

Cardile, (301) 415-6185, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**SUPPLEMENTARY INFORMATION:** On August 22, 1994, the Commission issued a **Federal Register** notice (FRN) (59 FR 43200) requesting public comment on a proposed amendment to its regulations which would provide specific radiological criteria for the decommissioning of lands and structures at NRC-licensed nuclear facilities. The FRN announced that the public comment period was to close on December 20, 1994. Subsequently, the public comment period was extended to January 22, 1995. To date, 101 comment letters have been received. The comments contained in these letters are being characterized and considered in the development of a final rule.

The preliminary schedule of the final rule anticipated issuance of a final rule in the summer of 1995. However, the NRC has decided to extend the date for issuance of this rule to allow it to more fully consider public comments received on the technical information base supporting the proposed rule and to develop the implementing regulatory guidance to be issued with the final rule. The rationale for the extension is discussed more fully below.

Characterization of the comments on the proposed rule and the supporting technical basis has indicated that a number of comments were received regarding the adequacy of the risk and cost analysis supporting the proposed criteria in the rule. One particular area questioned was whether the reference facilities used in the Draft Generic Environmental Impact Statement DGEIS (NUREG-1496) as a basis for the analyses adequately model the complex contamination situations occurring at nuclear facilities. The intent of the analysis in the DGEIS was to employ reference sites and to perform screening analyses. In support of this effort, the NRC staff used site data, where available, supplemented by engineering judgment and theoretical analyses.

However, the NRC staff believes that the supporting information bases for the final rule will be significantly improved by including an evaluation of additional data from site characterizations and decommissionings. Although the real world data are not as complete as might be wished, there are data on total costs, volumes of waste, survey costs and concentrations left at release that the staff believes can be useful. The information generated through this evaluation will be used in considering how to resolve public comments on the

proposed rule including the appropriateness of the 15 mrem/yr limit for release of a site for unrestricted use contained in 10 CFR 20.1404(a) and the criteria for allowing restricted release contained in 10 CFR 20.1405.

In addition to its further analysis of public comments, the NRC staff has decided that, prior to release of a final rule, it would assess its planned regulatory guide implementation model to provide assurance that the model is an adequately conservative screening tool and is capable of incorporating more realistic scenarios than those in the basic screening version. In particular, this assessment would include a sensitivity analysis of the NUREG/CR-5512 modeling methodology to determine the acceptable range of parameters for screening analyses. The NRC staff is considering holding a public meeting in September 1995 to address specific issues associated with development of regulatory guidance implementing the final rule. More detailed information about that meeting will be provided in the near future.

Based on the activities discussed above with regard to the assessment of the supporting analysis, and the further development of the regulatory guidance, the staff expects to provide a final rule to the Commission during December 1995, and to issue a final rule in early 1996.

*Separate Views of Commissioner de Planque:* I agree with the Commission's decision to allow staff additional time to consider public comments on the proposed final rule on radiological criteria for decommissioning. I have read virtually all of the public comments and conclude that two major issues not specifically identified in this FRN need to be carefully considered by the staff before proceeding to finalize the rule. These are: (1) Is there an adequate technical basis for selecting a dose criterion of 15 mrem in contrast to a 25 or 30 mrem value that would be consistent with the recommendations of international and national organizations for radiation protection? Staff's examination of this issue should consider the cost/benefit basis for selecting a value. (2) Are the fundamental, underlying assumptions used in the models, in particular, the assumption of a 70-year residence and significant subsistence farming on a decommissioned site, realistic and appropriate to apply to decommissioned sites in the U.S.? Unnecessarily conservative assumptions will lead to cleanup of radioactivity to levels so low that it will be difficult, if not impossible, to determine compliance

and the effort will be extremely expensive for licensees.

Dated at Rockville, Maryland, this 19 day of July, 1995.

For the Nuclear Regulatory Commission.

