

affecting international trade or the environment?

We are also asking the public to address any other issues that they consider appropriate in connection with the importation of SWPM.

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151-167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 13th day of January 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 31 and 32

RIN 3150-AD82

Requirements Concerning the Accessible Air Gap for Generally Licensed Devices

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule: withdrawal.

SUMMARY: The Nuclear Regulatory Commission (NRC) is withdrawing a proposed rulemaking that would have amended the Commission's regulations to provide additional regulatory control over certain measuring, gauging, and controlling devices to prevent unnecessary radiation exposure to individuals resulting from the use of the devices that contain radioactive sources. This proposed rule would have addressed only generally licensed devices. It did not include devices subject to specific licenses. The NRC is conducting a risk review of the current licensing and inspection programs and licensees' activities for both generally and specifically licensed devices. The risk review will determine the risk associated with licensees' activities by determining and relating the probabilities of the occurrence and consequences of events during use and likely accidents involving radioactive material. The NRC will determine from the results of the risk review the need to develop restructured licensing and inspection programs for material licensees and the associated rulemaking for implementing these programs. Therefore, pending the results of the risk review and the need for a comprehensive rulemaking, and because the proposed rule did not include both generally and specifically licensed devices, the Commission is withdrawing this proposed rule.

ADDRESSES: The Commission paper, the staff requirements memoranda (SRM), and associated documents are available for public inspection and/or copying for a fee at the NRC Public Document Room located at 2120 L Street, NW. (Lower Level), Washington, DC 20003-1527, telephone: (202) 634-3273.

FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6219, e-mail jmm2@nrc.gov.

SUPPLEMENTARY INFORMATION: On November 27, 1992 (57 FR 56287), the Commission published a notice of proposed rulemaking in the **Federal Register** entitled "Requirements Concerning the Accessible Air Gap for Generally Licensed Devices." The proposed rule would have amended the Commission's regulations to provide additional regulatory control over certain measuring, gauging, and controlling devices distributed by manufacturers and used by persons under NRC's general license provisions. The rulemaking would have affected devices with an accessible air gap or radiation levels that exceed a specified value. This rulemaking would have made it increasingly difficult for personnel to obtain access to the device's radiation beam, thereby reducing the frequency and likelihood of unnecessary radiation exposure. The rulemaking applied to persons who distribute these special measuring, gauging, and controlling devices under the NRC general license provisions, and to persons who use the devices under the general license.

The NRC received 5 comment letters on the proposed rule. Three comments were received from manufacturers and two comments were received from device users. Development of the final rule was suspended. On July 2, 1996, the NRC/Agreement State Working Group (WG) issued a final report concerning its evaluation of current regulations on generally and specifically licensed devices and provided recommendations to increase licensees' accountability regarding these devices. The staff's evaluation of the WG recommendations was provided to the Commission. The subsequent SRM dated December 31, 1996, requested a response to specific issues raised by the Commission in SECY-96-221. On November 26, 1997, the NRC staff provided for the Commission's consideration SECY-97-273, entitled "Improving NRC's Control Over, and Licensees' Accountability for, Generally and Specifically Licensed Devices."

Included as an attachment to this Commission paper was the SRM, entitled "Responses to Issues Included in the December 31, 1996, Staff Requirement Memorandum." Additional recommendations from the NRC staff that were not addressed in the WG report, such as proceeding with or dropping the air gap rule, were discussed. Subsequently, an SRM dated April 13, 1998, directed the NRC staff to terminate the proposed rulemaking.

This proposed rule addressed only generally licensed devices and has been on hold for the last five years. The NRC's current strategy for both generally and specifically licensed devices, is to perform a comprehensive risk review of the licensing and inspection programs, including licensees' activities. The results will be used to develop new risk-based licensing and inspection programs and will be approved by the Commission before they are implemented. In addition, the risk review will determine whether a similar rulemaking should be developed. Because of these actions, the Commission is withdrawing this proposed rulemaking.

Dated at Rockville, Maryland, this 12th day of January, 1999.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-219-AD]

RIN 2120-AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN-235 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain CASA Model CN-235 series airplanes. This proposal would require a one-time visual inspection to detect relative movement or deformation of the joint areas of the rear attaching supports and lower skin of the left and right outer flaps; repetitive borescopic inspections to detect cracking of the spar and of the