might be derived from making a generic rule change at that time.'' In response, the petitioner asserts that the Commission's role is to regulate nuclear material in a manner that protects public health and safety and the environment, that its role is not to facilitate specific processes, i.e., the current LLRW disposal process.

The petitioner references the following quote from the notice of withdrawal:

> For over three decades the public has been led to believe that all LLW disposal sites would necessarily be owned and controlled by either a Federal or State government. This, we believe, has been an important factor in convincing many proponent groups and State and local LLW advisory groups that LLW can and will be disposed of in a safe manner. To now try and convince these groups that Federal or State ownership of LLW disposal sites is not required may be difficult and generate a significant credibility problem.

In response, the petitioner states that credibility problems occur when misrepresentations, i.e., government ownership is necessary to ensure proper LLRW management, are initially made and that the credibility problems are exacerbated the longer the misrepresentations are allowed to continue. The petitioner believes that there certainly would appear to be a larger credibility problem for the Commission to maintain a regulation that is in direct conflict with a statute. The petitioner offers that the Commission might reflect on the Department of Energy's recent efforts to gain credibility by coming clean on past misrepresentations, i.e., secret radiation studies.

Conclusion

The petitioner believes that for the stated reasons, the NRC should adopt a rule regarding government ownership of LLRW disposal sites that is consistent with the Federal statute [42 USC 10171(b)].

Dated at Rockville, Maryland, this 2nd day of January, 1996.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 96–282 Filed 1–8–96; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–93–AD]

Airworthiness Directives; Boeing Model 747–100, –200, and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Boeing Model 747–100, –200, and –300 series airplanes, that would have required an inspection to determine if hinge bolts and nuts are installed in the overhead stowage bins, and the installation of hinge bolts and nuts, if necessary. That proposal was prompted by reports that overhead stowage bins in the passenger compartment have fallen out of position due to missing hinge bolts. This action revises the proposed rule by revising the applicability to include additional airplanes. The actions specified by this proposed AD are intended to ensure that hinge bolts are installed in the overhead storage bins. Missing hinge bolts could result in the overhead stowage bins falling out of position and injuring airplane occupants.

DATES: Comments must be received by January 29, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–93–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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Dorothy Lundy, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–1675; fax (206) 227–1181.

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 95–NM–93–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. 95–NM–93–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Boeing Model 747–100, –200, and –300 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal Register on August 23, 1995 (60 FR 43728). That NPRM would have required a one-time visual inspection to determine if the hinge bolts and nuts are installed in the overhead stowage bins. That NPRM also would have required installation of hinge bolts and nuts, if necessary. That NPRM was prompted by reports indicating that overhead stowage bins in the passenger compartment of certain Model 747 series airplanes have fallen out of position and injured passengers due to missing hinge bolts. Missing

hinge bolts could result in the overhead stowage bins falling out of position and injuring airplane occupants.

Since the issuance of that NPRM, the FAA has reviewed and approved Boeing Alert Service Bulletin 747–25A3095, Revision 1, dated September 28, 1995. This service bulletin revises the effectivity listing of the original issue of the service bulletin by adding airplanes RA006, and RD251 through RD262 inclusive. In addition, certain passenger airplanes (which have been converted to special freighters) are removed from the effectivity of the alert service bulletin. This revision of the service bulletin does not describe any additional work requirements.

The FAA has determined that these additional airplanes are subject to the same unsafe condition as described previously, and therefore, must be subject to the requirements of the proposed AD. The FAA has revised the proposal to add these airplanes to the applicability of the rule.

Since this change expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

In addition, the FAA has given due consideration to the following comments received in response to the proposal:

Three commenters request that the ''credit time'' for inspections accomplished prior to the effective date of the AD be extended. The commenters note that several operators have accomplished the inspection on their fleets as far back as when the original service bulletin was issued in April 1995. Because the proposed AD would provide credit only if the inspection previously had been accomplished within the last 6 months prior to the effective date of the AD, these operators would be required to perform the inspection again. Therefore, one of these commenters requests that the credit time be extended from 6 months to 18 months prior to the effective date of the rule.

