TABLE 3—ALLOWABLE NUMBER OF FLAWS IN PLATES OR FORGING—Continued

| ASME section XI flaw size per IWA–3200 | Range of Through-Wall Extent (TWE) of flaw [in.] | Allowable number of cumulative flaws per 1000 square inches of inside diameter surface area in forgings or plates in the ASME section XI Appendix VIII supplement 4 inspection volume [8] |
|---|---|---|
| 0.20 | 0.175 ≤ TWE < 0.225 | 0.853 |
| 0.25 | 0.225 ≤ TWE < 0.275 | 0.293 |
| 0.30 | 0.275 ≤ TWE < 0.325 | 0.0756 |
| 0.35 | 0.325 ≤ TWE < 0.375 | 0.0144 |

[8] Excluding underclad cracks in forgings.

TABLE 4—CONSERVATIVE ESTIMATES FOR CHEMICAL ELEMENT WEIGHT PERCENTAGES

| Materials | P | Mn |
|---|---|---|
| Plates | 0.014 | 1.45 |

TABLE 4—CONSERVATIVE ESTIMATES FOR CHEMICAL ELEMENT WEIGHT PERCENTAGES—Continued

| Materials | P | Mn |
|---|---|---|
| Forgings | 0.016 | 1.11 |

TABLE 4—CONSERVATIVE ESTIMATES FOR CHEMICAL ELEMENT WEIGHT PERCENTAGES—Continued

| Materials | P | Mn |
|---|---|---|
| Welds | 0.019 | 1.63 |

TABLE 5—MAXIMUM HEAT-AVERAGE RESIDUAL [°F] FOR RELEVANT MATERIAL GROUPS BY NUMBER OF AVAILABLE DATA POINTS

[Significance level = 1%]

| Material group | σ [°F] | Number of available data points | | | | | |
|---|---|---|---|---|---|---|---|
| | | 3 | 4 | 5 | 6 | 7 | 8 |
| Welds, for Cu > 0.072 | 26.4 | 35.5 | 30.8 | 27.5 | 25.1 | 23.2 | 21.7 |
| Plates, for Cu > 0.072 | 21.2 | 28.5 | 24.7 | 22.1 | 20.2 | 18.7 | 17.5 |
| Forgings, for Cu > 0.072 | 19.6 | 26.4 | 22.8 | 20.4 | 18.6 | 17.3 | 16.1 |
| Weld, Plate or Forging, for Cu ≤ 0.072 | 18.6 | 25.0 | 21.7 | 19.4 | 17.7 | 16.4 | 15.3 |

TABLE 6—$T_{MAX}$ VALUES FOR THE SLOPE DEVIATION TEST

[Significance level = 1%]

| Number of available data points (n) | $T_{MAX}$ |
|---|---|
| 3 | 31.82 |
| 4 | 6.96 |
| 5 | 4.54 |
| 6 | 3.75 |
| 7 | 3.36 |
| 8 | 3.14 |
| 9 | 3.00 |
| 10 | 2.90 |
| 11 | 2.82 |
| 12 | 2.76 |
| 14 | 2.68 |
| 15 | 2.65 |

TABLE 7—THRESHOLD VALUES FOR THE OUTLIER DEVIATION TEST (SIGNIFICANCE LEVEL = 1%)

| Number of available data points (n) | Second largest allowable normalized residual value (r*) | Largest allowable normalized residual value (r*) |
|---|---|---|
| 3 | 1.55 | 2.71 |
| 4 | 1.73 | 2.81 |
| 5 | 1.84 | 2.88 |

TABLE 7—THRESHOLD VALUES FOR THE OUTLIER DEVIATION TEST (SIGNIFICANCE LEVEL = 1%)—Continued

| Number of available data points (n) | Second largest allowable normalized residual value (r*) | Largest allowable normalized residual value (r*) |
|---|---|---|
| 6 | 1.93 | 2.93 |
| 7 | 2.00 | 2.98 |
| 8 | 2.05 | 3.02 |
| 9 | 2.11 | 3.06 |
| 10 | 2.16 | 3.09 |
| 11 | 2.19 | 3.12 |
| 12 | 2.23 | 3.14 |
| 13 | 2.26 | 3.17 |
| 14 | 2.29 | 3.19 |
| 15 | 2.32 | 3.21 |

Dated at Rockville, Maryland, this 24th day of July 2008.

