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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2009–0349]

RIN 3150–AI71

List of Approved Spent Fuel Storage Casks: HI–STORM 100 Revision 7, Confirmation of Effective Date

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Nuclear Regulatory Commission (NRC) is confirming the effective date of December 28, 2009, for the direct final rule that was published in the **Federal Register** on October 13, 2009. The direct final rule amended the NRC's spent fuel storage regulations in 10 CFR 72.214 to revise the HI–STORM 100 dry cask storage system listing to include Amendment No. 7 to Certificate of Compliance (CoC) Number 1014.

DATES: *Effective Date:* The effective date of December 28, 2009, is confirmed for the direct final rule published October 13, 2009 (74 FR 52387).

ADDRESSES: Documents related to this rulemaking, including any comments received, may be examined at the NRC Public Document Room, Room O–1F23, 11555 Rockville Pike, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Neelam Bhalla, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6843, e-mail *Neelam.Bhalla@nrc.gov*.

SUPPLEMENTARY INFORMATION: On October 13, 2009 (74 FR 52387), the NRC published a direct final rule amending its regulations at 10 CFR 72.214 to include Amendment No. 7 to CoC Number 1014. Amendment No. 7 modifies the CoC to add the HI–STORM 100U system to the HI–STORM 100 cask systems. The HI–STORM 100U system allows for the underground storage of dry spent nuclear fuel (SNF) by utilizing an underground vertical ventilated module (VVM) that can accept certain Holtec multipurpose canisters previously certified for storage of SNF in the aboveground HI–STORM system. The amendment also incorporates a mandatory radiation protection perimeter around the loaded VVMs. In addition, the amendment will reinstate the decay heat limits for damaged fuel and fuel debris in Appendix B, Technical Specification (TS) 2.4, for the aboveground system that had been inadvertently deleted from Amendment Nos. 5 and 6; incorporate separate TS Appendices A and B for the HI–STORM aboveground system, and TS Appendices A–100U and B–100U, for the HI–STORM 100U underground system; revise Appendix B, TS 3.4.5, to be consistent with the required system thermal boundary conditions, as submitted in the applicant's safety analysis report for a fire accident condition, and with Holtec's original (i.e., initial certificate application or Amendment 0) submittal and the NRC's original safety evaluation report; revise and add certain definitions in Appendix A, TS 1.1, to include the VVM; and incorporate minor editorial corrections in the TS for the aboveground system. In the direct final rule, NRC stated that if no significant adverse comments were received, the direct final rule would become final on December 28, 2009. The NRC did not receive any comments on the direct final rule. Therefore, this rule will become effective as scheduled.

Dated at Rockville, Maryland, this 7th day of December 2009.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Acting Branch Chief, Rulemaking and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. E9–29554 Filed 12–10–09; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–1089; Directorate Identifier 2009–SW–16–AD; Amendment 39–16101; AD 2009–09–51]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model EC225LP Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 2009–09–51, which was sent previously to all known U.S. owners and operators of Eurocopter France (Eurocopter) Model EC225LP helicopters by individual letters. This AD requires, before further flight, determining if the ''CHIP'' detector light on the instrument panel (Vehicle Monitoring System Screen) previously illuminated. If the ''CHIP'' detector light did illuminate and it illuminated because of a metal particle on the magnetic plug of the epicyclic reduction gear module (module) of the main gearbox (MGB), or if you cannot determine from the maintenance records which chip detector caused the ''CHIP'' detector light to illuminate or whether the detector light stayed illuminated after the ''CHIP'' detector switch was turned to the ''CHIP PULSE'' setting, replacing the module with an airworthy module is required before further flight. Also required before further flight is inspecting the MGB module magnetic chip detector electrical circuit and determining whether the system is functioning properly, including whether the ''CHIP'' detector light annunciates on the instrument panel (Vehicle Monitoring System Screen). Finally, this AD requires replacing the module with an airworthy module if the ''CHIP'' detector light illuminates, stays illuminated after the ''CHIP'' detector switch is turned to the ''CHIP PULSE'' setting, and you determine that a metal particle on the module magnetic plug caused that illumination. This amendment is prompted by a mandatory continuing airworthiness information

(MCAI) AD issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community. EASA notified us of an accident that occurred April 1, 2009 on a Eurocopter Model AS332L2 helicopter and EASA advises that the ''cause of the accident seems to be connected with degradation of the epicyclic module of the MGB, the root cause of which is still to be determined.'' The actions specified by this AD are intended to prevent failure of the MGB and subsequent loss of control of the helicopter.

