Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is superseding an existing airworthiness directive (AD), which applies to certain Fokker Model

F.28 Mark 0070 and 0100 airplanes. That AD currently requires a one-time inspection of the main landing gear (MLG) main fitting for cracks, and repair if necessary. The existing AD also currently requires installing a placard and revising the airplane flight manual to include procedures to prohibit the application of brakes during backward movement of the airplane. This new AD requires repetitive eddy current inspections of the MLG main fitting and rework before further flight as applicable. This AD results from reports that a final solution eliminating the cause of the crack initiation mechanism is not yet available and that repetitive inspections are necessary. We are issuing this AD to detect and correct cracks in the MLG main fitting, which could result in reduced structural integrity of the MLG main fitting.

**DATES:** This AD becomes effective November 3, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of November 3, 2008.

On April 26, 2006 (71 FR 14363, March 22, 2006), the Director of the Federal Register approved the incorporation by reference of Messier-Dowty Service Bulletin F100–32–106, including Appendices A through C and excluding Appendix D, dated February 18, 2005.

**ADDRESSES:** For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands.

#### Examining the AD Docket

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 (telephone 800–647–5527) is the 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:** Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149.

**SUPPLEMENTARY INFORMATION:**