The FAA concurs. Since the relevant service bulletin containing the instructions for the inspection was issued originally in April 1995, the FAA considers that inspections conducted at least since then will satisfy the intent of the proposed AD. In light of this, and taking into account the number of days normally required for the rulemaking process, the FAA has revised the proposal to provide credit for inspections that were accomplished within 18 months prior to the effective date of this AD. The FAA finds that extending this credit time for previously accomplished inspections will not adversely affect safety and will prevent an unnecessary economic burden on operators who have performed the inspection within that credit time.

There are approximately 573 Model 747–100, –200, and –300 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 157 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, 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 $9,420, or $60 per airplane.

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.

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 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 95–NM–93–AD.

Applicability: Model 747–100, –200, and –300 series airplanes, as listed in Boeing Alert Service Bulletin 747–25A3095, Revision 1, dated September 28, 1995; 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 use the authority provided in paragraph (b) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated.

To ensure that hinge bolts are installed in the overhead storage bins, accomplish the following:

(a) Within 90 days after the effective date of this AD, unless accomplished previously within the last 18 months prior to the effective date of this AD, perform a one-time visual inspection to determine if hinge bolts and nuts are installed in the overhead stowage bins, in accordance with either Boeing Alert Service Bulletin 747–25A3095, dated April 27, 1995, or Revision 1, dated September 28, 1995.

(1) If the hinge bolts and nuts are installed, no further action is required by this AD.

(2) If any hinge bolt or nut is not installed, prior to further flight, install a hinge bolt and nut in accordance with either alert service bulletin.

(b) 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, Seattle 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, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) 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 January 3, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–260 Filed 1–8–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–NM–110–AD]

Airworthiness Directives; de Havilland Model DHC–7 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain de Havilland Model DHC–7 series airplanes. This proposal would require modification of the emergency lights circuitry. This proposal is prompted by reports of the emergency lights turning on inadvertently due to voltage spikes from other equipment, and reports that the existing emergency light switch arrangement allows the flight compartment and flight attendant's panel switches to override each other. The actions specified by the proposed AD are intended to prevent such failures of the emergency light systems, which could prevent the use of the emergency lights in the event of an emergency.

DATES: Comments must be received by February 13, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–110–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: Wing Chan, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7511; 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 95–NM–110–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. 95–NM–110–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Transport Canada Aviation, which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain de Havilland Model DHC–7 series airplanes. Transport Canada Aviation advises that it has received reports indicating that the emergency lights on these airplanes have inadvertently turned on due to voltage spikes from other equipment when the main battery power is switched off. Transport Canada Aviation also advises that the existing emergency light switch arrangement can allow the flight compartment panel switch and the flight attendant's panel switch to override each other. Such failures of the emergency lighting system, if not corrected, could prevent the use of the emergency lights in the event of an emergency.

De Havilland has issued Service Bulletin 7–33–7, dated October 17, 1980, which describes procedures for modification of the emergency lights circuitry. The modification (Modification No. 7/1697) involves revising the switching logic of the emergency lights. This modification also entails reworking the wiring in the relay panel of the electrical equipment bay, and replacing the current emergency light switch (part number MS24659–21A) located on the passenger warning panel on the flight attendant's panel with a new type of switch. Accomplishment of this modification will ensure that the emergency lights can be turned on when necessary, that the emergency lights will not turn on inadvertently, and that the flight compartment and flight attendant's panel switches do not override each other. Transport Canada Aviation classified this service bulletin as mandatory and issued Canadian airworthiness directive CF–95–04, dated March 9, 1995, in order to assure the continued airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada and is 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, Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada Aviation, 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.

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 modification of the emergency lights circuitry. The actions would be required to be accomplished in accordance with the service bulletin described previously.