DATES: Effective December 28, 2009, to all persons except those persons to whom it was made immediately effective by Emergency AD 2009–09–51, issued on April 17, 2009, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before February 9, 2010.

ADDRESSES: Use one of the following addresses to submit comments on this AD:

- *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.

You may get the service information identified in this AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053–4005, telephone (972) 641–3460, fax (972) 641–3527, or at *http://www.eurocopter.com.*

Examining the Docket: You may examine the docket that contains the AD, any comments, and other information 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 Docket Operations office (telephone (800) 647–5527) is located in Room W12–140 on the ground floor of the West Building at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Gary Roach, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, Fort Worth, Texas 76137–0111, telephone (817) 222–5130, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: On April 17, 2009, we issued Emergency AD 2009–09–51 for the Eurocopter Model EC225LP helicopters, which requires, before further flight, determining if the ''CHIP'' detector light on the instrument panel (Vehicle Monitoring System Screen) previously illuminated. If the ''CHIP'' detector light did illuminate and it illuminated because of a metal particle on the magnetic plug of the MGB module, or if you cannot determine from the maintenance records which chip detector caused the ''CHIP'' detector light to illuminate or whether the detector light stayed illuminated after the ''CHIP'' detector switch was turned to the ''CHIP PULSE'' setting, replacing the module with an airworthy module is required before further flight. The Emergency AD also requires inspecting the MGB module magnetic chip detector electrical circuit and determining whether the system is functioning properly, including whether the ''CHIP'' detector light annunciates on the instrument panel (Vehicle Monitoring System Screen). Finally, the Emergency AD requires replacing the module with an airworthy module if the ''CHIP'' detector light illuminates, stays illuminated after the ''CHIP'' detector switch is turned to the ''CHIP PULSE'' setting, and you determine that a metal particle on the module magnetic plug caused that illumination. That action was prompted when EASA, which is the Technical Agent for the Member States of the European Community, notified us of an accident that occurred April 1, 2009 on a Eurocopter Model AS332L2 helicopter. Although the cause of the accident is still under investigation, EASA advises that the ''cause of the accident seems to be connected with degradation of the epicyclic module of the MGB, the root cause of which is still to be determined.'' EASA further advises that ''In the light of this information, the detection of any contamination of the MGB is of utmost importance as a precautionary measure.'' EASA issued Emergency AD No. 2009–0087–E, dated April 11, 2009, to correct an unsafe condition for the Eurocopter Model AS332L2 and EC225LP helicopters.

EASA Emergency AD No. 2009–0087–E applies to both the Model AS332L2 helicopters and the Model EC225LP helicopters because both helicopter models use a similar module. However, our AD 2009–09–51 applies only to the Model EC225LP helicopters because there are currently no Model AS332L2 helicopters on the U.S. registry. Also, AD 2009–09–51 differs from the EASA AD in that the EASA AD specifies that the module be disassembled, inspected, and then reinstalled when particles are detected on the magnetic plug of the module, allowing flight operations until another particle is detected. Our AD requires the following before further flight:

