

Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Paducah, Kentucky, marketing area.

Notice of proposed rulemaking was published in the Federal Register (48 FR 6544) concerning a proposed termination of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. In § 1099.61, the provisions in that part of paragraph (e) that read "except for the months specified below, shall be".

2. In § 1099.61, the provisions contained in paragraphs (f) through (j) in their entirety.

3. In § 1099.70, the provisions in paragraph (b) in their entirety.

Statement of Consideration

This termination order removes from the Paducah order those provisions that provide for withholding from payments to producers 50 cents per hundredweight during April through July and distributing the money so accumulated to producers supplying the market during the ensuing September through December. This plan, which is commonly known as the "Louisville plan," was intended to encourage level milk production throughout the year.

Termination of the Louisville plan was requested by Dairymen, Inc., a cooperative association representing a large portion of the producers supplying the market.

When the 50-cent take-out rate was adopted in 1967, it amounted to about 10 percent of the average "blend" prices before reflecting the Louisville plan withholding adjustments. That same rate represented less than 4 percent of such average prices in April-July 1982. Price adjustments of the current magnitude are inadequate to effectively encourage producers to level out their milk production annually. The seasonal payment plan no longer accomplishes its intended purpose.

Interested parties were asked to comment on the proposed termination of the Louisville plan. No opposing views were received.

In view of the foregoing, the Louisville plan should be terminated.

Therefore, good cause exists for making this order effective May 1, 1983.

List of Subjects in 7 CFR Part 1099

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

(Secs. 1-19, 48 Stat. 31, as amended: 7 U.S.C. 601-674)

Effective date: May 1, 1983.

Signed at Washington, D.C., on March 21, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 32

Consumer Products Containing Small Quantities of Radioactive Material; Modified Reporting and Recordkeeping Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to modify the reporting and recordkeeping requirements imposed on persons specifically licensed to distribute consumer products containing byproduct material. The existing annual reporting requirements are amended to require that reports be submitted (1) every five years, or (2) at the time of application for renewal of the specific license, or (3) at the time the licensee notifies the Commission that it is discontinuing distribution of these consumer products. The amendment is intended to reduce the number of reports submitted to the Commission. This amendment pertains only to the submission of reports and recordkeeping requirements and will not affect the safety properties of the products that are distributed.

EFFECTIVE DATE: June 30, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Anthony N. Tse, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (301-443-5825).

SUPPLEMENTARY INFORMATION:

Background

On November 23, 1982, the NRC published in the Federal Register (47 FR 52719) a Notice of Proposed Rulemaking to amend 10 CFR Part 32, "Specific Domestic Licenses to Manufacture or

Transfer Certain Items Containing Byproduct Material." The proposed amendments to Part 32 suggested modifications to the reporting and recordkeeping requirements imposed on persons licensed to distribute consumer products containing small quantities of byproduct material (exempt items).

These regulations required licensees to submit an annual report to the NRC specifying the total quantity of byproduct material transferred in each type of consumer product and the total number of each product transferred during the reporting period. An annual report was required even if a licensee made no transfers during the reporting period. This process provided the NRC and other interested parties with information concerning the extent and pattern of consumer product distribution. The NRC has also used this information to estimate the exposure of the general public to radiation from these products.

After reviewing these reporting requirements, the NRC proposed a minor change to the requirements that would reduce paperwork burdens on the affected licensees and the agency without diminishing the value of these reports to the NRC's regulatory program. The NRC proposed that the licensees be required to submit a report every 5 years, or at the time of application for renewal of the specific license, or at the time the licensee notifies the Commission that it is discontinuing distribution of these consumer products. In the notice of proposed rulemaking, the NRC also sought public comment on two alternative actions: (1) Eliminating reporting requirements completely, and (2) establishing a threshold such that if less than 1000 units were distributed annually, a report would not be required. However, the NRC has decided to adopt the approach set out in the proposed rule. The reason for this decision is outlined in the NRC's response to comments received on the proposed rule and the suggested alternatives.

The requirements for the type of records that must be kept is not changed although in certain cases the length of time that these records must be stored is modified to conform with the 5 year reporting period. This is necessary to facilitate the licensee's preparation of summary reports.

Comments

Interested persons were invited to submit written comments. The 30-day comment period expired on December 23, 1982. Eleven letters of comment were

received: ten from private industry and one from a state agency.

Most commenters supported the Commission's effort to reduce the reporting burden on licensees. However, the commenters varied in their views as to which alternative action should be taken. One suggested that the NRC terminate licensing for small distributors of consumer products; four favored complete elimination of reporting requirements; three supported the 5-year reporting period but two of these three also favored eliminating the reporting requirements; two preferred a threshold number and one opposed any change to the existing regulations.

Copies of the comments may be examined in the Commission's Public Document Room at 1717 H Street NW, Washington, DC. A summary of the comments and the NRC staff's responses to these comments is presented below.

1. Most commenters supported complete elimination of reporting requirements because (1) the public exposure to radiation from consumer products is very small and (2) the data contained in the reports could be obtained by other means, such as literature searches or discussions with product manufacturers. Although the public exposure to radiation from consumer products is very small, the Commission must, from time to time, reassess the exposure and verify that the public exposure remains small. Relatively current and accurate data on the types and quantities of products and radionuclides distributed are necessary to inform the Commission of the extent of the distribution of these products and to provide data for performing adequate assessments of public exposure to radiation from these products. Thus, the Commission believes a reasonably accurate data base should be collected by the Commission.

