

and weight range and the number of days grazing occurred, and the amount and type of feed fed such grazing animals during any grazing period within the crop year.

(f) Animal Unit Day adjustments, as determined by CCC, may be calculated when a producer of forage predominantly grazed, provides adequate evidence, as determined by CCC, that unit forage management and maintenance practices provide different carrying capacity than practices generally provided forage acreage used to calculate the approved county expected carrying capacity.

8. Amend § 1437.9 to revise paragraph (b)(2) to read as follows:

**§ 1437.9 Loss Requirements.**

\* \* \* \* \*

(b) \* \* \*

(2) The failure of the producer to reseed or replant to the same crop in the county where it is practicable to reseed or replant;

\* \* \* \* \*

9. Amend § 1437.11 to revise the introductory text and add paragraph (c) to read as follows:

**§ 1437.11 Payments for reduced yields and prevented planting.**

In the event that the area loss requirement has been satisfied for the crop and:

\* \* \* \* \*

(c) The producer has sustained a loss of forage determined by CCC to be predominantly grazed in accordance with § 1437.7(l), in excess of 50 percent of the producer's expected Animal Unit Day established for the unit, the NAP payment will be determined by:

(1) Dividing the unit acreage for each species or type or variety identified on the unit by the approved carrying capacity and multiplying the result by the corresponding grazing days used as the basis for determination of the carrying capacity, totaling the result for each species or types and varieties.

(2) Multiplying the result of paragraph (c)(1) of this section by 50 percent.

(3) Multiplying the number of animals grazed by the daily allowance of corn according to type and weight range and divide the result by pounds of corn CCC determines is necessary to provide the daily energy requirement for one animal unit.

(4) Multiplying the result of paragraph (c)(3) of this section by the number of days grazing occurred to determine gross actual AUD.

(5) Adding AUD for ineligible causes of loss and incidental mechanically harvested Category 1 forage to the result of paragraph (c)(4) of this section.

(6) Subtracting AUD or equivalent value of supplemental feed fed to the grazing livestock during the crop year from the result of paragraph (c)(5) of this section.

(7) Subtracting the result of paragraph (c)(6) of this section from the result of paragraph (c)(2) of this section. If a zero or negative number results, payment cannot be calculated.

(8) Multiplying the positive result of paragraph (c)(7) of this section by:

(i) For the 1997 through 1998 crop years, 60 percent of the average market price, as determined by CCC, or any comparable coverage, as determined by CCC; or

(ii) For the 1999 and subsequent years, 55 percent of the average market price, as determined by CCC, or any comparable coverage, as determined by CCC.

Signed at Washington, DC, on October 8, 1997.

**Keith Kelly,**

*Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 97-27432 Filed 10-16-97; 8:45 am]

BILLING CODE 3410-01-P

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

RIN 3150-AF73

### Codes and Standards; IEEE National Consensus Standard

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule.

**SUMMARY:** The Nuclear Regulatory Commission is amending its regulations to incorporate by reference IEEE Std. 603-1991, a national consensus standard for power, instrumentation, and control portions of safety systems in nuclear power plants. This action is necessary to endorse the latest version of this national consensus standard in NRC's regulations, and replace an IEEE standard currently endorsed in the NRC's regulations which has been withdrawn by the IEEE.

**EFFECTIVE DATE:** The final rule is effective on January 1, 1998, unless significant adverse comments are received by December 1, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**. The incorporation by reference of IEEE Std. 603-1991 is approved by the Director of the Federal Register as of January 1, 1998.

**ADDRESSES:** Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; Attention: Rulemakings and Adjudications Staff. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

**FOR FURTHER INFORMATION CONTACT:** Satish K. Aggarwal, Senior Program Manager, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 415-6005, Fax (301) 415-5074 (e-mail: SKA@NRC.GOV).

**SUPPLEMENTARY INFORMATION:** NRC considers this rulemaking, which endorses IEEE Std. 603-1991, to be noncontroversial because, as noted in the background discussion, there was no adverse public comment on the regulatory guide endorsing this standard. Accordingly, the Commission finds that public notice and opportunity for comment are unnecessary pursuant to 5 U.S.C. 553(b)(B). Thus, the Commission is publishing this rule in final form without seeking public comments on the amendment in a proposed rule. This action will become effective on January 1, 1998. However, if the NRC receives significant adverse comments by December 1, 1997, then the NRC will publish a document that withdraws this action, and will address the comments received in response to an identical proposed rule which is being concurrently published in the proposed rules section of this **Federal Register**. Any significant adverse comments will be addressed in a subsequent final rule. The NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

### Background

In 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities," § 50.55a requires that the protection systems in nuclear power plants meet the requirements set forth in IEEE Std. 279, "Criteria for Protection Systems for Nuclear Power Generating Stations," in effect on the formal docket date of the application. However, IEEE Std. 279 is obsolete, has been withdrawn by IEEE and has now been superseded by IEEE Std. 603-1991, "Criteria for Safety Systems for Nuclear Power Generating Stations."

