

requirements of part 20 of this chapter, and retain for 3 years a record of each survey that includes the time and date of the survey, a plan of the area or list of points surveyed, the measured dose rate at several of these points expressed in millirem per hour, the instrument used to make the survey, and the name of the individual who made the survey.

* * * * *

22. In § 35.641, paragraphs (a)(2)(i) and (a)(2)(ii) are revised to read as follows:

§ 35.641 Radiation surveys for teletherapy facilities.

(a) * * *

(2) * * *

(i) Radiation dose rates in restricted areas are not likely to cause any occupationally exposed individual to receive a dose in excess of the limits specified in § 20.1201 of this chapter; and

(ii) Radiation dose rates in unrestricted areas are not likely to cause any individual member of the public to receive a dose in excess of the limits specified in § 20.1301 of this chapter.

* * * * *

23. In § 35.643, paragraphs (a) introductory text and (a)(1) are revised to read as follows:

§ 35.643 Modification of teletherapy unit or room before beginning a treatment program.

(a) If the survey required by § 35.641 indicates that any individual member of the public is likely to receive a dose in excess of the limits specified in § 20.1301 of this chapter, the licensee shall, before beginning the treatment program:

(1) Either equip the unit with stops or add additional radiation shielding to ensure compliance with § 20.1301 of this chapter.

* * * * *

PART 36—LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS

24. The authority citation for part 36 continues to read as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

25. In § 36.23, paragraph (g) is revised to read as follows:

§ 36.23 Access control.

* * * * *

(g) Each entrance to the radiation room of a panoramic irradiator and each

entrance to the area within the personnel access barrier of an underwater irradiator must be posted as required by § 20.1902. Radiation postings for panoramic irradiators must comply with the posting requirements of § 20.1902, except that signs may be removed, covered, or otherwise made inoperative when the sources are fully shielded.

* * * * *

PART 39—LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL LOGGING

26. The authority citation for part 39 continues to read as follows:

Authority: Secs. 53, 57, 62, 63, 65, 69, 81, 82, 161, 182, 183, 188, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

27. In § 39.33, paragraph (a) is revised to read as follows:

§ 39.33 Radiation detection instruments.

(a) The licensee shall keep a calibrated and operable radiation survey instrument capable of detecting beta and gamma radiation at each field station and temporary jobsite to make the radiation surveys required by this part and by part 20 of this chapter. To satisfy this requirement, the radiation survey instrument must be capable of measuring 0.1 mrem (0.001 mSv) per hour through at least 50 mrem (0.5 mSv) per hour.

* * * * *

§ 39.71 [Amended]

28. In § 39.71, paragraph (b) is amended by removing the reference to “§ 20.3” and adding “§ 20.1003.”

Dated at Rockville, Maryland, this 5th day of September 1996.

For the Nuclear Regulatory Commission.
James M. Taylor,
Executive Director for Operations.
[FR Doc. 96-25486 Filed 10-4-96; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-163-AD]

RIN 2120-AA64

Airworthiness Directives; Transport Category Airplanes Equipped with Day-Ray Products, Inc., Fluorescent Light Ballasts

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 any transport category airplane that is equipped with certain Day-Ray fluorescent light ballasts installed in the upper and/or lower cabin sidewall. This proposal would require a visual inspection to determine the type of fluorescent light ballasts installed in the cabin sidewall, and either the replacement of suspect ballasts or the installation of a protective cover over the ballast. This proposal is prompted by reports of smoke, fumes, and/or electrical fire emitting from the baggage bin of the aft passenger compartment due to the failure of the fluorescent light ballasts. The actions specified by the proposed AD are intended to prevent the potential for a fire in the passenger compartment resulting from failure of the fluorescent light ballast of the cabin sidewall.

DATES: Comments must be received by November 18, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-163-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 Day Ray Products, Inc., 1133 Mission Street, South Pasadena, California 91031; or Hexcel Corporation, Heath Tecna Interiors, 3225 Woburn Street, Bellingham, Washington 98226; or McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60).

This information may be examined at the FAA, Transport Airplane

Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: J. Kirk Baker, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5345; fax (310) 627-5210.

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 96-NM-163-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-103, Attention: Rules Docket No. 96-NM-163-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On May 22, 1996, the FAA issued AD 96-11-13, amendment 39-9638 (61 FR 27251, May 31, 1996) which is applicable to McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes. Among other things,

that AD requires a visual inspection to determine the type of fluorescent light ballasts installed in the cabin sidewall; and either installation of a protective cover, replacement, or removal/disconnection, if necessary. That AD was prompted by at least two reports of smoke, fumes, and/or electrical fire emitting from the baggage bin of the aft passenger compartment and from the dust barriers of the outboard ceiling panel on McDonnell Douglas Model DC-9-82 (MD-82) series airplanes. Investigation revealed that the design of certain Day-Ray Products fluorescent light ballast assemblies, as installed on the incident airplanes, allows moisture condensation to enter into the ballast case during altitude changes. The effects of such moisture subsequently contaminate the printed circuit card, which can result in a short circuit that ruptures the ballast casing and emits fire. This condition, if not corrected, could result in a fire in the passenger compartment.