The Commission considered alternative ways of collecting the necessary data. Some data may be collected by literature search or by discussions with product distributors or manufacturers. However, these methods may have the following drawbacks (1) certain information, such as the number of products distributed in a year, might not be available in the literature because of its proprietary nature, (2) the data collected could have a large degree of uncertainty unless information from all licensees who distribute the products is included, and (3) the efforts spent by licensees to locate and report distribution data in response to an unscheduled data collection survey might be more burdensome than the efforts required to prepare one report every five years. Therefore the

Commission believes the data obtained from reports submitted at 5-year intervals is more accurate than data collected from literature search or by discussion with manufacturers.

2. One commenter suggested that the NRC should terminate licensing small distributors of consumer products containing byproduct materials. The principal issue in this rulemaking is not whether the NRC should continue to license consumer product distributors; the issue is whether the NRC should modify its existing reporting requirements applicable to this group of licensees. Thus, this comment is not relevant to the issue in this rulemaking proceeding.

3. Two commenters preferred the alternative that would establish a threshold number for the submission of an annual report. Another commenter, on the other hand, stated that a 1000-unit threshold plan would eliminate very few smoke detector manufacturers because it is unlikely that someone would handle such a small number of products. Although the 1000-unit threshold option would result in about 30% reduction in the number of reports, it would also have three major drawbacks: (1) The data would be relatively inaccurate because it is uncertain what percent of the total would be reported, (2) the licensees would still have to summarize product distribution data at the end of a reporting period so that they could determine whether the distribution exceeded the threshold number, and (3) lack of the report from a specific licensee would lead to the uncertainty whether the threshold had not been exceeded or the licensee had neglected to file the report. On the other hand, the 5-year reporting option, as compared to the existing annual reporting requirements, would provide 80% reduction in the number of reports a licensee must submit. Therefore, the Commission believes the threshold option is not as effective in reducing the reporting burden as the 5-year reporting option.

4. One commenter suggested that the existing reporting requirements not be changed. He doubted the efficacy of the change in reducing paperwork. In addition, the turnover in personnel would make the information on a 5-year reporting interval not as valuable as it is on a yearly basis. The Commission believes that, if the reporting period is extended from 1 year to a 5-year period, there would be a significant reduction (by a factor of 5) in the number of reports that must be prepared by licensees. Although the Commission agrees that the information obtained at

5-year reporting intervals would not be as current as the information contained in annual reports, the lack of data on the yearly basis would have little impact in the NRC's effort in assessing of public exposure to radiation from these products because the period between assessments is usually greater than 5 years. Considering the significant reduction in the number of reports, the Commission believes it is cost effective to extend the reporting period from 1 year to 5 years.

5. Several commenters are concerned with extending the recordkeeping requirements. Two stated that the retention of records for another year would impose an additional and unwarranted cost. Another, however, stated that they keep records as live records for a year or two before these records are transferred to archival storage and that there is little difference between the storage of archival records for 3 or 6 years as long as these records do not have to be retrieved on a regular basis. This amendment requires that the record be maintained one year after that record was used in preparation of the 5-year report submitted to the Commission. The average record retention period would be 3 years. This replaces the existing record retention period of 2 years for about 25 licensees and 5 years for about 175 licensees or an average record retention period of 4.5 years, thereby resulting in an overall reduction in recordkeeping requirements. The Commission believes that, although each licensee may have different recordkeeping systems and the changes in recordkeeping requirements will have a different impact on various licensees, the burden on recordkeeping averaged over all the affected licensees would result in a slight reduction in the record retention periods.

The Regulation

The final rule is the same as the proposed rule. It modifies the reporting and recordkeeping requirements in 10 CFR 32.12, 32.16, 32.20, 32.25, and 32.29.

Paperwork Reduction Act Statement

The rule was submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act (Pub. L. 96-511; 42 U.S.C. Ch. 15). The information collection requirements contained in this regulation were approved by OMB. OMB approval No. 3150-0001.

Regulatory Flexibility Certification

Since these amendments generally would reduce present recordkeeping and reporting requirements, the Commission,

in accordance with sec. 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. Persons specifically licensed to distribute consumer products containing byproduct material will no longer be required to submit an annual report to the Commission but will be required to submit reports covering periods of approximately five years. An estimated reduction of about 80 percent of the approximately 200 reports currently submitted annually is expected.

List of Subjects in 10 CFR Part 32

Byproduct materials, Labeling, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended and section 553 of title 5 of the United States Code the following amendment of title 10 chapter 1, Code of Federal Regulations, Part 32, is published as a document subject to codification.

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

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

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 23, 68 Stat. 958, as amended (42 U.S.C. 2273); secs. 32.13, 32.15 (a), (c) and (d), 32.19, 32.25 (a) and (b), 32.29 (a) and (b), 32.54, 32.55 (a), (b) and (d), 32.58, 32.59, and 32.62 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and secs. 32.12, 32.16, 32.20, 32.25(c), 32.29(c), 32.51a, 32.52 and 32.56 are issued under sec. 161c, 68 Stat. 950, as amended (42 U.S.C. 2201(c)).