For the Nuclear Regulatory Commission.

**R.W. Borchardt,**

*Executive Director for Operations.*

[FR Doc. E8–18429 Filed 8–8–08; 8:45 am]

**BILLING CODE 7590–01–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2008–0857; Directorate Identifier 2007–NM–317–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Dornier Model 328–300 Airplanes

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

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

**SUMMARY:** The FAA proposes to supersede an existing airworthiness directive (AD) that applies to all AvCraft Dornier Model 328–300 airplanes. The existing AD currently requires modifying the electrical wiring of the fuel pumps; installing insulation at the flow control and shut-off valves, and other components of the environmental control system; installing markings at fuel wiring harnesses; replacing the wiring harness of the auxiliary fuel system with a new wiring harness; and installing insulated couplings in the fuel

system; as applicable. The existing AD also requires revising the Airworthiness Limitations section of the Instructions for Continued Airworthiness to incorporate new inspections of the fuel tank system. This proposed AD would replace the flight-hour-based threshold for conducting certain initial inspections, with a calendar-based threshold. This proposed AD results from fuel system reviews conducted by the manufacturer. We are proposing this AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

**DATES:** We must receive comments on this proposed AD by September 10, 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.

For service information identified in this AD, contact 328 Support Services GmbH, Post Box 1252, D–82231 Wessling, Germany.

**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:** Tom Groves, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1503; 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–2008–0857; Directorate Identifier 2007–NM–317–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**

On July 20, 2005, we issued AD 2005–15–16, amendment 39–14205 (70 FR 44046, August 1, 2005), for certain AvCraft Dornier Model 328–300 airplanes. That AD requires modifying the electrical wiring of the fuel pumps; installing insulation at the flow control and shut-off valves, and other components of the environmental control system; installing markings at fuel wiring harnesses; replacing the wiring harness of the auxiliary fuel system with a new wiring harness; and installing insulated couplings in the fuel system; as applicable. That AD also requires revising the Airworthiness Limitations section (ALS) of the Instructions for Continued Airworthiness to incorporate new inspections of the fuel tank system. That AD resulted from fuel system reviews conducted by the manufacturer. We issued that AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

**Actions Since Existing AD Was Issued**

Since we issued AD 2005–15–16, the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has assumed responsibility for the airplane model subject to this AD, and has issued EASA Airworthiness Directive 2006–0197 [Corrected], dated July 11, 2006. The EASA airworthiness directive revises the threshold for conducting the initial inspections specified in the Airworthiness Limitations section. The threshold that we propose to revise was originally specified in two German airworthiness directives that correspond to AD 2005–15–16: German airworthiness directives D–2005–002 and D–2005–063, both dated January 26, 2005.

**Relevant Service Information**

Dornier has issued Section G, ''Fuel Tank System Limitations,'' Revision 2, dated January 31, 2005, of the Dornier 328 JET Airworthiness Limitations Document. The limitations in the document are divided into two sections as follows:

- System Code 28–00–00 (sub-tasks 28–00–00–02 and 28–00–00–03) specifies the scheduled maintenance tasks, which are detailed inspections of the outer and inner internal fuel tank harnesses.
- System Code 28–00–99–00 (sub-tasks 28–00–99–01, 28–00–99–02, 28–00–99–03, 28–00–99–04, and 28–00–99–05) specifies critical design configuration control limitations (CDCCLs). The limitations apply to the cable bundle between the fuel quantity indication system and the tank wall, and to separation of certain power cables and lines from fuel lines.

**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 the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

This proposed AD would supersede AD 2005–15–16 and would retain the requirements of the existing AD. This proposed AD would also replace the flight-hour-based threshold for conducting certain initial inspections, with a calendar-based threshold.