Since issuance of that AD, the FAA has identified additional light ballasts manufactured by Day-Ray that are susceptible to the same problems addressed by that AD. These suspect light ballasts may be installed in any number of models of transport category airplanes, and, specifically, on airplanes with interiors that have been configured by means of certain supplemental type certificates (STC) issued to C&D Aerospace and Heath Tecna Interiors. In order to prevent the potential for a fire in the passenger compartment resulting from failure of the fluorescent light ballast of the cabin sidewall, the FAA has determined that additional AD action must be taken to address these light ballasts.

Explanation of Relevant Service Information

The FAA has reviewed and approved the following service bulletins, each of which describes procedures for inspecting light ballasts to determine their part number, removing suspect ballasts, and installing improved ballasts that are manufactured by Bruce Industries:

1. McDonnell Douglas DC-9 Service Bulletin DC9-33-103, dated May 30, 1995;
2. McDonnell Douglas MD-80 Service Bulletin MD80-33A107, Revision 01, dated August 30, 1996;
3. McDonnell Douglas DC-10 Service Bulletin DC10-33-073, dated June 18, 1996;
4. Heath Tecna Alert Service Bulletin ESCI-33-A2, Revision 1, dated July 24, 1996, for all McDonnell Douglas Model DC-(MD-80) series airplanes retrofitted

with the Heath Tecna Contemporary Deep Rack Interior (CDRI) and the Heath Tecna Extended Spacial Concept Interior (ESCI or ESCI III);

5. Heath Tecna Alert Service Bulletin MarkI-33-A2, Revision 1, dated July 24, 1996, for all McDonnell Douglas Model DC-8 series airplanes retrofitted with the Heath Tecna Mark I interior;

6. Heath Tecna Alert Service Bulletin MarkI-33-A3, Revision 1, dated July 24, 1996, for all Boeing Model 707 series airplanes retrofitted with the Heath Tecna Mark I interior;

7. Heath Tecna Alert Service Bulletin MarkI-33-A4, Revision 1, dated July 24, 1996, for all Boeing Model 727 series airplanes retrofitted with the Heath Tecna Mark I interior;

8. Heath Tecna Alert Service Bulletin MarkI-33-A5, Revision 1, dated July 24, 1996, for all Boeing Model 737 series airplanes retrofitted with the Heath Tecna Mark I interior;

9. Heath Tecna Service Bulletin Spmk-33-A1, Revision 1, dated July 24, 1996, for all Boeing Model 727 series airplanes retrofitted with the Heath Tecna Spacemaker II or Spacemaker IIa interior;

10. Heath Tecna Service Bulletin Spmk-33-A2, Revision 1, dated July 24, 1996, for all Boeing Model 737 series airplanes retrofitted with the Heath Tecna Spacemaker II or Spacemaker IIa interior.

The FAA also has reviewed and approved Day-Ray Alert Service Bulletin 33A01, dated March 25, 1996, which describes procedures for installing a protective cover over the overhead and sidewall cabin lighting ballasts. This installation will minimize the possibility of uncontained smoke and flame due to failure of the ballasts.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a one-time visual inspection to determine the type of fluorescent light ballasts installed in the upper and lower cabin sidewall. For airplanes on which any Day-Ray Products light ballast is installed, this AD also requires accomplishment of one of the following actions:

1. replacement of that ballast with a Bruce Industries light ballast, or
2. installation of a protective cover on the light ballast.

The actions would be required to be accomplished in accordance with the service bulletins described previously.

The proposed compliance time of 12 months for these actions was selected in

consideration of not only the safety implications associated with addressing the subject unsafe condition, but the availability of required parts and the practical aspect of accomplishing the required actions within an interval of time that parallels normally scheduled maintenance for the majority of affected operators.

Cost Impact

There are approximately 2,500 transport category airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,800 airplanes of U.S. registry would be affected by this proposed AD.

To accomplish the proposed inspection, it would take approximately 6 work hours per airplane, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this proposed inspection on U.S. operators is estimated to be \$360 per airplane.

To replace the light ballasts would require approximately 33 work hours per airplane, at an average labor rate of \$60 per work hour. Required parts would average approximately \$8,550 per airplane, which represents a cost of \$150 per ballast and an average of 57 ballasts per airplane. Based on these figures, the cost impact of this proposed replacement on U.S. operators is estimated to be \$10,530 per airplane.

To modify the sidewall lighting by installing a protective cover would require approximately 18 work hours per airplane, at an average labor rate of \$60 per work hour. Required parts would average approximately \$285 per airplane, which represents a cost of \$5 per cover and an average of 57 ballasts per airplane. Based on these figures, the cost impact of this proposed modification on U.S. operators is estimated to be \$1,365 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the 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 adding the following new airworthiness directive:

Transport Category Airplanes: Docket 96–NM–163–AD.

Applicability: Airplanes equipped with Day-Ray Products, Inc., cabin sidewall fluorescent light ballasts having part numbers listed in Table 1 of this AD; including, but not limited to, McDonnell Douglas Model DC–9, DC–9–80, MD–88, DC–10, and C–9 (military) series airplanes, and Boeing Model 707, 727, and 737 series airplanes; certificated in any category.