2. The authority citations at the end of the following sections in Part 32 are removed: §§ 32.1, 32.14, 32.15, 32.16, 32.17, 32.18, 32.22, 32.25, 32.26, 32.29, 32.40, 32.51, 32.52, 32.53, 32.54, 32.56, 32.57, 32.61, 32.62, 32.71 and 32.110.

3. Section 32.12 is revised to read as follows:

§ 32.12 Same: records and material transfer reports.

(a) Each person licensed under § 32.11 shall maintain records of transfer of material and file a report with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC

Regional Office listed in Appendix D of Part 20 of this chapter.

(b) The report must identify the—

(1) Type and quantity of each product or material into which byproduct material has been introduced during the reporting period;

(2) Name and address of the person who owned or possessed the product or material, into which byproduct material has been introduced, at the time of introduction;

(3) The type and quantity of radionuclide introduced into each product or material; and

(4) The initial concentrations of the radionuclide in the product or material at time of transfer of the byproduct material by the licensee.

(c) The licensee shall file the report within 30 days following—

(1) Five years after filing the preceding report; or

(2) Filing an application for renewal of the license under § 30.27; or

(3) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized under the license issued under § 32.11.

(d) The report must cover the period between the filing of the preceding report and the occurrence specified in paragraphs (c) (1), (2), or (3) of this section. If no transfers of byproduct material have been made under § 32.11 during the reporting period, the report shall so indicate.

(e) The licensee shall maintain the record of a transfer for a period of one year after the event is included in a report to the Commission.

4. Section 32.16 is revised to read as follows:

§ 32.16 Certain items containing byproduct material: Records and reports of transfer.

(a) Each person licensed under § 32.14 or § 32.17 shall maintain records of transfer of material and report to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter.

(b) The report must include the following information on items transferred to other persons for use under § 30.16 of this chapter or equivalent regulations of an Agreement State—

(1) A description or identification of the type of each product;

(2) For each radionuclide in each type of product, the total quantity of the radionuclide; and

(3) The number of units of each type of product transferred during the reporting period.

(c) The licensee shall file the report within 30 days after—

(1) Five years after filing the preceding report; or

(2) Filing an application for renewal of the license under § 30.37; or

(3) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized under the license issued under § 32.14 or § 32.17.

(d) The report must cover the period between the filing of the preceding report and the occurrence specified in paragraphs (c) (1), (2), or (3) of this section. If no transfers of byproduct material have been made under § 32.14 or § 32.17 during the reporting period, the report must so indicate.

(e) The licensee shall maintain the record of a transfer for a period of one year after the event is included in a report to the Commission.

5. Section 32.20 is revised to read as follows:

§ 32.20 Same: Records and material transfer reports.

(a) Each person licensed under § 32.18 of this part shall maintain records of transfer of material identifying, by name and address, each person to whom byproduct material is transferred for use under § 30.18 of this chapter or the equivalent regulations of an Agreement State and stating the kinds and quantities of byproduct material transferred. The licensee shall maintain the record of a transfer for a period of one year after the event is included in a summary report to the Commission.

(b) The licensee shall file a summary report stating the total quantity of each isotope transferred under the specific license with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter.

(c) The licensee shall file the summary report within 30 days following—

(1) Five years after filing the preceding report; or

(2) Filing an application for renewal of the license under § 30.37; or

(3) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized under the license issued under § 32.18.

(d) The report must cover the period between the filing of the preceding report and the occurrences specified in

paragraphs (c)(1), (2), or (3) of this section. If no transfers of byproduct material have been made under § 32.18 during the reporting period, the report must so indicate.

6. In § 32.25, paragraph (c) is revised to read as follows:

§ 32.25 Conditions of licenses issued under § 32.22: quality control, labeling, records, and reports of transfer.

Each person licensed under § 32.22 shall:

(c) Maintain records and file reports with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with copies to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter.

(1) The report must include the following information on products transferred to other persons for use under § 30.19 of this chapter or equivalent regulations of an Agreement State—

(i) A description or identification of the type of each product;

(ii) For each radionuclide in each type of product, the total quantity of the radionuclide; and

(iii) The number of units of each type of product transferred during the reporting period.

(2) The licensee shall file the report within 30 days following—

(i) Five years after filing the preceding report; or

(ii) Filing an application for renewal of the license under § 30.37; or

(iii) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized under the license issued under § 32.22.

(3) The report must cover the period between the filing of the preceding report and the occurrences specified in paragraphs (c)(2)(i), (ii), or (iii) of this section. If no transfers of byproduct material have been made under § 32.22 during the reporting period, the report must so indicate.

(4) The licensee shall maintain the record of a transfer for a period of one year after the event is included in a report to the Commission.

7. In § 32.29, paragraph (c) is revised to read as follows:

§ 32.29 Conditions of licenses issued under § 32.26: Quality control, labeling, records, and reports of transfer.

Each person licensed under § 32.26 shall:

(c) Maintain records and file a report with the Director of Nuclear Material

Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with copies to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter.