- Determining if, within the last 200 hours time-in-service (TIS), the ''CHIP'' detector light illuminated because of a metal particle on the magnetic plug of the module, part number 332A32–5021–01M, and if so, whether the ''CHIP'' detector light stayed illuminated after the chip detector switch was turned to the ''CHIP PULSE'' setting to activate the ''fuzz burn-off'' feature. If the ''CHIP'' detector light illuminated because of a metal particle on the magnetic plug of the module, and the ''CHIP'' detector light stayed illuminated after the chip detector switch was turned to the ''CHIP PULSE'' setting, or if you cannot determine from the maintenance records which chip detector caused the ''CHIP'' detector light to illuminate or whether the detector light stayed illuminated after the ''CHIP'' detector switch was turned to the ''CHIP PULSE'' setting, replacing the module with an airworthy module is required before further flight.
- Inspecting the MGB module magnetic chip detector electrical circuit and determining whether the system is functioning properly, including whether the ''CHIP'' detector light annunciates on the instrument panel (Vehicle Monitoring System Screen). Thereafter, the AD requires replacing the module with an airworthy module if the ''CHIP'' detector light illuminates, stays illuminated after the ''CHIP'' detector switch is turned to the ''CHIP PULSE'' setting, and you determine that a metal particle on the module magnetic plug (rather than the main reduction gear (lower MGB), the flared housing (mast assembly), the intermediate gearbox (IGB), or the tail rotor gearbox (TGB)) caused the ''CHIP'' detector light to illuminate.

Eurocopter has issued Emergency Alert Service Bulletin No. 05A017 (ASB). The ASB is dated April 10, 2009 and describes procedures for inspecting both the magnetic plug on the MGB epicyclic reduction gear module and the chip collector, and instructions to replace the epicyclic reduction gear module if necessary. EASA classified this service bulletin as mandatory and issued EASA AD No. 2009–0087–E, dated April 11, 2009 to ensure the

continued airworthiness of these helicopters in France.

This helicopter model is approved by the aviation authority of France, and is approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA has notified us of the unsafe condition described in the MCAI AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other Eurocopter Model EC225LP helicopters of the same type design.

Since the unsafe condition described is likely to exist or develop on other Eurocopter Model EC225LP helicopters of the same type design, the FAA issued Emergency AD 2009–09–51 to prevent failure of the MGB and subsequent loss of control of the helicopter. The AD requires the actions described previously. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability of the helicopter. Therefore, this AD must be issued immediately.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on April 17, 2009 to all known U.S. owners and operators of Eurocopter Model EC225LP helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to 14 CFR 39.13 to make it effective to all persons.

This AD is an interim action. We anticipate additional rulemaking once the cause of the accident is determined and the manufacturer develops a terminating action.

We estimate that this AD will affect 2 helicopters of U.S. registry. It will take approximately 10 minutes to inspect the module without removal and 10 work hours to remove and replace the module, if necessary. The average labor rate is $80 per work hour. Required parts will cost approximately $512,318 per helicopter. Based on these figures, we estimate the total cost impact of the AD on U.S. operators to be $513,145, assuming that the module on each helicopter is inspected once and one of the modules is replaced.

Comments Invited

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2009–1089; Directorate Identifier 2009–SW–16–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD. We will consider all comments received by the closing date and may amend the AD in light 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 with FAA personnel concerning this AD. Using the search function of our docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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 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 an economic evaluation of the estimated costs to comply with this AD. See the AD docket to examine the economic evaluation.

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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2009–09–51 Eurocopter France: Amendment 39–16101. Docket No. FAA–2009–1089; Directorate Identifier 2009–SW–16–AD.

Applicability: Model EC225LP helicopters with an epicyclic reduction gear module (module), part number 332A32–5021–01M, installed, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the main gearbox (MGB) and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight:

(1) Determine from the maintenance records whether, within the last 200 hours time-in-service (TIS), the ''CHIP'' detector light illuminated because of a metal particle on the magnetic plug of the module, and if so, whether the ''CHIP'' detector light stayed illuminated after the chip detector switch was turned to the ''CHIP PULSE'' setting to activate the ''fuzz burn-off'' feature. If those records indicate that the ''CHIP'' detector light illuminated because of a metal particle on the magnetic plug of the module, and the ''CHIP'' detector light stayed illuminated after the chip detector switch was turned to the ''CHIP PULSE'' setting, replace the module with an airworthy module before further flight. If you cannot determine from the maintenance records which chip detector caused the ''CHIP'' detector light to illuminate or whether the detector light stayed illuminated after the ''CHIP'' detector switch was turned to the ''CHIP PULSE'' setting, replace the module with an airworthy

module before further flight. A module with a magnetic plug that attracted a metal particle which activated the ''CHIP'' detector light within the last 200 hours TIS and was not extinguished when the ''CHIP PULSE'' was activated is unairworthy.

