

qualified for storage in the HI-STORM 100 cask system; a change in the fuel storage locations in the MPC-32 for fuel with APSRAs and in the fuel storage locations in the MPC-24, MPC-24E, and the MPC-32 for fuel with CRAs, RCCAs, and CEAs; elimination of the restriction that fuel debris can only be loaded into the MPC-24EF, MPC-32F, MPC-68F, and MPC-68FF canisters; introduction of a requirement that all MPC confinement boundary components and any MPC components exposed to spent fuel pool water or the ambient environment be made of stainless steel or, for MPC internals, neutron absorber or aluminum; the addition of a threshold heat load below which operation of the SCS would not be required and modification of the design criteria to simplify the system; minor editorial changes to include clarification of the description of anchored casks, correction of typographical/editorial errors, clarification of the definitions of loading operations, storage operations, transport operations, unloading operations, cask loading facility, and transfer cask in various locations throughout the CoC and the FSAR; and modification of the definition of non-fuel hardware to include the individual parts of the items defined as non-fuel hardware. The alternative to this action is to withhold approval of this amended cask system design. Withholding approval, in the absence of any safety reason for doing so, would not comply with the requirements of sections 218(a) and 133 of the Nuclear Waste Policy Act.

Approval of the final rule is consistent with previous NRC actions. Further, the final rule will have no adverse effect on public health and safety. This final rule has no significant identifiable impact or benefit on other Government agencies. Based on this discussion of the benefits and impacts of the alternatives, the NRC concludes that the requirements of the final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and thus, this action is recommended.

#### Regulatory Flexibility Certification

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if issued, have a significant economic impact on a substantial number of small entities. This final rule affects only the licensing and operation of nuclear power plants, independent spent fuel storage facilities, and Holtec. The companies that own these plants do not fall within the scope

of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

#### Backfit Analysis

The NRC has determined that the backfit rule (10 CFR 50.109 or 10 CFR 72.62) does not apply to this final rule because this amendment does not involve any provisions that would impose backfits as defined. Therefore, a backfit analysis is not required.

#### Congressional Review Act

Under the Congressional Review Act of 1996, 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, Office of Management and Budget.

#### 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; and 5 U.S.C. 552 and 553; the NRC is adopting 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, 2224 (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: June 1, 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: July 14, 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 22nd day of May, 2008.

For the Nuclear Regulatory Commission.

**R.W. Borchardt,**

*Executive Director for Operations.*

[FR Doc. E8-13190 Filed 6-11-08; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2008-0072; Airspace Docket No. 08-ASO-03]

#### Establishment of Class E Airspace; Lady Lake, FL

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

**ACTION:** Direct final rule, request for comments; withdrawal.

**SUMMARY:** This action withdraws the direct final rule published in the **Federal Register** March 21, 2008 establishing Class E Airspace at Lady Lake, FL (73 FR 15060), Docket No. FAA-2008-0072. This Direct final rule is being withdrawn in recognition of existing Class E Airspace at Lady Lake, FL that adequately supports the new Area Navigation (RNAV) Global Positioning System (GPS) Special Instrument Approach Procedure (IAP) that has been developed for medical flight operations into the Village of Homewood Lady Lake Hospital.

**DATES:** *Effective Date:* June 12, 2008.

**FOR FURTHER INFORMATION CONTACT:** Melinda Giddens, System Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5610; fax (404) 305-5572.

**SUPPLEMENTARY INFORMATION:**

**History**

On March 21, 2008, the **Federal Register** published a direct final rule with a request for comments (FR 73 15060) establishing Class E airspace at the Village of Homewood Lady Lake Hospital, Lady Lake, FL. **Federal Register** Docket No. FAA-2008-0072. After publication it was discovered that airspace already existed at Lady Lake, FL. Rendering this docket for airspace action unnecessary. This action withdraws **Federal Register** Docket No. FAA-2008-0072.

**Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (Air).

**Withdrawal of Direct Final Rule**

■ Accordingly, pursuant to the authority delegated to me, Docket No. FAA-2008-0072; Airspace Docket No. 08-ASO-03, as published in the **Federal Register** on March 21, 2008 (73 FR 15060), is hereby withdrawn.

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

Issued in College Park, Georgia, on April 30, 2008.

**Mark D. Ward,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. E8-12769 Filed 6-11-08; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2007-0276; Airspace Docket No. 07-AEA-16]

**Establishment of Class E Airspace; Lewisburg, PA**

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

**ACTION:** Final rule; confirmation of effective date, correction.

**SUMMARY:** This action confirms the effective date of a direct final rule that establishes a Class E airspace area to support Area Navigation (RNAV) Global Positioning System (GPS) Special Instrument Approach Procedures (IAPs) that serve the Evangelical Community Hospital, Lewisburg, PA. Additionally, this action corrects a minor technical error in the publication of the coordinates for the Evangelical Community Hospital East Heliport.

**DATES:** Effective 0901 UTC, June 12, 2008. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Daryl Daniels, Airspace Specialist, System Support, AJO2-E2B.12, FAA Eastern Service Center, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305-5581; fax (404) 305-5572.

**SUPPLEMENTARY INFORMATION:**

**History**

The FAA published this direct final rule with a request for comments in the **Federal Register** on January 31, 2008 (73 FR 5739) to establish Class E airspace at Lewisburg, PA. After publication, it was discovered that the airport reference point of the Evangelical Community Hospital East Heliport was incorrectly published as "lat. 40°58'47" N., long. 76°53'08" W." The coordinates should have read "lat. 40°58'45" N., long. 76°53'09" W." This action corrects that error.

**Confirmation of Effective Date**

The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a

written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 10, 2008. It further advised that a confirmation docket would be published in the **Federal Register** confirming the date. This docket completes that requirement. No adverse comments were received, and thus this notice confirms that effective date.

**Correction**

■ Pursuant to the authority delegated to me, the publication in the **Federal Register** dated January 31, 2008 (73 FR 5739), **Federal Register** Docket No. FAA-2007-0276, on page 5741, column 1, line 48, is corrected to read:

(Lat. 40°58'45" N., long. 76°53'09" W.)

\* \* \* \* \*

Issued in College Park, GA on April 25, 2008.

**Mark D. Ward,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. E8-12774 Filed 6-11-08; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2007-0162; Airspace Docket No. 07-AEA-13]

**Establishment of Class E Airspace; Marienville, PA**

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

**ACTION:** Final rule; confirmation of effective date, correction.

**SUMMARY:** This action confirms the effective date and makes a correction to the direct final rule published in the **Federal Register** January 30, 2008, that establishes controlled airspace at Marienville, PA (73 FR 5431), Docket No. FAA-2007-0162. In the airspace description, the wrong name was used for the Airport. This action corrects that error.

**DATES:** Effective 0901 UTC, June 12, 2008. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Daryl Daniels, Airspace Specialist, System Support, AJO2-E2B.12, FAA Eastern Service Center, 1701 Columbia