

**§ 35.75 Release of individuals containing unsealed byproduct material or implants containing byproduct material.**

(a) A licensee may authorize the release from its control of any individual who has been administered unsealed byproduct material or implants containing byproduct material if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 5 mSv (0.5 rem).<sup>1</sup>

\* \* \* \* \*

<sup>1</sup> The current revision of NUREG-1556, Vol. 9, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance about Medical Licenses" describes methods for Calculating doses to other individuals and contains tables of activities not likely to cause doses exceeding 5 mSv (0.5 rem).

8. In § 35.92, the introductory text of paragraph (a) is revised to read as follows:

**§ 35.92 Decay-in-storage.**

(a) A licensee may hold byproduct material with a physical half-life of less than or equal to 120 days for decay-in-storage before disposal without regard to its radioactivity if it—

\* \* \* \* \*

9. In § 35.190, paragraph (a)(1) is revised to read as follows:

**§ 35.190 Training for uptake, dilution, and excretion studies.**

\* \* \* \* \*

(a) \* \* \*

(1) Complete 60 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed byproduct material for uptake, dilution, and excretion studies as described in paragraphs (c)(1)(i) through (c)(1)(ii)(F) of this section; and

\* \* \* \* \*

10. In § 35.290, paragraph (a)(1) is revised to read as follows:

**§ 35.290 Training for imaging and localization studies.**

\* \* \* \* \*

(a) \* \* \*

(1) Complete 700 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed byproduct material for imaging and localization studies as described in paragraphs (c)(1)(i) through (c)(1)(ii)(G) of this section; and

\* \* \* \* \*

Dated at Rockville, Maryland, this 31st day of July, 2007.

For the Nuclear Regulatory Commission.  
**Martin J. Virgilio,**  
*Acting Executive Director for Operations.*  
 [FR Doc. E7-15762 Filed 8-10-07; 8:45 am]  
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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2006-26491; Directorate Identifier 2006-CE-76-AD]

RIN 2120-AA64

**Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU Previously Held by APEX Aircraft and AVIONS PIERRE ROBIN) Model R2160 Airplanes**

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

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); reopening of the comment period.

**SUMMARY:** We are revising an earlier NPRM 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:

To prevent fuel system leaks inspect the bronze/brass hollow threaded fuel line fittings for type and leaks, per Avions Pierre Robin Service Bulletin (SB) No. 86.

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 September 12, 2007.

**ADDRESSES:** You may send comments by any of the following methods:

- *DOT Docket Web Site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- *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.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

**Examining the AD Docket**

You may examine the AD docket on the Internet at <http://dms.dot.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:** Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; 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-2006-26491; Directorate Identifier 2006-CE-76-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://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**

We proposed to amend 14 CFR part 39 with an earlier NPRM for the specified products, which was published in the **Federal Register** on January 8, 2007 (72 FR 676). That earlier NPRM proposed to require actions intended to address the unsafe condition for the products listed above.

Since that NPRM was issued, we determined that replacing any type 1 fuel fittings with type 2 fuel fittings, not just leaking type 1 fuel fittings, is needed in order to eliminate future fuel leaks.

The Civil Aviation Authority of New Zealand, which is the airworthiness authority for New Zealand, has issued AD DCA/R2000/12, dated June 29, 2006

(referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

To prevent fuel system leaks inspect the bronze/brass hollow threaded fuel line fittings for type and leaks, per Avions Pierre Robin Service Bulletin (SB) No. 86. Replace leaking Type 1 fuel line fittings with Type 2 fittings, per SB No. 86, before further flight.

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

#### Relevant Service Information

AVIONS PIERRE ROBIN (current type certificate responsibility with Alpha Aviation Design Limited) has issued Avions Pierre Robin Service Bulletin No. 86, dated July 30, 1980. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### Comments

We received no comments on the earlier NPRM.

#### 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.

Certain changes described above expand the scope of the earlier NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on the proposed AD.

#### 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

Based on the service information, we estimate that this proposed AD would affect about 10 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. Required parts would cost about \$100 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$1,800, or \$180 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:

**Alpha Aviation Design Limited (Type Certificate No. A48EU previously held by Apex Aircraft and AVIONS PIERRE ROBIN):** Docket No. FAA–2006–26491; Directorate Identifier 2006–CE–76–AD.

#### Comments Due Date

(a) We must receive comments by September 12, 2007.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Model R2160 airplanes, serial numbers 001 through 191, certificated in any category.

#### Subject

(d) Air Transport Association of America (ATA) Code 28: Fuel.

#### Reason

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

To prevent fuel system leaks inspect the bronze/brass hollow threaded fuel line fittings for type and leaks, per Avions Pierre Robin Service Bulletin (SB) No. 86.

#### Actions and Compliance

(f) Unless already done, within the next 25 hours time-in-service after the effective date of this AD, replace the Type 1 fuel line fittings with Type 2 fittings, per Avions Pierre Robin Service Bulletin No. 86 dated July, 1980.