(2) Inspect the MGB module magnetic chip detector electrical circuit and determine whether the system is functioning properly, including whether the ''CHIP'' detector light annunciates on the instrument panel (Vehicle Monitoring System Screen).

(b) Thereafter, if the ''CHIP'' detector light illuminates, stays illuminated after the ''CHIP'' detector switch is turned to the ''CHIP PULSE'' setting, and you determine that a metal particle on the module magnetic plug (rather than the main reduction gear (lower MGB), the flared housing (mast assembly), the intermediate gearbox (IGB), or the tail rotor gearbox (TGB)) caused the ''CHIP'' detector light to illuminate, replace the module with an airworthy module.

(c) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Safety Management Group, FAA, ATTN: Gary Roach, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, Fort Worth, Texas 76137–0111, telephone (817) 222–5130, fax (817) 222–5961, for information about previously approved alternative methods of compliance.

(d) Special flight permits will not be issued.

(e) Copies of the applicable service information may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053–4005, telephone (972) 641–3460, fax (972) 641–3527, or at *http://www.eurocopter.com.*

(f) This amendment becomes effective on December 28, 2009, to all persons except those persons to whom it was made immediately effective by Emergency AD 2009–09–51, issued April 17, 2009, which contained the requirements of this amendment.

Note: The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2009–0087–E, dated April 11, 2009.

Issued in Fort Worth, Texas, on October 23, 2009.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E9–29425 Filed 12–10–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–1118; Directorate Identifier 2008–SW–60–AD; Amendment 39–16126; AD 2009–25–07]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model EC120B Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the Eurocopter France (ECF) Model EC120B helicopters. This AD results from a mandatory continuing airworthiness information (MCAI) AD issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community. The MCAI AD states that operators have reported that latching push buttons on the Emergency Floatation Gear Lighting and Ancillary Control Unit (LACU) used to arm the emergency floatation gear are unreliable, and the 'FLOAT ARM' pushbutton does not latch in the depressed (LACU armed) position. These actions are intended to prohibit flight over water if a functional test indicates that the emergency floatation gear cannot be armed, which would preclude deployment of the floats in an emergency water ditching that could result in helicopter damage and a fatality.

DATES: This AD becomes effective on December 28, 2009.

We must receive comments on this AD by February 9, 2010.

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 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.

You may get the service information identified in this AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053–4005, telephone (800) 232–0323, fax (972) 641–3710, or at *http://www.eurocopter.com.*

Examining the 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 AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is stated in the **ADDRESSES** section of this AD. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: DOT/FAA Southwest Region, J. R. Holton, Jr., ASW–112, Aviation Safety Engineer, Rotorcraft Directorate, Safety Management Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–4964, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Discussion

EASA, which is the Technical Agent for the Member States of the European Community, has issued EASA AD No. 2008–0177–E, dated September 19, 2008, to correct an unsafe condition for the ECF Model EC120B helicopters.

The MCAI AD states that operators have reported unreliability of the latching push buttons on the Emergency Floatation LACU including the 'FLOAT ARM' pushbutton used to arm the emergency floatation gear and failure of the light to illuminate properly. Investigations have revealed the anomaly may be due to the bonding of these pushbuttons. Design improvements for the pushbuttons are currently in progress. The MCAI AD states that a repetitive in-flight functional check of the 'FLOAT ARM' pushbutton before flying over water is necessary. If the pushbutton fails to latch in the depressed position, the MCAI AD prohibits further flight over water until the 'FLOAT ARM' pushbutton is replaced with an airworthy unit. These actions are intended to prohibit flight over water if a functional test indicates that the emergency floatation gear cannot be armed, which would preclude deployment of the floats in an emergency water ditching that could result in helicopter damage and a fatality.

You may obtain further information by examining the MCAI AD and any