**James M. Taylor,**

*Executive Director for Operations.*

[FR Doc. 95-19358 Filed 8-4-95; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-CE-25-AD]

#### Airworthiness Directives; Fairchild Aircraft SA226 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

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

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Fairchild Aircraft SA226 series airplanes equipped with a part number (P/N) 27-5500-229 actuator assembly. The proposed action would require replacing the main landing gear door actuator tang and associated hardware with parts of improved design. Reports of the main landing gear doors hanging up and locking the landing gear links on the affected airplanes prompted the proposed action. The actions specified by the proposed AD are intended to prevent the inability to extend the main landing gear because of the main landing gear door actuation roller contacting the lower edge of the tang and causing the linkage to lock over-center.

**DATES:** Comments must be received on or before September 29, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-25-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490; telephone (210) 824-9421. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Werner Koch, Aerospace Engineer,

FAA, Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone (817) 222-5133; facsimile (817) 222-5960.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 95-CE-25-AD." The postcard will be date stamped and returned to the commenter.

##### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-25-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

##### Discussion

The FAA has received reports of three incidents where the main landing gear door actuation roller on Fairchild Aircraft SA226 series airplanes contacted the lower edge of the main landing gear door lower tang. This caused the main landing gear linkage to go over-center during retraction, which locked the linkage and prevented main landing gear extension.

Fairchild Service Bulletin (SB) 226-32-059, Issued: February 14, 1991, specifies procedures for replacing the main landing gear door tangs and associated hardware on Fairchild

Aircraft SA226 series airplanes with parts of improved design, part numbers 27-55001-299 and 27-55001-301.

After examining the circumstances and reviewing all available information related to the incidents described above including the service information, the FAA has determined that AD action should be taken to prevent the inability to extend the main landing gear because of the main landing gear door actuation roller contacting the lower edge of the tang and causing the linkage to lock over-center.

Since an unsafe condition has been identified that is likely to exist or develop in other Fairchild Aircraft SA226 series airplanes of the same type design that are equipped with a P/N 27-5500-229 actuator assembly, the proposed AD would require replacing the main landing gear door tangs and associated hardware with parts of improved design. Accomplishment of the proposed action would be in accordance with Fairchild Aircraft SB 226-32-059, Issued: February 14, 1991.

The FAA estimates that 307 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 4 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$114 (two main landing gear door actuator tang kits per airplane at \$57 each) per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$108,678.

Fairchild Aircraft has informed the FAA that enough main landing gear door actuator tang kits have been distributed to equip 11 of the affected airplanes (22 kits). Assuming each of these kits is installed on an affected airplane, the cost impact upon U.S. operators of the affected airplanes would be reduced \$3,894 from \$108,678 to \$104,784.

The regulations proposed herein would not have substantial direct effects 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. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if

promulgated, 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. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

##### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

##### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 USC 106(g), 40101, 40113, 44701.

##### § 39.13 [Amended]

2. Section 39.13 is amended by adding a new AD to read as follows:

**Fairchild Aircraft:** Docket No. 95-CE-25-AD.

*Applicability:* The following airplane models and serial numbers that are equipped with a part number (P/N) 27-5500-229 actuator assembly, certificated in any category:

Model	Serial Nos.
SA226-T .....	T201 through T275 and T277 through T291.
SA226-T(B) .....	T(B) 276 and T(B) 292 through T(B) 417.
SA226-AT .....	AT001 through AT074.
SA226-TC .....	TC201 through TC419.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or

repair remove any airplane from the applicability of this AD.

**Compliance:** Required within the next 1,000 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent the inability to extend the main landing gear because of the main landing gear door actuation roller contacting the lower edge of the tang and causing the linkage to lock over-center, accomplish the following:

(a) Replace the main landing gear door actuator tangs and associated hardware, part numbers 27-55001-249 and 27-55001-250, with new tangs and hardware of improved design, part numbers 27-55001-299 and 27-55001-301. Accomplish this replacement in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Fairchild Aircraft Service Bulletin 226-32-059, Issued: February 14, 1991.

(b) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Airplane Certification Office (ACO), FAA, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

(d) All persons affected by this directive may obtain copies of the service bulletin referred to herein upon request to Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490; or may examine this service bulletin at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on July 25, 1995.

**Henry A. Armstrong,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-18713 Filed 8-4-95; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Part 206

#### RIN 1010-AC00

### Revision of Valuation Regulations Governing Coal Washing and Transportation Allowances

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Minerals Management Service (MMS) proposes to amend its Royalty Management Program (RMP) valuation regulations governing coal washing and transportation allowances regarding the timely filing of required forms.

**DATES:** Comments must be submitted on or before October 6, 1995.

**ADDRESSES:** Written comments regarding the proposed rule should be mailed or delivered to: Minerals Management Service, Royalty Management Program, Rules and Procedures Staff, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 3101, Denver, Colorado, 80225-0165.

**FOR FURTHER INFORMATION CONTACT:**

David Guzy, Chief, Rules and Procedures Staff, Telephone (303) 231-3432, Fax (303) 231-3194.

**SUPPLEMENTARY INFORMATION:** The principal author of this proposed rulemaking is Harry Corley, Valuation and Standards Division, MMS, RMP.

### I. Background

On January 13, 1989, MMS published a final rule in the **Federal Register** governing the valuation of coal for royalty computation purposes (54 FR 1492). The rulemaking provided comprehensive procedures for valuation of minerals produced from Federal and Indian lands, including regulations governing certain allowances considered in calculating and reporting royalties. The regulations provided for certain washing allowances (30 CFR §§ 206.258 and 206.259) and transportation allowances (30 CFR §§ 206.261 and 206.262) for coal.

The rulemaking distinctly changed the historical administrative practice of MMS and its predecessor agency, the U.S. Geological Survey, regarding allowances. Prior to the 1988 rule, MMS required royalty payors to obtain the agency's written approval before taking an allowance deduction in reporting and paying royalties. With the new rule, MMS adopted a self-implementing concept for allowances. Instead of requiring agency preapproval, the regulations provided for the royalty payor to file timely certain required forms as a condition for the taking of an allowance on the Report of Sales and Royalty Remittance (Form MMS-2014).

The allowance forms filing requirements of the current coal valuation regulations provide for an annual cycle for providing information to the MMS. Before the beginning of each calendar year, or during the year but before the taking of an allowance on the Form MMS-2014, payors must submit the required form for any coal

washing and coal transportation allowances that they expect to take during the year. The forms ask for information sufficient to identify the payor, the lease/revenue source/product code/selling arrangement, and an estimate of the allowance rate per unit that is anticipated for the year.

By the end of March following the allowance year, the payor must submit the same forms as before but with additional data fields completed to indicate the actual costs experienced and the allowances actually taken on Forms MMS-2014 during the year. Also, several supplementary schedules representing details of actual costs must be submitted for non-arm's-length allowances.

The filing of the actual cost forms serves several purposes for MMS and the payor. The forms provide the actual costs incurred in transporting and/or processing (washing) production for the allowance year, together with the actual allowance deductions taken on the Form MMS-2014. The forms also satisfy the regulatory requirement to have an estimated cost allowance form on file for the succeeding allowance year.

The consequences of a payor's noncompliance with the forms filing requirements of the regulations are monetarily significant. Simply stated, if a payor takes an allowance deduction against royalty value on the Form MMS-2014 without a required form on file, the payor is subject to loss of allowance and to late-payment interest charges. The concept of the regulations is that a required form must be on file before the taking of an allowance; if a payor does not meet this requirement MMS considers the allowance to be lost by the payor. Consequently, the payor is directed to pay back the allowance and, after payback, is charged a late payment interest amount associated with the lost allowance. The current regulations provide for a "grace period" of three months that gives payors a window of time to comply with the forms filing requirements of the regulations without losing an allowance. The grace period permits lessees to retain allowances reported on a Form MMS-2014 for up to three months prior to the month that a required allowance form is filed with MMS. Although a payor will not experience a loss of allowance for the grace period, MMS will assess the payor a late payment interest charge from the date of the taking of the allowance on Form MMS-2014 to the receipt date of the filing of the required allowance form. By regulation, MMS may approve a grace period longer than three months upon a showing of good cause by the lessee.