

(4.55 million) arriving between April 1 and April 19. After the April 20 start of the regulatory period shipments drop off by over 99 percent.

The Market News reports also show that weekly shipments of Chilean grapes imported into Philadelphia in 2007 mirror the pattern of previous years. An average of approximately 3 million 18-pound lugs of grapes were imported each week of the season up to the April 20 start of regulation. Following the April 20 start date of regulation, weekly shipments averaged 70,000 lugs, with shipments ceasing altogether after May 31.

Voluntary Inspection Data

Statistics from the AMS, Fresh Products Branch regarding voluntary inspections of imported Chilean grapes were cited in the proposed rule to highlight the high failure rates of imported grape inspections on product imported from April 1 to April 19 during the years 2000–2004. The trend of high failure rates on voluntary inspections continues in subsequent years. Voluntary inspections for the 2005–2007 shipping seasons indicate that, on average, 82 percent of the voluntary inspections conducted on Chilean grapes imported into the Port of Philadelphia from April 1 to April 19 failed, indicating that the product did not meet minimum U.S. quality standards. The voluntary inspections were conducted on an average of 32 percent of the total grapes imported during that period, meaning that, on average, at least 26 percent (82 percent of the 32 percent inspected) of all imports failed to meet minimum quality standards during that time frame. With 68 percent of the imports not subject to any inspection, the percentage of substandard grapes entering the U.S. could be much higher than the 26 percent that is known to have been voluntarily subjected to inspection and subsequently failed.

In 2007 specifically, 28 percent of imported grapes entering the country through the Port of Philadelphia were voluntarily inspected. The failure rate of those voluntary inspections was 81 percent, which mimics the trend highlighted in the proposed rule for years 2000–2004.

Wholesale Market Reports

The proposed rule cited Market News reports to show that fair, ordinary, and poor condition imported table grapes were in the market during the month of May in the years 2000–2004 and in June of 2000, 2001 and 2004. A review of recent reports shows that, similar to previous years, fair, ordinary, and poor

condition imported grapes were in the market in May of 2005–2007 as well.

In addition, the proposed rule cited Market News reports to highlight specific incidences where poor quality imported Chilean grapes were present in the Philadelphia, Boston, St. Louis, New York, Chicago, and Detroit wholesale markets at dramatically reduced prices in May of 2002, 2003, and 2004.

In 2007, lower quality imported Chilean grapes continued to be present in various U.S. wholesale markets. Market news reports for the Philadelphia, Boston, Chicago, New York, Baltimore, and Detroit wholesale markets for May of 2007 show that ordinary and poor quality Chilean grapes were present in the market and that they were available at dramatically reduced prices. Those grapes continue to be in direct competition with excellent/good quality domestically produced grapes subject to marketing order regulation at much higher prices.

Specifically, Market News reports for the Philadelphia wholesale market from May 1 to May 23, 2007, show that imported poor condition Chilean Thompson Seedless grapes were present in the market for \$1.00 to \$3.00 a lug. Imported poor condition Chilean Red Seedless grapes were also in the market from May 15 to May 17, 2007 at \$1.00 to \$4.00 a lug. Additionally, poor condition imported Chilean Black Seedless grapes were also selling for \$1.00 a lug from May 21 to May 23, 2007. Good quality Black Seedless grapes from the production area were sold in the same market from May 18 to May 25, 2007 at prices ranging from \$38 to \$40 a lug.

Market News reports for the Boston wholesale market show that poor quality imported Chilean Autumn Royal, Black Seedless, Princess, Red Globe, and Thompson Seedless were present at different dates through the month of May, 2007, at prices that ranged from \$1.00 to \$6.00. Good quality Black Seedless grapes from the production area were present at prices ranging from \$38.00 to \$40.00.

The statistical information from the California Table Grape Commission Market Activity Reports could not be duplicated for 2007 at the time of this rulemaking action.

USDA is reopening the comment period for an additional 30 days to allow interested persons to review and submit written comments on the updated statistical information contained in this rule as it pertains to the proposed rule. All written comments timely received will be considered before a final determination is made on this matter. Comments in

reference to the proposed rule that have been received prior to this action will continue to be considered as well.

Authority: 7 U.S.C. 601–674.

Dated: October 18, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. 07–5266 Filed 10–24–07; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AI23

List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 4

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its spent fuel storage cask regulations by revising the Holtec International (Holtec) HI-STORM 100 cask system listing within the “List of Approved Spent Fuel Storage Casks” to include Amendment No. 4 to Certificate of Compliance (CoC) Number 1014. Amendment No. 4 would modify the CoC by including changes to add site-specific options to the CoC to permit use of a modified HI-STORM 100 cask system at the Indian Point Unit 1 (IP1) Independent Spent Fuel Storage Installation (ISFSI). These options include the shortening of the HI-STORM 100S Version B, Multi-Purpose Canister (MPC)–32 and MPC–32F and the HI-TRAC 100D Canister to accommodate site-specific restrictions. Additional changes address the Technical Specification (TS) definition of transport operations and associated language in the safety analysis report (SAR); the soluble boron requirements for Array/Class 14x14E IP1 fuel; the helium gas backfill requirements for Array/Class 14x14E IP1 fuel; the addition of a fifth damaged fuel container design under the TS definition for damaged fuel container; addition of separate burnup, cooling time, and decay heat limits for Array/Class 14x14 IP1 fuel for loading in an MPC–32 and MPC–32F; addition of antimony-beryllium secondary sources as approved contents; the loading of all IP1 fuel assemblies in damaged fuel containers; the preclusion of loading of IP1 fuel debris in the MPC–32 or MPC–32F; the reduction of the maximum enrichment for Array/Class 14x14E IP1

fuel from 5.0 to 4.5 weight percent uranium-235; changes to licensing drawings to differentiate the IP1 MPC-32 and MPC-32F from the previously approved MPC-32 and MPC-32F; and other editorial changes, including replacing all references to U.S. Tool and Die with Holtec Manufacturing Division.

DATES: Comments on the proposed rule must be received on or before November 26, 2007.

ADDRESSES: You may submit comments by any one of the following methods. Please include the following number (RIN 3150-AI23) in the subject line of your comments. Comments on rulemakings 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 personal information such as social security numbers and birth dates in your submission.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: SECY@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966. Comments can also be submitted via the Federal eRulemaking Portal <http://www.regulations.gov>.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays [telephone (301) 415-1966].

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

Publicly available documents related to this rulemaking may be viewed electronically on the public computers at the NRC's Public Document Room (PDR), O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/NRC/ADAMS/index.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (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 PDR Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to

pdrc@nrc.gov. An electronic copy of the proposed CoC No. 1014, the proposed Technical Specifications (TS), and the preliminary safety evaluation report (SER) for Amendment No. 4 can be found in a package under ADAMS Accession No. ML072220481.

The proposed CoC No. 1014, the proposed TS, the preliminary SER for Amendment No. 4, and the environmental assessment, are available for inspection at the NRC PDR, 11555 Rockville Pike, Rockville, MD. Single copies of these documents may be obtained from Jayne M. McCausland, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6219, e-mail jmm2@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6219, e-mail jmm2@nrc.gov.

SUPPLEMENTARY INFORMATION: For additional supplementary information, see the direct final rule published in the Rules and Regulations section of this **Federal Register**.

Procedural Background

This rule is limited to the changes contained in Amendment No. 4 to CoC No. 1014 and does not include other aspects of the HI-STORM 100 design. Because NRC considers this action noncontroversial and routine, the NRC is publishing this proposed rule concurrently as a direct final rule elsewhere in this issue of the **Federal Register**. Adequate protection of public health and safety continues to be ensured. The direct final rule will become effective on January 8, 2008. However, if the NRC receives significant adverse comments on the direct final rule by November 26, 2007, 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.

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 10th day of October, 2007.

For the Nuclear Regulatory Commission.

William F. Kane,

Acting Executive Director for Operations.

[FR Doc. E7–21015 Filed 10–24–07; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0081; Directorate Identifier 2007–NM–186–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus A318, A319, A320, and A321 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:

A number of occurrences of an incorrect installation of the trimmable horizontal stabilizer actuator (THSA) have been found and reported during the accomplishment of the AIRBUS Service Bulletin (SB) A320–27–1164 mandated by EASA AD 2006–0223.

These issues could lead to a degradation of the integrity of the THSA primary load path and to secondary load path partial or full engagement.

Degradation of the THSA primary load path could result in latent (undetected) loading and eventual failure of the THSA secondary load path, with consequent uncontrolled movement of the horizontal stabilizer and loss of control of the airplane. 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 November 26, 2007.

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: Tim Dulin, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2141; 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–2007–0081; Directorate Identifier 2007–NM–186–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.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2007–0178, dated June 22, 2007 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

A number of occurrences of an incorrect installation of the trimmable horizontal stabilizer actuator (THSA) have been found and reported during the accomplishment of the AIRBUS Service Bulletin (SB) A320–27–1164 mandated by EASA AD 2006–0223.

These issues could lead to a degradation of the integrity of the THSA primary load path and to secondary load path partial or full engagement.