#### FAA AD Differences

**Note:** This AD differs from the MCAI and/or service information as follows: This AD requires the replacement of the Type 1 fuel line fittings with Type 2 fittings, per Avions Pierre Robin Service Bulletin No. 86 dated

July, 1980. The MCAI required a one-time inspection for leaks and replacement if leaks were found. There was no MCAI action to determine whether leaks developed in the future. The FAA believes that mandatory replacement of the fittings will eliminate current leaking fittings as well as preventing the problem from developing in the future.

#### Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, Standards Staff, 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: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; 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 Airworthiness Authority of New Zealand AD DCA/R2000/12, dated June 29, 2006; and Avions Pierre Robin Service Bulletin 86, dated July, 1980, for related information.

Issued in Kansas City, Missouri, on August 6, 2007.

**Kim Smith,**

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-15794 Filed 8-10-07; 8:45 am]

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## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Parts 36 and 40

RIN 3038-AC39

### Amendments Pertinent to Registered Entities and Exempt Commercial Markets

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The proposed regulations expand the set of persons delegated by the Commission with the authority to issue exempt commercial market (ECM) special calls to include the Director of the Division of Enforcement and that Director's designees. The proposed regulations clarify the process for listing, clearing, or implementing registered entity products or rules, including dormant products and rules, and amend the definition of emergency to clarify that persons other than members of the governing board of a registered entity may declare an emergency on behalf of the governing board. The proposed regulations also clarify the duration of the rule approval period for designated contract market (DCM) rules that may change a material term or condition of a contract based on the agricultural commodities enumerated in section 1a(4) of the Commodity Exchange Act (CEA or Act). Finally, the proposed regulations clarify how far in advance of implementation registered entities must submit self-certified contracts and rules to the Commission, and identify three additional categories of rules that a registered entity may implement without filing certified submissions or receiving prior Commission approval.

**DATES:** Comments must be received by September 12, 2007.

**ADDRESSES:** Comments should be sent to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, attention: Office of the Secretariat. Comments may be sent by facsimile to 202.418.5521, or by e-mail to [secretary@cftc.gov](mailto:secretary@cftc.gov). Reference should be made to the "Amendments Pertinent to Registered Entities and Exempt Commercial Markets." Comments may also be submitted through the Federal eRulemaking Portal at <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Bruce Fekrat, Special Counsel, Office of the Director (telephone 202.418.5578, e-mail [bfekrat@cftc.gov](mailto:bfekrat@cftc.gov)), Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The Commodity Futures Trading Commission (Commission) published comprehensive final regulations for trading facilities on August 10, 2001.<sup>1</sup> The final regulations codified the procedural provisions common to

exempt boards of trade and ECMs operating pursuant to sections 5d or 2(h)(3) through (5) of the Act, respectively, in part 36 of the Commission's regulations. The final regulations also codified the procedural provisions common to DCMs, derivatives transaction execution facilities (DTEF), and derivatives clearing organizations (DCO) in part 40 of the Commission's regulations, and further established the regulatory framework necessary to implement and interpret the provisions of the CEA, as amended by the Commodity Futures Modernization Act of 2000 (CFMA),<sup>2</sup> pertinent to trading facilities. Based upon its subsequent experience in administering the Act, the Commission herein proposes several amendments to parts 36 and 40 of the Commission's regulations to better implement the Act and provide clearer direction as to the Commission's regulatory requirements thereunder.

##### II. Exempt Commercial Markets

The CFMA created a qualified exemption from the Commission's jurisdiction for transactions executed or traded on ECMs. Section 2(h)(3) of the Act, which was added by the CFMA, applies the exemption to transactions in exempt commodities executed or traded on an electronic trading facility that are entered into on a principal-to-principal basis solely between persons that are eligible commercial entities.<sup>3</sup> The CEA specifically reserves the applicability of the Commission's antifraud and antimanipulation authority to transactions executed or traded on ECMs in section 2(h)(4) of the Act<sup>4</sup> and gives the Commission the authority to issue ECM special calls for information to, among other things, enforce that authority.<sup>5</sup>

In July 2004, the Commission amended regulation 36.3(b), which governs the Commission's access to ECM transaction data, to improve the quality of accessible information relevant to its antifraud and antimanipulation authority.<sup>6</sup> In that rulemaking, the Commission stated that aberrant price behavior on ECMs may require further Commission investigation and the eventual use of the Commission's special call authority to identify wrongful conduct.<sup>7</sup> The authority to issue special calls to ECMs currently is delegated to the Directors of

<sup>2</sup> Pub. L. 106-554, 114 Stat. 2763 (December 21, 2000).

<sup>3</sup> 7 U.S.C. 2(h)(3).

<sup>4</sup> 7 U.S.C. 2(h)(4).

<sup>5</sup> 7 U.S.C. 2(h)(5).

<sup>6</sup> 69 FR 43285 (July 20, 2004).

<sup>7</sup> *Id.* at 43289.

<sup>1</sup> 66 FR 42256 (August 10, 2001).