**Costs of Compliance**

The following table provides the estimated costs for U.S. operators to comply with this proposed AD. The average labor rate is $80 per work hour.

ESTIMATED COSTS

| Actions— | Work hours | Parts | Number of U.S.-registered airplanes | Cost per airplane | Fleet cost |
|---|---|---|---|---|---|
| Modification/installation with option 033F003 installed (required by AD 2005–15–16 and retained in this proposed AD). | 95 | $9,402 | None, currently ..... | $17,002 if an affected airplane is placed on the U.S. Register in the future. | None. |
| Modification/installation without option 033F003 installed (required by AD 2005–15–16 and retained in this proposed AD). | 70 | 14,118 | 28 ..... | 19,718 ..... | $552,104. |
| Airworthiness limitations revision ..... | 1 | None | 28 ..... | 80 ..... | $2,240. |

**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 have 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 that the 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. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

**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 Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–14205 (70 FR 44046, August 1, 2005) and adding the following new airworthiness directive (AD):

**328 Support Services GMBH (Formerly Avcraft Aerospace GmbH)**: Docket No. FAA–2008–0857; Directorate Identifier 2007–NM–317–AD.

**Comments Due Date**

(a) The FAA must receive comments on this AD action by September 10, 2008.

**Affected ADs**

(b) This AD supersedes AD 2005–15–16.

**Applicability**

(c) This AD applies to all Dornier Model 328–300 airplanes, certificated in any category, serial numbers 3105 through 3223 inclusive.

**Unsafe Condition**

(d) This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

**Compliance**

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Note 1:** This AD requires revisions to certain operator maintenance documents to include inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (k) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

**Restatement of the Requirements of AD 2005–15–16**

*Without Option 033F003 Installed: Modification and Installations*

(f) For airplanes without option 033F003 installed: Within 12 months after September 6, 2005 (the effective date of AD 2005–15–16), do the actions in Table 1 of this AD in accordance with the Accomplishment Instructions of AvCraft Service Bulletin SB–328J–00–197, dated August 23, 2004.

TABLE 1—REQUIREMENTS FOR AIRPLANES WITHOUT OPTION 033F003 INSTALLED

| Do the following actions— | By accomplishing all the actions specified in— |
|---|---|
| (1) Modify the electrical wiring of the left-hand and right-hand fuel pumps. | Paragraph 1.B(1) of the service bulletin. |
| (2) Install insulation at the left-hand and right-hand flow control and shut-off valves and other components of the environmental control system. | Paragraph 1.B(2) of the service bulletin. |
| (3) Install markings at fuel wiring harnesses. | Paragraph 1.B(3) of the service bulletin. |

*With Option 033F003 Installed: Modification, Replacement, and Installation*

(g) For airplanes with option 033F003 installed: Within 12 months after September 6, 2005, do the actions in Table 2 of this AD in accordance with the Accomplishment Instructions of AvCraft Service Bulletin SB–328J–00–198, dated August 23, 2004.

TABLE 2—REQUIREMENTS FOR AIRPLANES WITH OPTION 033F003 INSTALLED

| Do the following actions— | By accomplishing all the actions specified in— |
|---|---|
| (1) Modify the electrical wiring of the left-hand and right-hand fuel pumps. | Paragraph 2.B(1) of the service bulletin. |
| (2) Replace the wiring harness of the auxiliary fuel system with a new wiring harness. | Paragraph 2.B(2) of the service bulletin. |
| (3) Install markings at fuel wiring harnesses. | Paragraph 2.B(3) of the service bulletin. |
| (4) Install insulated couplings in the fuel system. | Paragraph 2.B(5) of the service bulletin. |

*Revision to Airworthiness Limitations*

(h) Within 12 months after September 6, 2005, revise the Airworthiness Limitations section of the Instructions for Continued Airworthiness to incorporate the information in AvCraft Temporary Revision (TR) ALD–028, dated October 15, 2003, into the AvCraft 328JET Airworthiness Limitations Document. Thereafter, except as provided by paragraph (k) of this AD, no alternative inspection intervals may be approved for this fuel tank system.

