

# 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 50

#### Domestic Licensing of Production Utilization Facilities; Risk-Informed Revisions, Option 3 (SECY-98-300)

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of public workshop.

**SUMMARY:** The Nuclear Regulatory Commission has instructed the staff to pursue a study to explore changes to the body of the part 50 regulations, to incorporate risk-informed attributes which is Option 3 in Secy-98-300. This study will result in recommendations to the Commission on any specific regulatory changes that should be pursued, and the corresponding schedules and resource needs. The staff intends to conduct a workshop to solicit information related to these changes.

**DATES:** The workshop will be held on September 15, 1999.

**ADDRESSES:** The workshop will be held at the Doubletree Hotel, 1750 Rockville, Pike, Rockville, Maryland 20852. Telephone No. 301-468-1100.

#### FOR FURTHER INFORMATION CONTACT:

Mary Drouin, Office of Nuclear Regulatory Research, MS: T10-E50, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001, (301) 415-6675 email: mxd@nrc.gov.

**SUPPLEMENTARY INFORMATION:** Listed below are example topics on which discussion and feedback are sought from the public at the workshop:

1. Which regulations of 10 CFR Part 50 are candidates for risk-informed revisions; what are the bases for choosing these candidates; and what are the proposed changes to these candidate regulations?

For example:

- Requirements result in unnecessary regulatory burden
- Additional requirements needed
- Requirements not commensurate with safety significance

- Risk-significant SSCs not covered by regulation

2. Are the problems with the regulations themselves or with their implementation (e.g., regulatory guides, standard review plans, branch technical positions)?

3. Are any of the regulations inconsistent or contradictory with other regulations? If so, where and which ones?

4. Is the current set of design basis accidents appropriate, are any modifications needed? If so, what are the needed modifications?

5. Are the principles stated in RG 1.174 appropriate in developing risk-informed revisions to Part 50?

6. What level of risk should be the basis for risk-informed regulatory change?

7. What should be the risk metrics and criteria?

Reference material (available for inspection and copying for a fee at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington DC 20555-0001; a free single copy of each document, to the extent of supply, may be requested by writing to Distribution Series, Printing and Mail Services, Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001) includes:

- SECY-98-300, "Options for Risk-Informed Revisions to 10 CFR part 50—'Domestic Licensing of Production and Utilization Facilities,'" December 23, 1998.

- "Staff Requirements—SECY-98-300-Options for Risk-Informed Revisions to 10 CFR part 50—'Domestic Licensing of Production and Utilization Facilities,'" June 8, 1999.

- RG 1.174

- 10 CFR part 50

#### Workshop Meeting Information:

The Commission intends to conduct a workshop to solicit information related to the risk-informed revisions to 10 CFR part 50 (Option 3). Persons other than NRC staff and NRC contractors interested in making a presentation at the workshop should notify Mary Drouin, Office of Nuclear Regulatory Research, MS: T10-E50, U.S. Nuclear Regulatory Commission, Washington DC, 20555-0001, (301) 415-6675, email: mxd@nrc.gov

Date: September 15, 1999

*Agenda:* Preliminary agenda is as follows (a final agenda will be available at the workshop):

7:45 am to 8:00 am Introduction, opening remarks

8:00 am to 9:15 am NRC Presentation on Risk-Informed Part 50 Study:

—Purpose

—Approach

—Status of Activities

—Plans

9:15 am to 9:30 am BREAK

9:30 am to 11:30 am Industry

Presentations

11:30 am to 12:45 pm LUNCH

12:45 pm to 2:15 pm General

Discussion of Issues/Topics

2:15 pm to 2:30 pm BREAK

2:30 pm to 4:15 pm General

Discussion of Issues/Topics

4:15 pm to 4:45 pm Wrapup

*Location:* Doubletree Hotel, 1750

Rockville Pike Rockville Maryland 20852 (301) 468-1100

*Registration:* No registration fee for workshop; however, notification of attendance is requested so that adequate space, etc. for the workshop can be arranged. Notification of attendance should be directed to Mary Drouin, Office of Nuclear Regulatory Research, MS: T10-E50, U.S. Nuclear Regulatory Commission, Washington DC, 20555-0001, (301) 415-6675, email: mxd@nrc.gov

Dated this 3rd day of August 1999.

For the Nuclear Regulatory Commission.

**Thomas L. King,**

*Division of Risk Analysis and Applications, Office of Nuclear Regulatory Research.*

[FR Doc. 99-21052 Filed 8-12-99; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-CE-54-AD]

RIN 2120-AA64

#### Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 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 Pilatus Aircraft Ltd. (Pilatus) Models PC-12 and PC-12/45 airplanes. The proposed AD would require modifying the flap inboard attachment fittings through the installation of a reinforcement angle bracket on the inside of the center web of both flap inner attachment fittings. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by the proposed AD are intended to prevent the potential of the inboard flap attachment fittings buckling while operating at full flaps with full power into a head-on wind gust, which could result in loss of control of the airplane.

**DATES:** Comments must be received on or before September 13, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-CE-54-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 Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 610 33 51. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; facsimile: (816) 426-2169.

#### **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. 99-CE-54-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 Regional Counsel, Attention: Rules Docket No. 99-CE-54-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

#### **Discussion**

The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified the FAA that an unsafe condition may exist on certain Pilatus Models PC-12 and PC-12/45 airplanes. The FOCA of Switzerland reports that static testing shows that insufficient safety margins could occur in certain situations. Operating the airplane at full flaps (at the maximum allowable aircraft speed) with full power into a head-on wind gust could result in the inboard flap attachment fittings buckling.

This condition, if not corrected, could result in loss of control of the airplane.

#### **Relevant Service Information**

Pilatus has issued Service Bulletin No. 57-004, dated June 11, 1999, which specifies procedures for modifying the flap inboard attachment fittings through the installation of a reinforcement angle bracket on the inside of the center web of both flap inner attachment fittings.

The FOCA of Switzerland classified this service bulletin as mandatory and issued Swiss AD HB 99-353, dated July 12, 1999, in order to assure the continued airworthiness of these airplanes in Switzerland.

#### **The FAA's Determination**

This airplane model is manufactured in Switzerland and is 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 FOCA of Switzerland has kept the

FAA informed of the situation described above.

The FAA has examined the findings of the FOCA of Switzerland; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### **Explanation of the Provisions of the Proposed AD**

Since an unsafe condition has been identified that is likely to exist or develop in other Pilatus PC-12 and PC-12/45 airplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require modifying the flap inboard attachment fittings through the installation of a reinforcement angle bracket on the inside of the center web of both flap inner attachment fittings. Accomplishment of the proposed action would be required in accordance with Pilatus Service Bulletin No. 57-004, dated June 11, 1999.

#### **Cost Impact**

The FAA estimates that 77 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 5 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts will be provided by the manufacturer at no cost to the owners/operators of the affected airplanes. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$23,100, or \$300 per airplane.

#### **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 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 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

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

**Pilatus Aircraft Ltd.:** Docket No. 99-CE-54-AD.

**Applicability:** Models PC-12 and PC-12/45 airplanes, manufacturer serial number (MSN) 101 through MSN 300, certificated in any category.

**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 request approval for an alternative method of compliance in accordance with paragraph (d) 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 in the body of this AD, unless already accomplished.

To prevent the potential for the inboard flap attachment fittings buckling while operating at full flaps with full power into a head-on wind gust, which could result in loss of control of the airplane, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, modify the flap inboard attachment fittings by installing a reinforcement angle bracket on the inside of the center web of both flap inner attachment fittings (Modification Kit Number 500.50.12.199). Accomplish this modification in accordance with the Accomplishment Instructions

section of Pilatus Service Bulletin No. 57-004, dated June 11, 1999.

(b) As of the effective date of this AD, no person may install on any of the affected airplanes, flap inboard attachment fittings that do not have Modification Kit Number 500.50.12.199 incorporated.

(c) 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.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(e) Questions or technical information related to Pilatus Service Bulletin No: 57-004, dated June 11, 1999, should be directed to Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 610 33 51. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

**Note 3:** The subject of this AD is addressed in Swiss AD HB 99-353, dated July 12, 1999.

Issued in Kansas City, Missouri, on August 6, 1999.

**Michael Gallagher,**

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

[FR Doc. 99-21017 Filed 8-12-99; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 99-AWP-14]

### Proposed Establishment of Class E Airspace; St. Helena, CA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to establish a Class E airspace area at St. Helena, CA. The establishment of a Special Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) Copter 293 Point In Space approach serving St. Helena Fire Department Heliport has made this proposal necessary. Additional

controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain helicopters executing the Special Copter GPS 293 Point In Space approach to St. Helena Fire Department Heliport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at St. Helena Fire Department Heliport, St. Helena, CA.

**DATES:** Comments must be received on or before September 16, 1999.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP-520, Docket No. 99-AWP-14, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, CA 90261.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, CA 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

**FOR FURTHER INFORMATION CONTACT:** Larry Tonish, Air Traffic Airspace Specialist, Airspace Branch, AWP-520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, CA 90261, telephone (310) 725-6539.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested 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 action must submit with the comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket 99-AWP-14." The postcard will be date/time stamped and returned to the commenter. All communications