

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 60

RIN 3150-AE40

#### Clarification of the Assessment Requirements for the Siting Criteria and Performance Objectives

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule: Withdrawal.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is withdrawing a proposed rule that would clarify uncertainties in regulations that contain generic criteria governing the disposal of high-level radioactive wastes (HLW) in geologic repositories. Because the NRC is developing site-specific disposal regulations for Yucca Mountain, Nevada, consistent with the Energy Policy Act of 1992 (EnPA), the proposed rule is being withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Janet P. Kotra, Performance Assessment and High-Level Waste Integration Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, 11545 Rockville Pike, Rockville, Maryland 20852-2738. Telephone 301/415-6674. E-mail JPK@NRC.GOV.

**SUPPLEMENTARY INFORMATION:** Existing NRC regulations at 10 CFR part 60, initially issued in 1983, contain generic criteria governing the disposal of HLW in a geologic repository. On July 9, 1993 (58 FR 36902), the NRC published, for public comment, proposed amendments intended to clarify certain regulatory uncertainties in those regulations related to the investigation and evaluation of potentially adverse conditions at potential repository sites. The public comment period ended on October 7, 1993.

In anticipation of the results of a National Academy of Science (NAS) study undertaken in response to the EnPA, as well as Congressional activity

with respect to the Nuclear Waste Policy Act of 1982, as amended, the Commission decided not to issue a final rule and directed the NRC staff to withdraw the proposed rulemaking and reconsider the need for it when the legislative environment had stabilized. The purpose of this **Federal Register** notice is to announce the NRC's withdrawal of this proposed rule.

At present, the NRC staff has considered and is implementing a strategy for developing site-specific disposal regulations that would apply solely to the proposed geologic repository at Yucca Mountain, and is deferring the updating of 10 CFR part 60 generic requirements to a later date. These site-specific regulations will be promulgated consistent with EnPA, which also requires the Environmental Protection Agency to issue radiation standards for a geologic repository at Yucca Mountain, based on and consistent with the 1995 findings and recommendations of the NAS. A proposed rule will be published for public comment by the end of the calendar year.

The NRC staff's strategy for developing the site-specific disposal regulations for Yucca Mountain can be found in a Commission Paper, designated SECY-97-300, that is dated December 24, 1997. This strategy was approved by the Commission in an SRM dated March 6, 1998. The Commission Paper, the SRM, and associated documents are available for public inspection and/or copying at the NRC Public Document Room located at 2120 L Street (lower level), NW, Washington, DC 20012-7082. Telephone: 202-512-2249.

Dated at Rockville, Maryland, this 31st day of August, 1998.

For the Nuclear Regulatory Commission.

**John C. Hoyle,**

*Secretary of the Commission.*

[FR Doc. 98-24007 Filed 9-4-98; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-217-AD]

RIN 2120-AA64

#### Airworthiness Directives; British Aerospace Model Viscount 744, 745, 745D, and 810 Series Airplanes

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

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

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to all British Aerospace Model Viscount 700, 800, and 810 series airplanes, that currently requires repetitive inspections to detect cracks and corrosion in the inboard and outboard engine nacelle structures on the wings; replacement of any cracked fittings and mating struts; and treatment or replacement of any corroded fittings or struts. This action would require repetitive inspections to detect cracking or corrosion of the eye end fittings of the outboard engine lower support or of the bore of the taper pin holes, and repair, if necessary. This action also would limit the applicability of the existing AD. This proposal is prompted by reports of cracked and separated lower eye end fittings. The actions specified by the proposed AD are intended to detect and correct cracking of the eye end fittings of the outboard engine lower support, which could result in reduced structural integrity of the engine nacelle support structures.

**DATES:** Comments must be received by October 8, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-217-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace Regional Aircraft Limited, Chadderton Division, Engineering Support, Greengate,

Middleton, Manchester M24 1SA, England. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**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 shall 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 summarizing 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 Number 98-NM-217-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, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-217-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

On September 10, 1990, the FAA issued AD 90-20-17, amendment 39-6744 (55 FR 38539, September 19, 1990), applicable to all British Aerospace Model Viscount 700, 800, and 810 series airplanes, to require repetitive visual, x-ray, ultrasonic, and dye penetrant inspections to detect cracks and corrosion in the inboard and

outboard engine nacelle structures on the left and right wings; replacement of any cracked fittings and mating struts; and treatment or replacement of any corroded fittings or struts. That action was prompted by reports indicating that nacelle lower eye end fittings had cracked and separated due to fatigue failure or stress corrosion. The requirements of that AD are intended to detect and correct fatigue or stress corrosion cracking of the nacelle lower eye end fittings, which could result in reduced structural integrity of the engine nacelle support structures.

**Actions Since Issuance of Previous Rule**

Since the issuance of AD 90-20-17, the Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, has determined that long-term continued operational safety would be better assured by using eddy current inspections, rather than visual, x-ray, ultrasonic, and dye penetrant inspections, to detect cracking and corrosion in engine nacelle support structures. British Aerospace has issued new service information to reflect this determination.