(1) The report must include the following information on products transferred to other persons for use under § 30.20 of this chapter or equivalent regulations of an Agreement State—

(i) A description or identification of the type of each product;

(ii) For each radionuclide in each type of product, the total quantity of the radionuclide; and

(iii) The number of units of each type of product transferred during the reporting period.

(2) The licensee shall file the report within 30 days following—

(i) Five years after filing the preceding report; or

(ii) Filing an application for renewal of the license under § 30.37; or

(iii) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized pursuant to the license issued under § 32.26.

(3) The report must cover the period between the filing of the preceding report and the occurrences specified in paragraphs (c)(2)(i), (ii), or (iii) of this section. If no transfers of byproduct material have been made under § 32.26 during the reporting period, the report must so indicate.

(4) The licensee shall maintain the record of a transfer for a period of one year after the event is included in a report to the Commission.

Dated at Bethesda, Maryland this 4th day of March 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-7086 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. NM-1, Special Condition No. 25-ANM-1]

Special Conditions: Canadair CL-600-2A12 (CL-601)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Special Conditions.

SUMMARY: This action issues special conditions for the Canadair CL-600-2A12 (CL-601) series airplane. The special conditions originally issued for

the CL-600-1A11 are amended for this derivative model (CL-601) because an increase in operating altitude is anticipated. Additionally, the CL-600-2A12 (CL-601) airplane will have novel and unusual design features associated with an automatic takeoff thrust control system (ATTCS) for which the applicable airworthiness regulations do not have adequate or appropriate safety standards. These special conditions contain safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations applicable to the Canadair CL-600-2A12 (CL-601) series airplane because of novel and unusual features.

DATES: Effective date: March 8, 1983.

Comments must be received on or before May 23, 1983.

ADDRESS: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules Docket (ANM-7), Docket No. NM-1, 17900 Pacific Highway South, C-68966, Seattle, Washington 98166; or delivered in duplicate to: Office of the Regional Counsel, ANM-7, at the above address. All comments must be marked: Docket No. NM-1. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: James Walker (ATTCS) or Mark Quam (High Altitude Operations), Regulations and Policy Office, ANM-110, FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98166. Telephone (206) 764-7051/7053.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective in less than 30 days; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator, and these special conditions may be changed based on comments received. 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 these

special conditions will be filed in the Rules Docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request, must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments on Docket No. NM-1." The postcard will be date/time stamped and returned to the commenter.

Background

On May 1, 1981, Canadair Limited, Post Office Box 6087, Montreal, Quebec, Canada H3C 3G9, applied for an amendment to United States Import Type Certificate No. A21EA for its Canadair CL-600-2A12 (CL-601) series airplane. The Model CL-600-2A12 (CL-601) is a twin engine, pressurized transport category airplane. The airplane is similar to the Model CL-600-1A11 except for installation of winglets and General Electric CF34 turbofan engines. The maximum takeoff gross weight is 42,100 pounds. The General Electric CF34 engines produce 9140 pounds takeoff thrust under sea level standard day conditions. The airplane has a seating capacity of 21 persons, including the crew, and has a maximum anticipated altitude of 45,000 feet.

The major modification covered under this amendment to the type certificate is the installation of an automatic takeoff thrust control system (ATTCS) called Automatic Performance Reserve (APR) system by Canadair. With the ATTCS installed, takeoffs would normally be made with engine thrust set at less than the maximum takeoff thrust approved for the airplane under the existing ambient conditions. In the event of an engine failure on takeoff, the automatic system will reset the fuel schedule on the operating engine to provide the maximum takeoff thrust. Provisions are also made for manual selection of the maximum takeoff thrust. The application of maximum takeoff thrust, whether set by the automatic system or manually, will not result in the takeoff operating limits of the engine being exceeded.

High Altitude Operation

The special conditions issued for high altitude operation for the CL-600-1A11 were Special Condition No. 25-94-EA-12, issued March 26, 1980, and Amendment No. 1 issued September 11, 1981. These same special conditions are being applied to the CL-600-2A12 with the amended portions discussed here.

The CL-600-2A12 will be initially certificated to operate to 41,000 feet. The manufacturer has expressed interest in increasing the operating altitude to 45,000 feet at a later date. To cover that

eventuality, special conditions are being applied. The FAA policy is to apply special conditions to Part 25-type executive transports when the certificated altitude exceeds the capability of the oxygen system (in this case, the passenger system). This has been the case for the early Learjet, Lockheed Jetstar and Aero Commander, and Cessna 650 (46 FR 35929 dated July 13, 1981).

Analysis indicates that for some failure conditions, the cabin altitude after failure may exceed the cabin altitude/time curve limits in Special Condition No. 25-94-EA-12. Continuous flow passenger oxygen equipment is certificated for use up to 40,000 feet. Studies have shown for rapid decompressions above 34,000 feet, reverse diffusion leads to low oxygen partial pressures in the lungs to the extent a small percentage of passengers may lose useful consciousness at 35,000 feet to an estimated 60 percent at 40,000 feet, even with the use of the continuous flow system.

To prevent possible brain damage, the cabin altitude is not to exceed 25,000 feet for more than two minutes. The maximum cabin altitude has been set at 40,000 feet to be in agreement with past FAA certification; and, in addition, at these altitudes, the other aspects of decompression sickness have significant detrimental effect on pilot performance (for example, a pilot can be incapacitated by internal expanding gasses).

Decompression above the 37,000 foot limit specified in Special Condition No. 25-94-EA-12 strains man's physiological limits and every effort must be made to provide the pilot with adequate oxygen equipment to withstand these severe decompressions. Reducing the time interval before the pilot receives oxygen will provide a safety margin against being incapacitated and can be accomplished by the action of mask mounted regulators. Item 4(a) of Special Condition No. 25-94-EA-12, therefore, has been amended for the CL-600-2A12 series airplanes to require pressure demand masks with mask mounted regulators for the flightcrew. This combination of equipment will provide the best practical protection for the failures covered by the special conditions and for improbable failures not covered by the special condition, provided the cabin altitude is limited.

Automatic Takeoff Thrust Control System (ATTCS)

The type design of the Model CL-600-2A12 (CL-601) series airplane, with the automatic system installed, contains a number of novel and unusual design

features for an airplane type certificated under the airworthiness requirements incorporated by reference in Type Certificate No. A21EA or under the applicable airworthiness requirements in effect on the date of application for change to that type certificate. In either case, the applicable airworthiness requirements do not contain adequate or appropriate safety standards. Special conditions are necessary to provide a level of safety equal to that established by the regulations incorporated by reference in the type certificate and to support a finding by the Administrator that no feature or characteristic of the airplane with the ATTCS installed makes it unsafe for the category in which certification is requested. These special conditions specify limits on the maximum power increment which may be applied to the operating engine(s) by the ATTCS, prescribe system reliability and status monitoring requirements, require provisions for manual selection of the maximum takeoff thrust approved for the airplane under existing conditions, prohibit approval of the system if the automatic or manual application of maximum takeoff thrust would result in an engine operating limit being exceeded, and require the installation of an independent engine failure warning system if the inherent characteristics of the airplane do not provide a clear warning to the crew.

The FAA developed special conditions for an ATTCS for current turbine-powered transport category airplanes, and sent the proposal to U.S. user groups and various foreign Civil Air Authorities for review and comment in November 1977. Comments were received, reviewed, and the special conditions were revised and sent to the same groups in May 1978. This procedure was repeated again in November 1978. Cooperating with the FAA in this development were the Aerospace Industries Association of America (AIA), Air Transport Association of America (ATA), Air Line Pilots Association (ALPA), Allied Pilots Association (APA), Rolls Royce (RR), Hawker Siddeley Aviation Ltd. (HS), British Civil Air Authority (BCAA), the Civil Air Authorities of Australia and Japan, the French Technical Commission Navigation (FTCN) and the French Civil Air Authorities (FCAA), Lockheed, Boeing, McDonnell Douglas, and Rockwell International.

Based on the comments received and on further review by the FAA, a number of changes were made to the special conditions proposal. These provide for consideration of the following specific matters:

1. For the fail-operational (able to perform its intended function after a single failure or combination of failures not shown to be extremely improbable within the ATTCS system) system proposed, a reduction of the ATTCS failure probability from extremely improbable to improbable for the ATTCS alone, the addition of an extremely improbable failure probability for the combined ATTCS and engine failure, and deletion of the all-engine performance criteria.

2. For the nonfail-operational system proposed, a reduction in the failure probability from improbable to 10^{-3} for the ATTCS alone, introduction of a climb gradient for the combined ATTCS and engine failure case, and deletion of an engine failure warning means if the inherent characteristics of the engine failure are clearly made known to the pilot.

3. For clarifying changes, including a graphical presentation to clarify the definition of the term "Critical Time Interval."

The special conditions differ in one major respect from similar special conditions previously issued for other airplane models. The certification basis for the Canadair CL-600-2A12 (CL-601) includes Amendment No. 25-23 to Part 25 which modified the requirements of § 25.1309(b)(2). Previous model airplanes to which special conditions for an ATTCS were applied do not have to meet the current requirements of § 25.1309(b)(2). The current rules in § 25.1309(b)(2) are more stringent than the previous special condition requirements; therefore, the option to provide an ATTCS with reduced reliability if a specific level of minimum performance is available with both the ATTCS and an engine failed has been deleted from these special conditions.

Type Certification Basis

The type certification basis of the Canadair CL-600-2A12 (CL-601) series airplane with the ATTCS and an anticipated increase in operational altitude to 45,000 feet is as follows:

1. Certification basis for the Model CL-600-1A11, shown in Type Certificate Data Sheet A21EA, Revision 1, dated May 26, 1981.

2. Special Conditions No. 25-94-EA-12, Docket No. 16921, issued March 26, 1980.

3. Amendment No. 1 to special conditions No. 25-94-EA-12 for Canadair CL-600-1A11 series airplane, issued September 11, 1981.

4. The special conditions contained herein for the CL-600-2A12 (CL-601) series airplane for the ATTCS and amendments for higher altitude operation above 41,000 feet to 45,000 feet.

The substance of these two special conditions has been the subject of notice and public procedure in several prior instances. See 46 FR 35929, 46 FR 27092, and 46 FR 46118. They are adopted herein without substantive change for the CL-601. Accordingly, and because this application is for an amendment only to an existing type certificate which already contains approved special conditions for high altitude operation, the FAA has determined that additional notice and public procedure are unnecessary and the applicable special conditions are being issued effective immediately.

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in

accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the airplane.

List of Subjects in 14 CFR Part 21

Air transportation, Aircraft, Aviation safety, Safety.

Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued to Canadair Limited for the Canadair CL-600-2A12 (CL-601) series airplanes:

High Altitude Special Condition Amendments

Special Condition No. 25-94-EA-12, issued March 26, 1980, and Amendment No. 1 issued September 11, 1981, as follows:

1. Amend Item 3(a), titled "Pressurization," to read: "The pressurization system must be capable of maintaining the following relationships between specific failure and cabin altitude-time histories for operations above 41,000 feet." The rest reads the same, except as follows: Revise the referenced Figures 3 and 4 of Item 3, titled "Pressurization," of Special Condition No. 25-94-EA-12 to include the notes as shown on Figures 3 and 4.

2. Amend 4(a) of Item 4, titled "Oxygen Equipment and Supply" to read: "In addition to the requirements of § 25.1441, the following apply: A pressure demand oxygen system with a quick donning mask with mask mounted regulators must be provided for the flightcrew * * *." The rest reads the same.

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For Figure 3, time starts at the moment cabin altitude exceeds 8,000 feet during depressurization. After depressurization, the maximum cabin altitude exceedence is limited to 30,000 feet. The maximum time the cabin altitude may exceed 25,000 feet is two minutes; time starting when the cabin altitude exceeds 25,000 feet and ending when it returns to 25,000 feet.

FIGURE 3
CABIN ALTITUDE - TIME HISTORY
(Supplemental oxygen available to all passengers.)

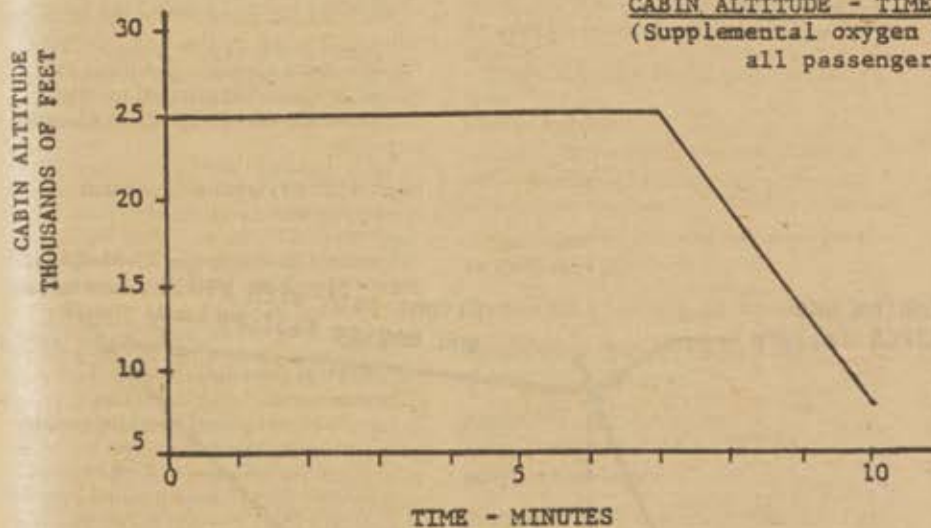
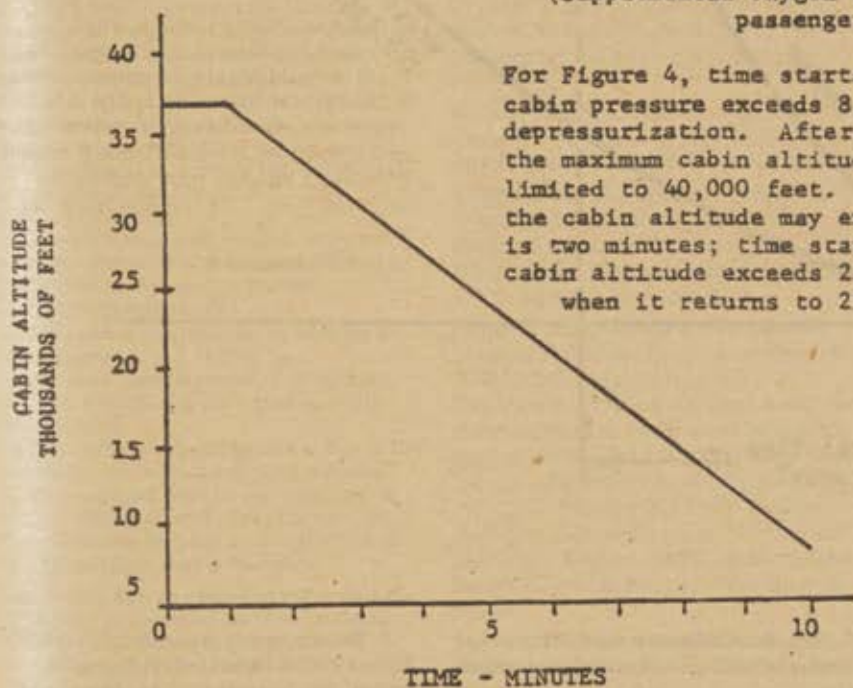


FIGURE 4
CABIN ALTITUDE - TIME HISTORY
(Supplemental oxygen available to all passengers.)

For Figure 4, time starts at the moment cabin pressure exceeds 8,000 feet during depressurization. After depressurization, the maximum cabin altitude exceedence is limited to 40,000 feet. The maximum time the cabin altitude may exceed 25,000 feet is two minutes; time starting when the cabin altitude exceeds 25,000 feet and ending when it returns to 25,000 feet.

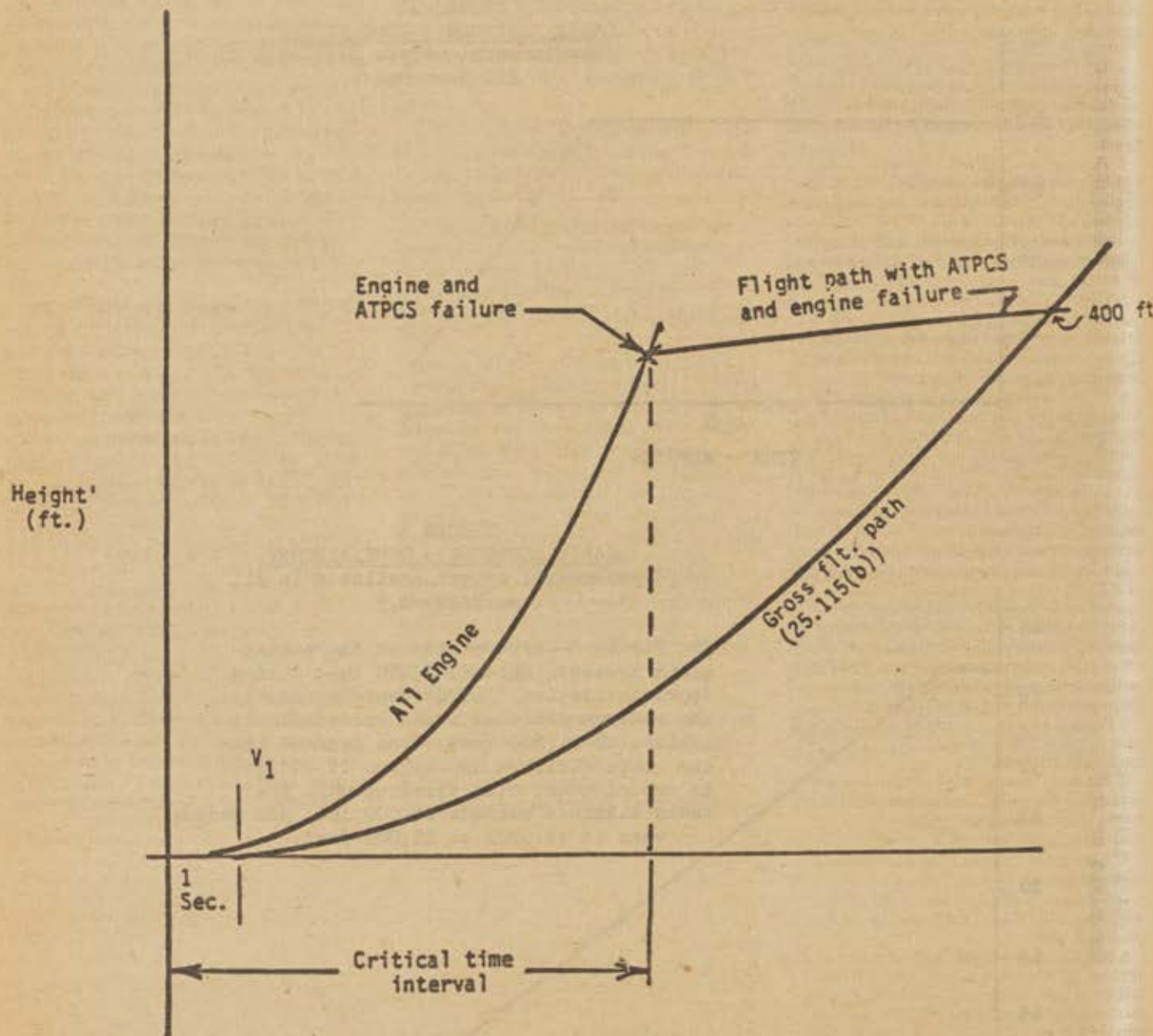


Automatic Takeoff Thrust Control System (ATTCS)

A. *General.* With the ATTCS and associated systems functioning normally as designed, all applicable requirements of Part 25, except as provided in these special conditions, must be met without requiring any action by the crew to increase thrust.

B. *Definitions.* An ATTCS is defined as the entire automatic system used on takeoff, including all devices, both mechanical and electrical, that sense engine failure, transmit signals, actuate fuel controls or power levers on operating engines to achieve scheduled thrust increase, and furnish cockpit information on system operation.