**Note 2:** This may be done by inserting a copy of AvCraft TR ALD–028, dated October 15, 2003, in the AvCraft 328JET Airworthiness Limitations Document. When this TR has been included in general revisions of the AvCraft 328JET Airworthiness Limitations Document, the temporary revision no longer needs to be inserted into the revised Airworthiness Limitations document.

**New Requirements of This AD**

*Revised Initial Compliance Time*

(i) For Sub-tasks 28–00–00–02 and 28–00–00–03 (''Detailed Inspection of Outer and Inner Fuel Tank Harness Internal''), as identified in AvCraft TR ALD–028, dated October 15, 2003; or Section G, ''Fuel Tank System Limitations,'' Revision 2, dated January 31, 2005, of the Dornier 328 JET Airworthiness Limitations Document (ALD), the initial compliance time is within 8 years after the effective date of this AD. Thereafter, except as provided by paragraph (k) of this AD, these tasks must be accomplished at the repetitive interval specified in Section G, ''Fuel Tank System Limitations,'' Revision 2, dated January 31, 2005, of the Dornier 328 JET Airworthiness Limitations Document.

*No Alternative Inspections, Inspection Intervals, or Critical Design Configuration Control Limitations (CDCCLs)*

(j) After accomplishing the actions specified in paragraphs (f), (g), and (h), and the initial inspections in paragraph (i) of this AD, no alternative inspections, inspection intervals, or critical design configuration control limitations (CDCCLs) may be used unless the inspections, intervals, or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k) of this AD.

*Alternative Methods of Compliance (AMOCs)*

(k) The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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: Tom Groves, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1503; fax (425) 227–1149. 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.

*Related Information*

(l) EASA airworthiness directive 2006–0197 [Corrected], dated July 11, 2006, also addresses the subject of this AD.

Issued in Renton, Washington, on July 29, 2008.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E8–18434 Filed 8–8–08; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### 26 CFR Part 1

**[REG–149404–07]**

**RIN 1545–BH34**

## Amendments to New Markets Tax Credit Regulations

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking and notice of public hearing.

**SUMMARY:** This document contains proposed regulations relating to the new markets tax credit under section 45D of the Internal Revenue Code (Code). The proposed regulations revise and clarify certain rules relating to recapture of the new markets tax credit and will affect certain taxpayers claiming the new markets tax credit. This document also provides a notice of a public hearing on these proposed regulations.

**DATES:** Written or electronic comments must be received by November 10, 2008. Outlines of topics to be discussed at the public hearing scheduled for December 12, 2008, at 10 a.m. must be received by November 3, 2008.

**ADDRESSES:** Send submissions to: CC:PA:LPD:PR (REG–149404–07), room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC:PA:LPD:PR (REG–149404–07), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, or sent electronically, via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS REG–149404–07). The public hearing will be held in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Concerning the proposed regulations, Julie Hanlon-Bolton, (202) 622–7028; concerning submission of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Regina Johnson, (202) 622–7180 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

### Background

This document amends 26 CFR part 1 to provide and clarify rules relating to the new markets tax credit under section 45D of the Code. Section 45D was added to the Code by section 121 of the Community Renewal Tax Relief Act of 2000, Public Law 106–554 (114 Stat. 2763 (2000)) and amended by section 221 of the American Jobs Creation Act of 2004, Public Law 108–357 (118 Stat. 1418 (2004)), section 101 of the Gulf Opportunity Zone Act of 2005, Public Law 109–135 (119 Stat. 25 (2005)), and Division A, section 102 of the Tax Relief and Health Care Act of 2006, Public Law 109–432 (120 Stat. 2922 (2006)). On December 28, 2004, the IRS and the Treasury Department published final regulations under section 45D (69 FR 77625), with corrections on January 28, 2005 (70 FR 4012).

Groups and organizations representing investors, qualified community development entities, businesses, and other entities involved with the new markets tax credit program have since submitted comments requesting further guidance on the