TABLE 1.—FLUORESCENT LIGHT BALLASTS SUBJECT TO THIS AD

Name	Part No.
Day Ray	69–10
	69–10–1
	69–68
	69–68–1
	69–69
	69–69–1
	70–94
	70–94–1
	83–12
	83–12–1

Note 1: This AD does not apply to airplanes that are equipped with solid state electronic light ballast systems.

Note 2: This AD applies to all transport category airplanes equipped with the light ballasts identified in the preceding applicability provision, regardless of whether the airplane 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 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 prevent the potential for a fire in the passenger compartment resulting from failure of the fluorescent light ballast of the cabin sidewall, accomplish the following:

(a) Within 12 months after the effective date of this AD, perform a one-time visual inspection to determine the type of fluorescent light ballasts installed in the upper and lower cabin sidewall. If any ballast installed has a part number that is listed in Table 1 of this AD, prior to further flight, accomplish the actions specified in either paragraph (a)(1) or (a)(2) of this AD:

(1) Remove the Day-Ray light ballast and replace it with a light ballast manufactured by Bruce Industries, in accordance with the applicable service bulletin(s) listed in Table 2 of this AD. Or

(2) Install a protective cover over the light ballast, in accordance with Day-Ray Alert Service Bulletin 33A01, dated March 25, 1996.

TABLE 2.—SERVICE BULLETINS CONTAINING INSTRUCTIONS FOR ACCOMPLISHING THE REQUIREMENTS OF THIS AD

Service bulletin number and date	Affected airplanes
McDonnell Douglas, DC-9 Service Bulletin DC9-33-103, May 30, 1995	Model DC-9-30, -40, and -50 series airplanes listed in effectivity of service bulletin.
McDonnell Douglas, MD-80 Service Bulletin MD80-33A107, Revision R01, August 30, 1996.	Model DC-9-80 series and Model MD-88 airplanes listed in effectivity of service bulletin.
McDonnell Douglas, DC-10 Service Bulletin DC10-33-073 June 18, 1996.	Model DC-10-10, -15, -30, and -40 series and KC-10A airplanes listed in effectivity of service bulletin
Heath Tecna, Alert Service Bulletin ESCI-33-A2, Revision 1, July 24, 1996.	McDonnell Douglas Model DC-9-80 (MD-80) series airplanes retrofitted with Heath Tecna Contemporary Deep Rack Interior (CDRI) and Heath Tecna Extended Special Concept Interior (ESCI or ESCI III)
Heath Tecna, Alert Service Bulletin MarkI-33-A2, Revision 1, July 24, 1996.	McDonnell Douglas Model DC-8 series airplanes retrofitted with Heath Tecna Mark I interior
Heath Tecna, Alert Service Bulletin MarkI-33-A3, Revision 1, July 24, 1996.	Boeing Model 707 series airplanes retrofitted with the Heath Tecna Mark I interior.
Heath Tecna, Alert Service Bulletin MarkI-33-A4, Revision 1, July 24, 1996.	Boeing Model 727 series airplanes retrofitted with the Heath Tecna Mark I interior.
Heath Tecna, Alert Service Bulletin MarkI-33-A5, Revision 1, July 24, 1996.	Boeing Model 737 series airplanes retrofitted with the Heath Tecna Mark I interior.
Heath Tecna, Service Bulletin Spmk MarkI-33-A1, Revision 1, July 24, 1996.	Boeing Model 727 series airplanes retrofitted with the Heath Tecna Spacemaker II or Spacemaker IIa interior.
Heath Tecna, Service Bulletin Spmk-33-A2, Revision 1, July 24, 1996	Boeing Model 737 series airplanes retrofitted with the Heath Tecna Spacemaker II or Spacemaker IIa interior.

(b) As of the effective date of this AD, no person shall install in the upper or lower cabin sidewall of any airplane a Day-Ray fluorescent light ballast having a part number listed in Table 1 of this AD, unless a protective cover is installed on the ballast in accordance with Day-Ray Alert Service Bulletin 33A01, dated March 25, 1996.

(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, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(d) 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.

Issued in Renton, Washington, on September 30, 1996.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-25575 Filed 10-04-96; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 71

[Airspace Docket No. 96-ANM-026]

Proposed Amendment of Class E Airspace; Forsyth, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This proposed rule would amend the Forsyth, Montana, Class E airspace to accommodate a new Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to the Tillett Field Airport. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before November 29, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, ANM-530, Federal Aviation Administration, Docket No. 96-ANM-026, 1601 Lind Avenue S.W., Renton, Washington 98055-4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: James C. Frala, ANM-532.4, Federal Aviation Administration, Docket No. 96-ANM-026, 1601 Lind Avenue S.W., Renton, Washington 98055-4056; telephone number: (206) 227-2535.

SUPPLEMENTARY INFORMATION:
Comments Invited

Interest parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments

are specifically invited on the overall regulatory aeronautical, economic, environmental, and energy related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No 96-ANM-026." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations Branch, ANM-530, 1601 Lind Avenue S.W., Renton, Washington 98055-0456. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future