In November 1995, the NRC staff issued for public comment a draft regulatory guide, DG-1042, which was proposed Revision 1 to Regulatory Guide 1.153, "Criteria for Safety Systems." This draft regulatory guide proposed to endorse IEEE Std. 603-1991

(including the correction sheet dated January 30, 1995). Because there were no adverse public comments to Revision 1 to Regulatory Guide 1.153, the Commission believes that there is general public consensus that IEEE Std. 603-1991 provides acceptable criteria for safety systems in nuclear power plants.

#### Discussion

The direct final rule incorporates a national consensus standard, IEEE Std. 603-1991, for establishing minimal functional and design requirements for power, instrumentation, and control portions of safety systems for nuclear power plants into NRC regulations. This action is consistent with the provisions of the National Technology Transfer and Advancement Act of 1995, Pub. L. 104-113, which encourages Federal regulatory agencies to consider adopting industry consensus standards as an alternative to de novo agency development of standards affecting an industry. This action is also consistent with the NRC policy of evaluating the latest versions of national consensus standards in terms of their suitability for endorsement by regulations or regulatory guides.

Currently, 10 CFR 50.55 a(h) specifies that "protection systems" for plants with construction permits issued after January 1, 1971, must meet the requirements in IEEE Std. 279 in effect on the formal docket date of the application for a construction permit. IEEE Std. 279 states that a "protection system" encompasses all electric and mechanical devices and circuitry (from sensors to actuation device input terminals) involved in generating those signals associated with the protective function. These signals include those that actuate reactor trip and that, in the event of a serious reactor accident, actuate engineered safeguards such as containment isolation, core spray, safety injection, pressure reduction, and air cleaning. "Protective Function" is defined by IEEE Std. 279, as "the sensing of one or more variables associated with a particular generating station condition, signal processing, and the initiation and completion of the protective action at values of the variables established in the design bases."

IEEE Std. 603-1991 uses the term "safety systems" rather than "protection systems." A "safety system" is defined by IEEE Std. 603-1991 as "a system that is relied upon to remain functional during and following design basis events to ensure: (i) The integrity of the reactor coolant pressure boundary, (ii) the capability to shut down the reactor

and maintain it in a safe shut down condition, or (iii) the capability to prevent or mitigate the consequences of accidents that could result in potential off-site exposures comparable to the 10 CFR part 100 guidelines." A "safety function" is defined by IEEE Std. 603-1991 as "one of the processes or conditions (for example, emergency negative reactivity insertion, post-accident heat removal, emergency core cooling, post-accident radioactivity removal, and containment isolation) essential to maintain plant parameters within acceptable limits established for a design basis event."

The Commission considers that the systems covered by IEEE Std. 603-1991 and IEEE Std. 279-1971 are the same. Therefore, for purposes of paragraph (h) of 10 CFR 50.55a, "protection systems," and "safety systems" are synonymous. The Commission notes that these two terms are also synonymous with the term "safety-related systems," used elsewhere in the Commission's regulations. Therefore, licensees are expected to apply IEEE Std. 279-1971 and IEEE Std. 603-1991, as appropriate, to "safety-related systems."

This rule mandates the use of IEEE Std. 603-1991 (including the correction sheet dated January 30, 1995) for future nuclear power plants, including final design approvals, design certifications and combined licenses under 10 CFR part 52. Current licensees may continue to meet the requirements set forth in the edition or revision of IEEE Std. 279 in effect on the formal date of their application for a construction permit or may, at their option, use IEEE Std. 603-1991, provided they comply with all applicable requirements for making changes to their licensing basis. However, changes to protection systems in operating nuclear power plants initiated on or after January 1, 1998 must meet the requirements in IEEE Std. 603-1991. For purposes of this rule, "changes" to protection systems include (i) modifications, augmentation or replacement of protection systems permitted by license amendments, (ii) changes made by the licensees pursuant to procedures in 10 CFR 50.59, and (iii) plant-specific departures from a design certification rule under 10 CFR part 52. In-kind (like-for-like) replacement of protection system components are not considered changes to the protection systems.

Section 3 of IEEE Std. 603-1991 references several industry codes and standards. If the referenced standard has been endorsed in a regulatory guide, the standard constitutes a method acceptable to the Commission of meeting a regulatory requirement as

described in the regulatory guide. If a referenced standard has not been endorsed in a regulatory guide, the licensees and applicants may consider and use the information in the referenced standard consistent with current regulatory practices.