**Explanation of Relevant Service Information**

British Aerospace has issued Preliminary Technical Leaflet (PTL) No. 326, Issue 2, including Appendices 1 and 2, all dated December 1, 1994 (for Model Viscount 744, 745, and 745D series airplanes). British Aerospace also has issued PTL 197, Issue 3, including Appendices 1 and 2, all dated November 20, 1993 (for Model Viscount 810 series airplanes). Those PTL's describe procedures for repetitive eddy current inspections to detect cracking or corrosion of the eye end fittings of the outboard engine lower support and of the bore of the taper pin holes in the engine nacelle subframes, tubes, and fittings. The CAA classified these PTL's as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

**FAA's Conclusions**

These airplane models are manufactured in the United Kingdom and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary

for products of this type design that are certificated for operation in the United States.

**Explanation of Requirements of Proposed Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 90-20-17 to require new repetitive eddy current inspections to detect cracking or corrosion of the eye end fittings of the outboard engine lower support or of the bore of the taper pin holes, and repair, if necessary. The proposed AD also would limit the applicability of the existing AD. The actions would be required to be accomplished in accordance with the PTL's described previously, except as discussed below.

**Differences Between Proposed Rule and Preliminary Technical Leaflets**

Operators should note that, although the PTL's specify that the manufacturer may be contacted for disposition of repair conditions, this proposal would require the repair of those conditions to be accomplished in accordance with a method approved by either the FAA, or the CAA (or its delegated agent). In light of the type of repair that would be required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that, for this proposed AD, a repair approved by either the FAA or the CAA would be acceptable for compliance with this proposed AD.

**Explanation of Revisions to Applicability**

The applicability of the proposed AD has been reduced to include only Model Viscount 744, 745, and 745D series airplanes on which British Aerospace Modification D3227 has not been accomplished, and Model Viscount 810 series airplanes, on which British Aerospace Modification FG 2103 has not been accomplished. This change is necessary to incorporate restrictions to the effectivity of the PTL's that are specified in the Compliance paragraph of each PTL.

**Other Relevant Rulemaking**

The FAA previously has issued AD 98-12-17, amendment 39-10444 (63 FR 31347, June 9, 1998), which is applicable to all British Aerospace Model Viscount 744, 745, 745D, and 810 series airplanes. That AD requires repetitive inspections to detect cracking

and corrosion of components of the engine nacelle subframe structure; corrective action, if any cracking or corrosion is found; and replacement of any component that has reached its life limit with a new or serviceable component. That AD references British Aerospace Viscount Alert Preliminary Technical Leaflet (PTL) 500, dated January 1, 1993; including Appendices 1 through 4 inclusive, dated November 1992, and Appendix 5, dated October 1992; as the appropriate sources of service information for accomplishment of the actions required by AD 98-12-17. PTL 500 superseded and canceled British Aerospace Viscount Alert PTL No. 122, Issue 4, and British Aerospace Viscount Alert PTL No. 258, Issue 4, which were referenced in AD 90-20-17 as appropriate sources of service information for accomplishment of certain actions required by that AD. For this reason, those actions would not be mandated by this new proposed AD.

#### Cost Impact

There are approximately 29 airplanes of U.S. registry that would be affected by this proposed AD.

The new eddy current inspections that are proposed in this AD action would take approximately 2 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be \$3,480, or \$120 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

#### Regulatory Impact

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 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) 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 is contained 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 U.S.C. 106(g), 40113, 44701.

##### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-6744 (55 FR 38539, September 19, 1990), and by adding a new airworthiness directive (AD), to read as follows:

**British Aerospace Regional Aircraft Limited (Formerly British Aerospace Commercial Aircraft Limited, Vickers-Armstrongs Aircraft Limited):** Docket 98-NM-217-AD. Supersedes AD 90-20-17, amendment 39-6744.

**Applicability:** Model Viscount 744, 745, and 745D series airplanes, on which British Aerospace Modification D3227 has not been accomplished; and Model Viscount 810 series airplanes, on which British Aerospace Modification FG 2103 has not been accomplished; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To detect and correct cracking of the eye end fittings of the outboard engine lower support, which could result in reduced structural integrity of the engine nacelle support structures, accomplish the following:

(a) Perform an eddy current inspection to detect cracking or corrosion of the eye end fittings of the outboard engine lower support, or of the bore of the taper pin holes, in accordance with the Accomplishment Instructions of British Aerospace Preliminary Technical Leaflet (PTL) No. 326, Issue 2, including Appendices 1 and 2, all dated December 1, 1994 (for Model Viscount 744, 745, and 745D series airplanes); or PTL 197, Issue 3, including Appendices 1 and 2, all dated November 20, 1993 (for Model Viscount 810 series airplanes); at the applicable time specified in either paragraph (a)(1) or (a)(2) of this AD. Thereafter, repeat the inspection at intervals not to exceed 900 landings.

(1) For Model Viscount 744, 745, and 745D series airplanes: Inspect within 3 months after the effective date of this AD.

(2) For Model Viscount 810 series airplanes: Inspect within 900 landings after the last inspection performed in accordance with PTL 197, Issue 2, dated July 10, 1992; or within 3 months after the effective date of this AD, whichever occurs later.

(b) If any cracking is found during any inspection performed in accordance with paragraph (a) of this AD, prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate; or the Civil Aviation Authority (or its delegated agent).

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(d) Special flight permits may be issued in accordance with §§ 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.

Issued in Renton, Washington, on September 1, 1998.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 98-24064 Filed 9-4-98; 8:45 am]

**BILLING CODE 4910-13-U**