

IX. Backfit Analysis

The NRC has determined that the backfit rule does not apply to this final rule and, therefore, a Backfit analysis is not required for this final rule because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR Chapter I.

X. 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 32

Byproduct material, Criminal penalties, Labeling, Nuclear materials, Radiation protection, 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 Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is adopting the following amendments to 10 CFR Part 32.

PART 32—SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

1. The authority citation for Part 32 continues to read as follows:

Authority: Secs. 81, 161, 183, 186, 68 Stat. 935, 948, 953, 954, as amended, (43 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

2. In § 32.14, paragraph (d) is revised to read as follows:

§ 32.14 Certain items containing byproduct material; requirements for license to apply or initially transfer.

* * * * *

(d) The Commission determines that:

(1) The byproduct material is properly contained in the product under the most severe conditions that are likely to be encountered in normal use and handling.

(2) For automobile lock illuminators, the product has been subjected to and meets the requirements of the prototype tests prescribed by § 32.40, Schedule A.

Dated at Rockville, Maryland, this 9th day of June, 1998.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

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NUCLEAR REGULATORY COMMISSION**10 CFR Part 34****Radiographer Certification—Certifying Entities**

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of certifying entities.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff has completed its evaluation of a request from the American Society for Nondestructive Testing, Inc. (ASNT) to be recognized as a Certifying Entity, i.e., an Independent Certifying Organization. The NRC staff found that ASNT's Industrial Radiography Radiation Safety Personnel (IRRSP) certification program meets the criteria established in the NRC's regulations governing radiographic operations. Therefore, the NRC recognizes ASNT as a Certifying Entity and individuals wishing to act as radiographers who are certified in isotope radiography through the IRRSP program meet the certification requirement specified in the regulations. ASNT joins the following Agreement States as certifying entities: Georgia, Illinois, Iowa, Louisiana, Nevada, North Dakota, and Texas.

FOR FURTHER INFORMATION CONTACT: J. Bruce Carrico, U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, MS T8F5, Washington, DC 20555, telephone (301) 415-7826, e-mail jbc@nrc.gov.

SUPPLEMENTARY INFORMATION: On May 28, 1997 (62 FR 28948), NRC published a final rule in the **Federal Register** that revised the regulations applicable to industrial radiography, 10 CFR Part 34. This overall revision of 10 CFR Part 34 introduced several new requirements. One of these new requirements, specified in 10 CFR 34.43(a)(1), provides that licensees may not permit any individual to act as a radiographer until the individual "is certified through a radiographer certification program by a certifying entity in accordance with the criteria specified in Appendix A of this part (34)." This requirement becomes effective June 27, 1999.

As defined in 10 CFR Part 34, "Certifying Entity means an independent certifying organization meeting the requirements in Appendix A of this part or an Agreement State meeting the requirements in Appendix A, Parts II and III of this part." An independent certifying organization is defined as " * * * an independent organization that meets all of the criteria of Appendix A to this part." A

parenthetical sentence in 10 CFR 34.43(a)(1) states, "An independent organization that would like to be recognized as a certifying entity shall submit its request to the Director, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission * * *" Part I of Appendix A to Part 34 provides the requirements for an independent certifying organization, and only applies to organizations other than the Agreement States. Parts II and III of Appendix A to Part 34 provide the requirements for certification programs and written examinations for a certifying entity, and includes the Agreement States. 10 CFR Part 34, Appendix A does not impose new requirements on licensees.

To be recognized as an independent certifying organization, the organization should be a national society or association involved in setting national standards of practice for industrial radiography or non-destructive testing. An acceptable certification program would require training in the subjects listed in 10 CFR 34.43(g), completion of a written and practical examination, and require a minimum period of on-the-job experience.

In April 1997, NRC received a submission from ASNT requesting recognition as a certifying entity/independent certifying organization. The submission described ASNT's IRRSP certification program and how the program complies with 10 CFR Part 34, Appendix A criteria. A "team" review approach was followed in evaluating the submission. The team or "working group" was composed of three NRC staff members, two Agreement State representatives from certifying states, and an Agreement State representative from a non-certifying state. An expert in the NRC's Office of Nuclear Reactor Regulation, Division of Reactor Controls and Human Factors, Human Factors Assessment Branch also assisted the working group in evaluating those portions of the submission applicable to examination development. The working group completed its evaluation of the submission in April 1998.

In a letter dated May 15, 1998, NRC informed ASNT of its finding that ASNT's IRRSP certification program met the criteria established in 10 CFR Part 34, Appendix A, that ASNT was recognized as a Certifying Entity. Individuals wishing to act as radiographers who are certified in isotope radiography through the IRRSP program will meet the certification requirement specified in 10 CFR 34.43(a)(1).

The following Agreement States also administer certification programs as Certifying Entities: Georgia, Illinois, Iowa, Louisiana, Nevada, North Dakota, and Texas. Individuals wishing to act as radiographers who are certified in isotope radiography through one of these state programs will meet the certification requirement specified in 10 CFR 34.43(a)(1).

Dated at Rockville, Maryland this 9th day of June, 1998.

For the Nuclear Regulatory Commission.

Larry W. Camper, Chief, Materials Safety Branch, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 29

[Docket No. SW004; Special Conditions No. 29-004-SC]

Special Conditions: Sikorsky Aircraft Corporation, Model S76C; Application of Rated 30-Minute Power

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Sikorsky Model S76C helicopter. This helicopter will have a novel or unusual design feature associated with a new rated 30-minute power. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this new rated 30-minute power. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is June 17, 1998. Comments must be received on or before July 17, 1998.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration (FAA), Office of the Regional Counsel, Attention: Rules Docket No. SW004, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or delivered in duplicate to the Office of the Regional Counsel at the above address. Comments must be marked Docket No. SW004. Comments may be inspected in

the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Scott Horn, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193-0110, telephone (817) 222-5125, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the approval design and thus delivery of the affected helicopter. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

Interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered. The special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this special condition must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. SW004." The postcard will be date stamped and returned to the commenter.

Background

On November 19, 1997, Sikorsky Aircraft Corporation applied for a change to Type Certificate (TC) No. H1NE for use of a rated 30-minute power on the Model S76C helicopter. The Sikorsky Model S76C is a transport category A and B rotorcraft powered by two Turbomeca Arriel 2S1 engines with a maximum gross weight of 11,700 pounds.

This new rated 30-minute power is intended for periods of use up to 30 minutes at any time after takeoff during a flight performing search and rescue missions. However, this rating is also suitable for other missions that require increased rotorcraft hovering capability and duration than the current ratings allow. The Sikorsky Model S76C

helicopter with the Arriel 2S1 engine installation will have the following power ratings: 30-second One-Engine-Inoperative (OEI), 2-minute OEI, Continuous OEI, 30-minute, Takeoff, and Maximum Continuous ratings.

The current rotorcraft maximum continuous rating is at the same torque and RPM limits as the proposed 30-minute rating. As a result, the FAA has determined that compliance with the structural and drive system requirements of 14 CFR part 29 (part 29) has not been affected by this new rating application. In addition, all the power parameter limits and ranges for the 30-minute power coincide with the existing instrument markings for the takeoff rating. Therefore, these markings, applied to the new 30-minute power, have been found to comply with the part 29 requirements.

The applicable airworthiness requirements do not contain a 30-minute power rating definition and do not contain adequate or appropriate safety standards for the type certification of this new and unusual engine rating. Due to increased N_1 (gas turbine speed) and T_5 (turbine outlet temperature) limits for this new rating, as compared to the existing continuous rating, airworthiness requirements must be developed for powerplant cooling and operational limitations. Additionally, for use of the 30-minute power rating, the engine manufacturer has established a new method to determine the engine overhaul time. The new method accelerates the engine hours time-in-service when the 30-minute rating is used. For the Sikorsky Model S76C helicopter, the pilot is required to record the 30-minute rating usage, since no means of automatically counting or recording is provided. As a result of the additional workload to the pilot, the FAA has determined that a two-pilot crew is necessary to meet the minimum flight crew requirements of part 29.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Sikorsky Aircraft Corporation must show that the Model S76C helicopter with the Arriel 2S1 engine installation meets the applicable provisions of the regulations in effect on the date of the application or the applicable provisions of the regulations as referenced in TC Number H1NE. The regulations incorporated by reference in the TC are commonly referred to as the "original type certification basis." The regulations incorporated by reference in TC Number H1NE are as follows:

Part 29, effective February 1, 1965, plus Amendments 29-1 through 29-11;