#### Electronic Access

You may also provide comments via the NRC's interactive rulemaking website through the NRC home page (<http://www.nrc.gov>). This site provides the availability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415-5905 (e-mail: [CAG@nrc.gov](mailto:CAG@nrc.gov)).

#### Finding of No Environmental Impact: Availability of Environmental Assessment

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, that this rule would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environment impact statement is not required. The Commission has prepared an Environmental Assessment supporting this finding of no significant environmental impact.

The NRC has sent a copy of the environmental assessment and a copy of the **Federal Register** Notice to every State liaison officer and requested their comments on the environmental assessment. The environmental assessment is available for inspection at the NRC Public Document Room, 2120 L Street NW., Washington, DC. Also, the NRC has committed itself to complying in all its actions with the Presidential Executive Order #12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, dated February 11, 1994. Therefore, the NRC also has determined that there are no disproportionate, high, and adverse impacts on minority and low-income populations. The NRC uses the following working definition of environmental justice: environmental justice means the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income, or educational level with respect to the development, implementation, and enforcement of environmental laws, regulations and policies.

**Paperwork Reduction Act Statement**

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval No. 3150-0011.

**Public Protection Notification**

If a document used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, an information collection.

**Regulatory Analysis**

The Commission has prepared a regulatory analysis which shows that the proposed amendment does not impose any new requirements or costs on current licensees who do not make changes to safety systems. However, licensees planning or proposing changes to power and instrumentation & control systems will be impacted because they will be required to meet the requirements of IEEE Std. 603-1991 for the changes even though the remainder of the plant power and I&C systems are only required to meet their current licensing basis. The draft regulatory analysis is available for inspection in the NRC Public Document Room, 2120 L Street, NW., Washington, DC.

**Regulatory Flexibility Certification**

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule will not have a significant economic impact on small entities. This rule affects only the operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the small business size standards adopted by the NRC (10 CFR 2.810). Since these companies are dominant in their service areas, this rule does not fall within the purview of the Act.

**Backfit Analysis**

The rule requires applicants and holders of new construction permits, new operating licenses, new final design approvals, new design certifications and combined licenses to comply with IEEE Std. 603-1991 (including the correction sheet dated January 30, 1995). Changes to protection systems in existing operating plants initiated on or after January 1, 1998 must meet the requirements of IEEE Std. 603-1991. IEEE Std. 279 will continue to apply to existing nuclear power plants that do not make any changes to their

protection systems, but the rule permits the licensee the option of meeting IEEE Std. 603-1991.

The backfit rule was not intended to apply to regulatory actions which change expectations of prospective applicants, and therefore the backfit rule does not apply to the portion of the rule applicable to new construction permits, new operating licenses, new final design approvals, new design certifications and combined licenses. This rule does not change the licensing basis (i.e., IEEE Std. 279) for plants that do not intend to make any changes to their power and instrumentation and control systems. However, the rule would require future changes to existing power and instrumentation and control portions of protection systems to comply with the new standard. This would not be considered a backfit, since the changes are voluntarily initiated by the licensee, or separately imposed by the NRC after a separate backfit analysis. This is consistent with past NRC practice and the discussions on backfitting in "Value-Impact Statement" prepared for Revision 1 to Regulatory Guide 1.153. A copy of the Value-Impact Statement is available for inspection or copying for a fee in the Commission's Public Document Room at 2120 L Street NW., Washington, DC, under Task DG-1042.

In summary, the NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this direct final rule because it does not impose any backfits as defined in 10 CFR 50.109(a)(1) and, therefore, a backfit analysis has not been prepared for this direct final rule.

**Small Business Regulatory Enforcement Fairness Act**

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

**List of Subjects in 10 CFR Part 50**

Antitrust, Classified information, Criminal penalties, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, and Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganizations Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR part 50.

**PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES**

1. The authority citation for part 50 continues to read as follows:

**Authority:** Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 955 as amended (42 U.S.C. 2131, 2235), sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, and 50.54 (dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

12. In § 50.55a, paragraph (h) is revised to read as follows:

**§ 50.55a Codes and standards.**

\* \* \* \* \*

(h) *Protection and Safety Systems.* (1) IEEE Std. 603-1991 and the correction sheet dated January 30, 1995, which are referenced in paragraph (h)(3) and (h)(4), are approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A notice of any changes made to the material incorporated by reference will be published in the **Federal Register**. Copies of IEEE Std. 603-1991 may be purchased from the Institute of Electrical and Electronics Engineers Service Center, 445 Hoes Lane, Piscataway, NJ 08855. It is also available for inspection at the NRC Library, 11545 Rockville Pike, Rockville, MD 20852-2738, and at the Office of the Federal Register, 800 North Capital Street, NW, Suite 700, Washington, DC. IEEE Std. 279, which is referenced in paragraph (h)(2) of this section was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this standard are also available as indicated for IEEE Std. 603-1991.

## (2) Definitions.

(i) For purposes of this paragraph the terms "protection systems," "safety systems," and "safety-related systems" are synonymous.

(ii) Changes to protection systems include modification, augmentation or replacement of protection systems permitted by license amendments, changes to protection systems made by licensees pursuant to 10 CFR 50.59, and plant specific departures from a design certification rule under 10 CFR part 52.

(3) Protection systems. For nuclear power plants with construction permits issued after January 1, 1971, but prior to January 1, 1998, protection systems must meet the requirements set forth either in the Institute of Electrical and Electronics Engineers (IEEE) Std. 279, "Criteria for Protection Systems for Nuclear Power Generating Stations," or in IEEE Std. 603-1991, "Criteria for Safety Systems for Nuclear Power Generating Stations," and the correction sheet dated January 30, 1995. However, changes to protection systems initiated on or after January 1, 1998 must meet the requirements set forth in IEEE Std. 603-1991, and the correction sheet dated January 30, 1995.

(4) Safety systems. For construction permits, operating licenses, final design approvals, design certifications and combined licenses issued on or after January 1, 1998, safety systems must meet the requirements set forth in IEEE Std. 603-1991, and the correction sheet, dated January 30, 1995.

Dated at Rockville, this 9th day of October, 1997.

For the Nuclear Regulatory Commission.

**John C. Hoyle,**

*Secretary of the Commission.*

[FR Doc. 97-27421 Filed 10-16-97; 8:45 am]

BILLING CODE 7590-01-P

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 97-ANE-38-AD; Amendment 39-10160; AD 97-21-07]

RIN 2120-AA64

**Airworthiness Directives; AlliedSignal Inc. (Formerly Textron Lycoming) Model T5313B, T5317A, and T53 (Military) Turboshift Engines**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to AlliedSignal Inc. (formerly Textron Lycoming) Model T5313B, T5317A, and T53 series military turboshaft engines approved for installation on aircraft certified in accordance with Section 21.25 of the Federal Aviation Regulations (FAR). This action requires a one-time visual inspection of accessory drive carrier assemblies for affected serial numbers (S/Ns) designating a defective assembly, and if the S/N is applicable, replacement with a serviceable assembly. This amendment is prompted by a report of an N2 overspeed condition due to a defective accessory drive carrier assembly. The actions specified in this AD are intended to prevent accessory drive carrier assembly failure, which could result in an N2 overspeed and an uncontained engine failure.

**DATES:** Effective November 3, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 3, 1997.

Comments for inclusion in the Rules Docket must be received on or before December 16, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97-ANE-38-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@faa.dot.gov". Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from AlliedSignal Aerospace, Attn: Data Distribution, M/S 64-3/2101-201, P.O. Box 29003, Phoenix, AZ 85038-9003; telephone (602) 365-2493, fax (602) 365-5577. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. **FOR FURTHER INFORMATION CONTACT:** Ray Vakili, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712-4137; telephone (562) 627-5262, fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** The Federal Aviation Administration has

received a report of an N2 overspeed condition on an AlliedSignal Inc. (formerly Textron Lycoming) Model T5317A-1 turboshaft engine. The investigation revealed that the N2 overspeed condition was caused when the N2 overspeed governor bevel gear, which is part of the accessory drive carrier and cap assembly, shifted out of position. This gear shifting out of position was determined to be due to improper manufacturing of the accessory drive carrier and cap assembly, Part Number (P/N) 1-070-210-01, which is installed on the higher level assembly, accessory drive carrier assembly, P/N 1-070-220-03, 1-070-220-12, or 1-070-220-13. All accessory drive carrier assemblies, P/Ns 1-070-220-03, 1-070-220-12, and 1-070-220-13, installed after November 1, 1985, and have been identified by serial number (S/N) are subject to this inspection. This condition, if not corrected, could result in accessory drive carrier assembly failure, which could result in an N2 overspeed and an uncontained engine failure.

The FAA has reviewed and approved the technical contents of AlliedSignal Inc. Alert Service Bulletin (ASB) No. T5313B/17A-A0092, Revision 1, dated July 1, 1997; ASB No. T53-L-13B-A0092, dated June 4, 1997; and ASB No. T53-L-703-A0092, dated June 4, 1997. These ASBs describe procedures for performing a one-time visual inspection of accessory drive carrier assemblies for affected S/Ns designating a defective assembly, and if the S/N is applicable, replacement with a serviceable assembly.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design, this AD is being issued to prevent accessory drive carrier assembly failure. This AD requires a one-time visual inspection of accessory drive carrier assemblies for affected S/Ns designating a potentially defective assembly, and if the S/N is applicable, replacement with a serviceable assembly. The actions are required to be accomplished in accordance with the ASBs described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

**Comments Invited**

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity