that attribute. Designs with some or all of these attributes are also likely to be more readily understood by the general public. Indeed, the number and nature of the regulatory requirements may depend on the extent to which an individual advanced reactor design incorporates general attributes such as those listed previously.

In addition, the Commission expects that the safety features of these advanced reactor designs will be complemented by the operational program for Emergency Planning (EP). This EP operational program, in turn, must be demonstrated by inspections, tests, analyses, and acceptance criteria to ensure effective implementation of established measures. The Commission also expects that advanced reactor designs will comply with the Commission's safety goal policy statement (51 FR 28044; August 4, 1986 as corrected and republished at 51 FR 30028; August 21, 1986), and the policy statement on conversion to the metric measurement system (61 FR 31169; June 19, 1996).

To provide for more timely and effective regulation of advanced reactors, the Commission encourages the earliest possible interaction of applicants, vendors, other government agencies, and the NRC to provide for early identification of regulatory requirements for advanced reactors and to provide all interested parties, including the public, with a timely, independent assessment of the safety and security characteristics of advanced reactor designs. Such licensing interaction and guidance early in the design process will contribute towards minimizing complexity and adding stability and predictability in the licensing and regulation of advanced reactors.

While the NRC does not develop new designs, the Commission intends to develop the capability, when appropriate, for timely assessment and response to innovative and advanced designs that might be presented for NRC review. Prior experience has shown that new reactor designs—even variations of established designs—may involve technical problems that must be solved to ensure adequate protection of the public health and safety. The earlier these design problems are identified, the earlier satisfactory resolution can be achieved. Prospective applicants are reminded that, while the NRC will undertake to review and comment on new design concepts, the applicants are responsible for documentation and research necessary to support a specific application. Research activities would include testing of new safety or security features that differ from existing designs for operating reactors, or that use simplified, inherent, passive means to accomplish their safety or security function. The testing shall ensure that these new features will perform as predicted, provide collection of sufficient data to validate computer codes, and show that the effects of system interactions are acceptable.

During the initial phase of advanced reactor development, the Commission particularly encourages design innovations that enhance safety, reliability, and security (such as those described previously) and that generally depend on technology that is either proven or can be demonstrated by a straightforward technology development program. In the absence of a significant history of operating experience on an advanced concept reactor, plans for innovative use of proven technology and/or new technology development programs should be presented to the NRC for review as early as possible, so that the NRC can assess how the proposed program might influence regulatory requirements.

Finally, the NRC also believes that it will be in the interest of the public as well as the design vendors' and the prospective license applicants to address security issues early in the design stage to achieve a more robust and effective security posture for future nuclear power reactors.

Dated at Rockville, Maryland, this 5th day of May 2008.

For the Nuclear Regulatory Commission,

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. E8–10443 Filed 5–8–08; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0536; Directorate Identifier 2008–CE–030–AD]

RIN 2120–AA64

Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes

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

> It has been determined that the currently used values for Arms of front and rear fuel tanks, and luggage compartment from the CAP 10B Airplane Flight Manuals (AFM), must be rectified.
>
> If left uncorrected, these weight and balance data could lead to erroneous determination of the location of the Center of Gravity (CG) and possibly cause operation with the CG outside the approved limits which may result in control difficulty.

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 June 9, 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 W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, 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 Management Facility 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 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: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; fax: (816) 329–4090.

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–2008–0536; Directorate Identifier 2008–CE–030–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 because 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 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 AD No. 2008–0071, dated April 15, 2008 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> It has been determined that the currently used values for Arms of front and rear fuel tanks, and luggage compartment from the CAP 10B Airplane Flight Manuals (AFM), must be rectified.
>
> If left uncorrected, these weight and balance data could lead to erroneous determination of the location of the Center of Gravity (CG) and possibly cause operation with the CG outside the approved limits which may result in control difficulty.
>
> To prevent this condition, the present Airworthiness Directive (AD) mandates revision of the AFM which introduces the corrected values and replaces the previous loading graphs by loading tables.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

APEX Aircraft has issued Service Bulletin No. 030502, dated April 11, 2008. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a Note within the proposed AD.

Costs of Compliance

We estimate that this proposed AD would affect 31 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $2,480, or $80 per product.

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.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. 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 this 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 regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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. The FAA amends § 39.13 by adding the following new AD:

APEX Aircraft: Docket No. FAA–2008–0536; Directorate Identifier 2008–CE–030–AD.

Comments Due Date

(a) We must receive comments by June 9, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to CAP 10 B airplanes, all serial numbers up to and including 282, certificated in any category.

Subject

(d) *Air Transport Association of America (ATA) Code 08:* Leveling and Weighing.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

> It has been determined that the currently used values for Arms of front and rear fuel tanks, and luggage compartment from the CAP 10B Airplane Flight Manuals (AFM), must be rectified.
>
> If left uncorrected, these weight and balance data could lead to erroneous determination of the location of the Center of Gravity (CG) and possibly cause operation with the CG outside the approved limits which may result in control difficulty.

To prevent this condition, the present Airworthiness Directive (AD) mandates revision of the AFM which introduces the corrected values and replaces the previous loading graphs by loading tables.

Actions and Compliance

(f) Unless already done, within the next 50 hours time-in-service (TIS) after the effective date of this AD, incorporate Apex Aircraft AVION CAP 10 B Document Number 1000977 GB, Revision 8, dated February 2007 into the limitations section of the airplane flight manual as specified in APEX Aircraft Service Bulletin No. 030502, dated April 11, 2008. The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations 14 CFR 43.7 may do this action. Make an entry in the aircraft records showing compliance with this portion of the AD following 14 CFR 43.9.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; fax: (816) 329–4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(h) Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2008–0071, dated April 15, 2008; and APEX Aircraft Service Bulletin No. 030502, dated April 11, 2008, for related information.

Issued in Kansas City, Missouri, on May 2, 2008.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–10348 Filed 5–8–08; 8:45 am]

BILLING CODE 4910–13–P

POSTAL SERVICE

39 CFR Part 111

Revised Standards for Postage and Fee Refunds

AGENCY: Postal Service™.

ACTION: Proposed rule.

SUMMARY: This revised proposed rule will modify the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) 604.9.0 to establish a minimum dollar amount for the issuance of checks by the USPS® for the refund of unused postage value in postage meters and PC Postage® accounts. In addition, we provide specific time frames and procedures for refunds of different types of postage produced by PC Postage and postage meter systems.

DATES: Submit comments on or before June 9, 2008.

ADDRESSES: Mail or deliver written comments to the Manager, Postage Technology Management, Postal Service, 475 L'Enfant Plaza, SW., NB Suite 4200, Washington, DC 20260–4200. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, at the Postage Technology Management office.

FOR FURTHER INFORMATION CONTACT: Daniel J. Lord, Manager, Postage Technology Management, U.S. Postal Service, at 202–268–4281.

SUPPLEMENTARY INFORMATION: The revised proposed rule establishes a $25.00 minimum for USPS issuance of individual customer refund checks for unused postage value in postage meters and PC Postage accounts. In addition, the revisions in the proposed rule provide a 60-day limit for submission of physical refunds for both PC Postage and postage meter indicia; specify a 10-day limit and procedures for requesting refunds processed electronically for items bearing a Product Identification Code (PIC) produced by a PC Postage system; and establish refund procedures for unused, undated PC Postage indicia.

The proposed revision of DMM 604.9.0 was published for comment in the **Federal Register**, September 12, 2007 (Vol. 72, No. 176, pages 52025–52027). In that publication the minimum for USPS issuance of individual refund checks was $5.00. The Postal Service received two written comments from postage providers after the closing date of October 12, 2007; and both were considered in our response.

The Postal Service gave thorough consideration to the comments it received and modified the proposed rule as appropriate.

Discussion of Comments

Both commenters supported the proposed rule, except for provisions in DMM 604.9.3.1a and 604.9.3.1b concerning the $5.00 minimum for refund of unused postage.

The intent of DMM 604.9.3.1a and 604.9.3.1b is to reduce the costly process of issuing checks by the USPS. In this context, the USPS defines ''refund'' as the check that is issued to customers when the account with their current provider is closed and the USPS must ''refund'' the amount left in their device.

In the PC Postage model, providers refund unused money to their customers when an account is closed. They provide the USPS with documentation on refunds made to customers and request reimbursement from the USPS for the refunded postage. Following this model, customers are not refused any monies left unused in an account they no longer wish to have.

One commenter recommended rephrasing the provision to make it clear this does not prohibit the provider from crediting a customer's account or transferring the customer's funds to another device. The Postal Service reviewed the suggestion and amended the wording of the provision to clarify this matter.

Although we are exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), we invite public comments on the following proposed revisions to Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM®), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR Part 111 is proposed to be amended as follows:

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows: