

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 31

Public Meeting on Implementation Issues Related to the Proposed Rule on Generally Licensed Devices

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of public meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will conduct a public meeting to discuss issues related to the control and accountability of generally licensed devices. This will include discussion of implementation issues related to the proposed rule (64 FR 40295; July 26, 1999), which would establish additional requirements for general licensees under 10 CFR 31.5, and for vendors of devices used by these licensees.

DATES: The meeting will be held on October 1, 1999, from 8:00 a.m. to 5:00 p.m. Written comments on the proposed rule should be submitted by October 12, 1999.

ADDRESSES: The meeting will be held at NRC Headquarters, Two White Flint North Auditorium, 11545 Rockville Pike, Rockville, Maryland 20852.

Written comments on the proposed rule may be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington D.C. 20555-0001, Attn: Rulemakings and Adjudications Staff.

FOR FURTHER INFORMATION CONTACT: Francis X. Cameron (301) 415-1642, or Susanne Woods (301) 415-7267, U.S. Nuclear Regulatory Commission, Washington D.C. 20555.

SUPPLEMENTARY INFORMATION: NRC is in the process of developing additional requirements for users and distributors of radioactive material in certain generally licensed measuring, gauging, and controlling devices. The planned amendments would establish a registration program, and are intended to provide greater assurance that users of these devices will properly handle

and dispose of them, thus reducing the potential for unnecessary radiation exposure to the public, or contamination of property. A copy of the proposed rule is available at <http://ruleforum.llnl.gov/cgi-bin/rulemake> under the title "Proposed Rulemaking—Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material."

The objective of the public meeting on October 1 is to gather information on implementation issues related to the proposed rule on generally licensed devices. In this facilitated meeting, the NRC proposed rule will be described, and a series of implementation issues will be initially addressed by a panel of device vendors. The panel will be comprised of representatives of various vendor categories, reflecting a broad spectrum of interests. After a facilitated discussion by the vendor panel on an agenda item, the facilitator will open the discussion of that issue to the audience. It is expected that the audience will include people with interests which may be affected by the rule; for example: users of devices, other industries, Agreement States, citizen groups, and the public. The panel of vendors will be used to focus the discussion on a particular agenda item as a foundation for further discussion by the audience. The meeting commentary will be transcribed and made available to meeting participants and the public.

Dated at Rockville, Maryland, this 30th day of August 1999.

For the Nuclear Regulatory Commission.

John W. Hickey,

Chief, Materials Safety and Inspection Branch, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Materials Safety and Safeguards.

[FR Doc. 99-23076 Filed 9-2-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-335-AD]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model DHC-8-101, -102, -103, -106, -201, -202, -301, -311, and -315 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 all Bombardier Model DHC-8-101, -102, -103, -106, -201, -202, -301, -311, and -315 series airplanes. This proposal would require repetitive detailed visual inspections and high frequency eddy current inspections to detect cracking of the wing upper skin and ladder plates at over wing access panels between certain stations; and repair, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct fatigue cracking of the wing ladder plates, which, if not corrected, could reduce the structural integrity of the wing.

DATES: Comments must be received by October 4, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-335-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 Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New

York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Franco Pieri, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7526; fax (516) 568-2716.

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-335-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-335-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on all Bombardier Model DHC-8-101, -102, -103, -106, -201, -202, -301, -311, and -315 series airplanes. The TCCA advises that fatigue cracking of the wing ladder plate has been found on

DHC-8 series airplanes. This cracking has been attributed to repeated fatigue load cycles. This condition, if not corrected, could result in reduced structural integrity of the wing.

Explanation of Relevant Service Information

Bombardier has issued de Havilland Temporary Revision TR MTC-15, dated September 18, 1998, of the de Havilland Maintenance Program Manual PSM 1-8-7 (for Model DHC-8-100 series airplanes); de Havilland Temporary Revision TR MTC 2-14, dated September 18, 1998, of the de Havilland Maintenance Program Manual PSM 1-82-7 TC (for Model DHC-8-200 series airplanes); and de Havilland Temporary Revision TR MTC 3-14, dated September 18, 1998, of the de Havilland Maintenance Program Manual PSM 1-83-7 TC (for Model DHC-8-300 series airplanes). These temporary revisions describe procedures for repetitive detailed visual inspections and high frequency eddy current (HFEC) inspections to detect cracking of the wing upper skin and ladder plates at over wing access panels between station YW42.00 and YW171.20.

Bombardier also has issued de Havilland Airworthiness Limitations List Temporary Revision TR AWL-59, dated September 10, 1998, of the de Havilland Maintenance Program Manual PSM 1-8-7 (for Model DHC-8-100 series airplanes); de Havilland Airworthiness Limitations List Temporary Revision TR AWL2-11, dated September 10, 1998, of de Havilland Maintenance Program Manual PSM 1-82-7 (for Model DHC-8-200 series airplanes); and de Havilland Airworthiness Limitations List Temporary Revision TR AWL3-64, dated September 10, 1998, of de Havilland Maintenance Program Manual PSM 1-83-7 (for Model DHC-8-300 series airplanes). These temporary revisions describe the compliance times associated with the repetitive detailed visual inspections and HFEC inspections described previously.

Accomplishment of the actions specified in the temporary revisions is intended to adequately address the identified unsafe condition. The TCCA classified these temporary revisions as mandatory and issued Canadian airworthiness directive CF-98-30, dated August 31, 1998, in order to assure the continued airworthiness of these airplanes in Canada.

FAA's Conclusions

These airplane models are manufactured in Canada and are type certificated for operation in the United

States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the TCCA has kept the FAA informed of the situation described above. The FAA has examined the findings of the TCCA, 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 require accomplishment of the actions specified in the temporary revisions described previously, except as discussed below.

Differences Between Proposed Rule and Service Information

Operators should note that, although the Canadian airworthiness directive and the temporary revisions specify that the manufacturer may be contacted for disposition of certain repair conditions, this proposal would require the repair of those conditions to be accomplished in accordance with a method approved by the FAA, or the TCCA (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 TCCA would be acceptable for compliance with this proposed AD.

Operators also should note that, although the Canadian airworthiness directive affects Bombardier Model DHC-8-314 series airplanes, Bombardier Model DHC-8-314 series airplanes are not type certificated in the United States. Therefore, the proposed AD does not affect those airplanes.

Cost Impact

The FAA estimates that 166 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 40 work hours per airplane to accomplish the proposed inspections, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$398,400, or \$2,400 per airplane, per inspection cycle.

The cost impact figure discussed above is 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:

Bombardier, Inc. (Formerly de Havilland, Inc.): Docket 98–NM–335–AD.

Applicability: All Model DHC–8–101, –102, –103, –106, –201, –202, –301, –311, and –315 series airplanes, 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, unless accomplished previously.

To detect and correct fatigue cracking of the wing ladder plates, which if not corrected, could reduce the structural integrity of the wing, accomplish the following:

Inspection for DHC–8–100 and –300 Series Airplanes

(a) At the applicable compliance time listed in paragraph (a)(1), (a)(2), or (a)(3) of this AD, perform a detailed visual inspection to detect cracking of the skin and a high frequency eddy current (HFEC) inspection of the ladder plates at over wing access panels between station YW42.00 and YW171.20, in accordance with de Havilland Temporary Revision TR MTC–15, dated September 18, 1998, of the de Havilland Maintenance Program Manual PSM–1–8–7 TC (for Model DHC–8–100 series airplanes); or de Havilland Temporary Revision TR MTC 3–14, dated September 18, 1998, of the de Havilland Maintenance Program Manual PSM 1–83–7 (for Model DHC–8–300 series airplanes); as applicable. Repeat the inspections thereafter at intervals not to exceed 10,000 flight cycles.

(1) For airplanes that have accumulated 5,000 or fewer total flight cycles as of the effective date of this AD, accomplish the inspection prior to the accumulation of 10,000 total flight cycles.

(2) For airplanes that have accumulated more than 5,000 total flight cycles, but fewer than 38,501 total flight cycles as of the effective date of this AD, accomplish the inspection prior to the accumulation of $[5,522 + (0.8955 \times N \text{ Accumulated})]$ total cycles. "N Accumulated" is defined as the total number of flight cycles as of the effective date of this AD.

(3) For airplanes that have accumulated 38,501 or more total flight cycles as of the effective date of this AD, accomplish the inspection within 1,500 flight cycles after the effective date of this AD.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

Inspection for DHC–8–200 Series Airplanes

(b) At the applicable compliance time listed in paragraph (b)(1) or (b)(2) of this AD, perform a detailed visual inspection of the skin and an HFEC inspection to detect cracking of the ladder plates at over wing access panels between station YW42.00 and YW171.20, in accordance with de Havilland Temporary Revision TR MTC 2–14, dated September 18, 1998, of the de Havilland Maintenance Program Manual PSM 1–82–7. Repeat the inspections thereafter at intervals not to exceed 10,000 flight cycles.

(1) For airplanes that have accumulated 5,000 or fewer total flight cycles as of the effective date of this AD, accomplish the inspection prior to the accumulation of 10,000 total flight cycles.

(2) For airplanes that have accumulated more than 5,000 total flight cycles, but fewer than 38,501 total flight cycles as of the effective date of this AD, accomplish the inspection prior to the accumulation of $[5,522 + (0.8955 \times N \text{ Accumulated})]$ total cycles, where "N Accumulated" is defined as the total number of flight cycles as of the effective date of this AD.

Repair

(c) If any crack is detected during any inspection required by this AD, prior to further flight, repair in accordance with a method approved by the Manager, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate; or the Transport Canada Civil Aviation (TCCA) (or its delegated agent). For a repair method to be approved by the Manager, New York ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

(d) 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, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

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

Special Flight Permits

(e) 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.

Note 4: The subject of this AD is addressed in Canadian airworthiness directive CF–98–30, dated August 31, 1998.

Issued in Renton, Washington, on August 30, 1999.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 99–23064 Filed 9–2–99; 8:45 am]

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