1. *Critical Time Interval.* When conducting an ATTCS takeoff, the critical time interval between V_1 minus 1 second and a point on the minimum performance all-engine flight path, where assuming a simultaneous engine and ATTCS failure, the resulting minimum flight path thereafter intersects the Part 25-required gross flight path at not less than 400 feet from the takeoff surface. This definition is shown in the following graph:



2. *Takeoff Thrust.* Notwithstanding the definition of "Takeoff Thrust" in Part 1 of the Federal Aviation Regulations (FAR), "Takeoff Thrust" means each thrust obtained from each initial thrust setting approved for takeoff under these special conditions.

C. *Performance Requirements.* The following reliability and performance criteria apply:

1. An ATTCS system failure during the critical time interval must be shown to be improbable.

2. The concurrent existence of an ATTCS failure and an engine failure during the critical time interval must be shown to be extremely improbable.

3. All applicable performance requirements of Part 25 must be met with an engine failure

occurring at the most critical point during takeoff with the ATCS system functioning.

D. *Thrust Setting*. The initial takeoff thrust set on each engine at the beginning of the takeoff roll may not be less than:

1. Ninety (90) percent of the thrust level set by the ATCS (the maximum takeoff thrust approved for the airplane under existing conditions);

2. That required to permit normal operation of all safety-related systems and equipment dependent upon engine thrust or power lever position; or

3. That shown to be free of hazardous engine response characteristics when thrust is advanced from the initial takeoff thrust level to the maximum approved takeoff thrust.

E. *Powerplant Controls—General*. 1. In addition to the requirements of § 25.1141, no single failure or malfunction, or probable combination thereof, of the ATCS system, including associated systems, may cause the failure of any powerplant function necessary for safety.

2. The ATCS must be designed to:

a. Apply thrust on the operating engine(s), following an engine failure during takeoff, to achieve the selected takeoff thrust without exceeding engine operating limits;

b. Permit manual decrease or increase in thrust up to the maximum takeoff thrust approved for the airplane under existing conditions through the use of the power lever, except that for aircraft equipped with limiters that automatically prevent engine operating limits from being exceeded under existing conditions, other means may be used to increase the maximum level of thrust controlled by the power levers in the event of an ATCS failure provided the means is located on or forward of the power levers, is easily identified and operated under all operating conditions by a single action of either pilot with the hand that is normally used to actuate the power levers, and meets the requirements of § 25.777 (a), (b), and (c).

c. Provide means to verify to the flightcrew prior to takeoff that the ATCS is in a condition to operate.

d. Provide a means for the flightcrew to deactivate the automatic function. This means must be designed to prevent inadvertent deactivation.

F. *Powerplant Instruments*. In addition to the requirements of § 25.1305,

1. A means must be provided to indicate when the ATCS is in the armed or ready condition; and

2. If the inherent flight characteristics of the airplane do not provide adequate warning that an engine has failed, a warning system that is independent of the ATCS must be provided to give the pilot a clear warning of any engine failure during takeoff.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.28 and 11.29(b))

Note. The FAA has determined that this document involves a regulation which is not considered to be significant as defined in Department of Transportation Regulatory

Policies and Procedures (44 FR 11034; February 26, 1979), and is not major as defined in Executive Order 12291. In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this regulation, at promulgation, will not have a significant economic impact on a substantial number of small entities. The regulation affects only certain unusual or novel design features of one model series of airplanes. The regulation is necessary for safety and affects primarily the manufacturer who applied to the FAA for approval of these features on the airplane.

Issued in Seattle, Washington, on March 8, 1983.

Charles R. Foster,
Director, Northwest Mountain Region.

(FR Doc. 83-7570 Filed 3-23-83; 8:45 am)

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-NM-06-AD; Amdt. 39-4589]

Airworthiness Directives: Boeing Model 767 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires installation of an ice shield on the inboard slat center support link doors of Boeing Model 767 airplanes. Compliance with this AD is required to prevent simultaneous loss of the throttle control on both engines due to ice buildup on the engine power lever cables.

DATES: Effective April 4, 1983.

Compliance required within the next 30 days after the effective date of this AD.

ADDRESSES: The applicable Service Bulletin may be obtained from the Boeing Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Stewart R. Miller, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, Federal Aviation Administration, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2520. Mailing Address: Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration has determined that Boeing Model 767 airplanes subjected to operation in icing conditions with leading edge slats extended are subject to ice accumulation on the power lever cables

where they are routed through the wing cavity behind the inboard slats. During one flight subsequent to type certification, large amounts of ice formed in both wings and led to binding of the power lever cable on both engines. The flight involved slats extended operation in icing conditions. This condition has the potential for simultaneous loss of power lever control on both engines and is likely to occur on all aircraft of this type.

Boeing has designed an ice shield to prevent the accumulation of ice in the wing with slats extended. This shield is being installed on current production Model 767 airplanes and is available as a kit for retrofit on existing airplanes.

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to Boeing Model 767 Series Airplanes certificated in all categories. To prevent loss of engine throttle control due to power lever cable icing, accomplish the following within 30 days from the effective date of this AD, unless already accomplished.

A. Install ice shields on the number 6 and 7 slats per Boeing Service Bulletin 767-30-2 dated December 13, 1982, or later FAA approved revision.

B. Special Flight permits may be issued in accordance with FAR 21.199 to operate airplanes to a base for the accomplishment of this AD.

C. Alternate means of compliance with the AD which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

This amendment becomes effective April 4, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe