# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 910

[Lemon Regulation 468]

### Lemons Grown in California and Arizona; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 300,000 cartons during the period June 17–June 23, 1984. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

**EFFECTIVE DATE:** June 17, 1984.

**FOR FURTHER INFORMATION CONTACT:** William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on June 12, 1984, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that lemon demand is slow.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

#### List of Subjects in 7 CFR Part 910

Marketing Agreements and Orders, California, Arizona, Lemons.

Section 910.768 is added as follows:

#### § 910.768 Lemon Regulation 468

The quantity of lemons grown in California and Arizona which may be handled during the period June 17, 1984, through June 23, 1984, is established at 300,000 cartons.

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

Dated: June 13, 1984.

**Charles R. Brader,**

*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc. 84–16230 Filed 6–14–84; 8:45 am]

BILLING CODE 3410–02–M

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 30, 40, and 150

### Tritium and Source Material Reports

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission is amending its requirements applicable to NRC and Agreement State licensees who transfer or receive other than U.S. origin source material, or who import or export source material of any origin. For those licensees, the reportable quantity of certain source material transfers is lowered from 1,000 kilograms to 1 kilogram. This action is necessary to satisfy existing international commitments. Reporting requirements for all other transfers of source material, except for facilities selected by the IAEA, have been deleted. The NRC is also removing the requirement that all NRC and Agreement State licensees report tritium inventories. The NRC determined that tritium inventory reports are not necessary for conduct of its regulatory programs.

**EFFECTIVE DATE:** July 16, 1984.

**FOR FURTHER INFORMATION CONTACT:** June Robertson, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: (301) 427–4004.

**SUPPLEMENTARY INFORMATION:**

#### Background

The NRC Safeguards staff conducted a study to reexamine several assumptions underlying the proposed development of an Integrated Safeguards Information System. One of the issues examined was the need for the current safeguards reporting requirements placed on licensees. The staff concluded that all material transfer and inventory data that licensees are currently required to report to NRC are necessary to satisfy existing international commitments and domestic safeguards needs, with the exception of the requirement to report tritium inventories. Subsequent to the study, further examination indicated that requirements applicable to source material transfer reports should be changed to reflect existing international commitments. On November 29, 1983, the Commission published proposed amendments in the **Federal Register** (48 FR 53714) to eliminate the tritium reporting requirements and change the source material transfer report requirements as suggested by the examination.

The proposed amendments also suggested changes for clarity that included deleting specific addresses from the regulation and stating that requirements of these parts are not applicable to general licensees. A sixty-day comment period expired on January 30, 1984. Comments were received from nineteen respondents.

**Summary of Public Comment**

The proposed amendments have been modified in response to the comments received and will be published in final form, as modified, to become effective 30 days after publication of this notice. The changes which were made in response to public comments were primarily for the purpose of clarification and are consistent with the intent of the Commission at the time of publication of the proposed amendments. A summary of the public comments and, where appropriate, a description of the changes that resulted from them follows:

1. *Need for these amendments.* All but three of the commenters questioned the need for lowering the reportable quantity of non-nuclear end use source material transfers. These commenters included small licensees who utilize source material in their operations for testing, research, development, education, manufacturing, and repackaging and the Department of Defense organizations who utilize source materials in munitions. These commenters suggested that all non-nuclear end use materials that are not needed to satisfy existing international commitments be exempt from the transfer reporting requirements. Three of these commenters suggested that source material used in the manufacture of non-nuclear end use devices be exempt from the transfer reporting requirement at the time the material enters the manufacturing process.

The NRC has determined that transfers involving source material that has been incorporated in non-nuclear end use products do not have to be reported to satisfy existing international commitments. The licensees' suggestions have been adopted by the rewording of §§ 40.64(d)(4) and 150.17(d)(4), which provide for the exemption of reports for those transfers which involve material contained in non-nuclear end use devices or components. Also, §§ 40.64(a) and 150.17(a) have been reworded to specify that reports are required only for those transfers that involve material of international concern. These changes will reduce the reporting burden.

With respect to the proposed amendment, comments received not resulting in changes follow:

1. Two of the commenters expressed concern about the deletion of the requirement to report inventories of tritium. They felt that in the absence of a report of tritium inventory, the NRC could not regulate disposal of tritium and therefore tritium could be easily dispersed into the environment.

With the deletion of the tritium reporting requirements, licensees will continue be subject to license conditions and other safety requirements. Also, the requirement to dispose of tritium and to keep records of disposal will remain. The NRC will delete the requirement to report inventories of tritium because the reporting of holdings of tritium is not necessary for the conduct of the NRC safety and safeguards regulatory programs.

2. One commenter was concerned that general license holders who are authorized under § 40.22 to use and transfer up to 15 pounds (approximately 7 kilograms) of source material would now be required to report transfers of 1 kilogram or more.

One of the published amendments made for clarity to § 40.64 indicates that the requirement to report transfers is not applicable to general license holders.

3. Two commenters questioned the need for reports of source material transfers at the 1 kilogram level to satisfy international commitments. They indicated that 1 kilogram of source material has little strategic significance. Reference was made to "1 effective kilogram" of source material in 10 CFR Part 75 which was promulgated to implement the US/IAEA Safeguards Agreement.

The reference to "1 effective kilogram" in 10 CFR Part 75 applies to advance notification of proposed imports and exports and domestic transfers when shipped to a facility that is not eligible for the application of IAEA safeguards. The international commitments require reports on all transfers of nuclear materials. However, as a matter of convenience, the IAEA participants charged with implementing the international agreements agreed upon one kilogram as the quantity to be used for reporting purposes.

**Environmental Impact: Categorical Exclusion**

The NRC has determined that the amendments to 10 CFR Parts 30 and 40 in this final regulation are the type of action described in categorical exclusion 10 CFR 51.22(c)(3). The NRC has determined that the amendment to 10 CFR Part 150 in this final regulation is the type of action described in 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed regulation.

**Paperwork Reduction Act Statement**

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). This rule had been approved by the Office of Management and Budget, OMB Approval Nos. 3150-0003, 3150-0017, 3150-0020, and 3150-0032.

**Regulatory Analysis**

The NRC has prepared a regulatory analysis on this final regulation. The analysis examines the costs and benefits of the alternatives considered by the NRC. The analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW, Washington, DC. Single copies of the analysis may be obtained from June Robertson, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 427-4004.

**Regulatory Flexibility Certification**

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule does not have a significant economic impact upon a substantial number of small entities due to the small number of reports involved. The rule affects about 60 specific source material licensees. Approximately 10 of these licensees are large industrial manufacturers who submit approximately 60 reports each per year that are not required by the current rule. The remaining 50 affected licensees are small independent industrial manufacturers with an average annual gross income of less than $1 million and employ fewer than 500 people who are not presently reporting at the one kilogram level. The small industrial licensee will submit an average of two reports per year.

The total time required by a licensee to complete each transfer report is estimated at approximately 1 hour. This is time needed to complete the report. No research or compilation is necessary as all information is transcribed from bills of lading, in-house records kept for other purposes, sales agreements, etc. The annual burden is about 2 hours per small industrial licensee and approximately 60 hours per large industrial licensee to perform the proposed reporting for a total combined annual burden of approximately 700 hours.

The costs for complying with the source material reporting requirement will not pose a significant economic impact. The additional cost for each of the small licensees will be approximately $120. The annual cost for each large licensee will be approximately $3,600. The total additional burden for all affected licensees will be approximately $42,000. This cost impact is lessened by the fact that some licensees are already reporting voluntarily. Furthermore, approximately 5,000 reports of no international interest will be eliminated for a $300,000 annual reporting burden reduction.

Calendar year 1981 was the most recent year that an inventory of tritium was reported. During that year, one licensee submitted one tritium inventory report. An estimated 1 hour is required to complete one inventory report. Consequently, it is estimated that the present reporting burden would be reduced by 1 hour per year.

### List of Subjects

*10 CFR Part 30*

Byproduct material, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

*10 CFR Part 40*

Government contracts, Hazardous materials—transportation, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Source material, Uranium.

*10 CFR Part 150*

Hazardous materials—transportation, Intergovernmental relations, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

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 Parts 30, 40, and 150.

## PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for Part 30 continues to read as follows:

**Authority:** Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 30.3, 30.34 (b) and (c), 30.41 (a) and (c) and 30.53 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 30.36, 30.51, 30.52 and 30.55 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

### § 30.55 [Amended]

2. In § 30.55, paragraphs (b) and (e) are removed and reserved.

## PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

3. The authority citation for Part 40 continues to read as follows:

**Authority:** Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244 1246 (42 U.S.C. 5841, 5842, 5846).

Section 40.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273; §§ 40.3, 40.25(d)(1)–(3), 40.35(a)–(d), 40.41 (b) and (c), 40.46, 40.51 (a) and (c) and 40.63 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 40.25 (c) and (d) (3) and (4), 40.26(c)(2), 40.35(e), 40.42, 40.61, 40.62, 40.64, and 40.65 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. In § 40.64, paragraphs (a), (b), and (d) are revised to read as follows:

### § 40.64 Reports.

(a) Except as specified in paragraphs (d) and (e) of this section, each specific licensee who transfers, receives, or adjusts the inventory in any manner by 1 kilogram or more of uranium or thorium of foreign origin or who imports or exports 1 kilogram or more of uranium or thorium of any origin shall complete and distribute a Nuclear Material Transaction Report of Form DOE/NRC 741 in accordance with the printed instructions (NUREG/BR-0006) for completing the form. Copies of the form and instructions may be obtained by writing to U.S. Nuclear Regulatory Commission, Division of Safeguards, Washington, DC 20555. Each licensee who transfers the material shall submit a completed copy of Form DOE/NRC 741 to the Commission and three copies to the receiver of the material no later than the close of business the next working day. Each licensee who receives the material shall submit a completed copy of Form DOE/NRC 741 to the Commission and to the shipper of the material within ten (10) days after the material is received. The Commission's copies of the reports must be submitted to the address specified in the printed instructions.

(b) Except as specified in paragraphs (d) and (e) of this section, each licensee who is authorized to possess at any one time and location more than 1,000 kilograms of uranium or thorium or any combination of uranium or thorium shall submit to the Commission within 30 days after September 30 of each year a statement of the licensee's source material inventory. The reports must be submitted to the address specified in the reporting instructions (NUREG/BR-0007), and include the Reporting Identification Symbol (RIS) assigned by the Commission to the licensee. Copies of the reporting instructions may be obtained by writing U.S. Nuclear Regulatory Commission, Division of Safeguards, Washington, DC 20555.

* * * * *

(d) The reports described in paragraphs (a), (b), and (c) of this section are not required for—

(1) Processed ores containing less than five (5) percent of uranium or thorium, or any combination of uranium or thorium, by dry weight;

(2) Thorium contained in magnesium-thorium and tungsten-thorium alloys, if the thorium content in the alloys does not exceed 4 percent by weight;

(3) Chemical catalysts containing uranium depleted in the U-235 isotope to 0.4 percent or less, if the uranium content of the catalyst does not exceed 15 percent by weight; or

(4) Any source material contained in non-nuclear end use devices or components, including but not limited to permanently installed shielding.

teletherapy, radiography, X-ray, accelerator devices, or munitions.

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## PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

5. The authority citation for Part 150 is revised to read as follows:

**Authority:** Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under secs. 11e(2), 81, 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 150.20(b) (2)–(4) and 150.21 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 150.14 is issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 150.16–150.19 and 150.20(b)(1) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

### §§ 150.3, 150.14, 150.15, 150.15a, 150.30, 150.31 and 150.32 [Amended]

6. Remove the authority citations following §§ 150.3, 150.14, 150.15, 150.15a, 150.30, 150.31, and 150.32.

7. In § 150.17, paragraphs (a), (b), and (d) are revised to read as follows:

### § 150.17 Submission to the Commission of source material transfer reports.

(a) Except as specified in paragraph (d) of this section and § 150.17a, each person who, pursuant to an Agreement State specific license, transfers or receives or adjusts the inventory in any manner by 1 kilogram or more of uranium or thorium of foreign origin or who imports 1 kilogram or more of uranium of thorium of any origin shall complete and distribute a Nuclear Material Transaction Report on DOE/NRC Form 741 in accordance with the printed instructions for completing the form (NUREG/BR–0006). Copies of forms and instructions may be obtained by writing to U.S. Nuclear Regulatory Commission, Division of Safeguards, Washington, DC 20555. Each person who transfers the material shall submit a completed copy of DOE/NRC Form 741 to the address specified in the printed instructions and three (3) copies to the receiver of the material no later than the close of business the next working day. Each person who receives the material shall submit a completed copy of DOE/NRC Form 741 to the address specified in the printed instructions and to the shipper of the material within ten (10) days after the material is received.

(b) Except as specified in paragraph (d) of this section and § 150.17a, each person who is authorized to possess at any one time and location under an Agreement State license, more than 1,000 kilograms or uranium or thorium, or any combination or uranium or thorium, shall submit to the Commission within 30 days after September 30 of each year, a statement of the licensee's source material inventory. These reports must be submitted to the address specified in the printed instructions (NUREG/BR–0007), and include the Reporting Identification Symbol (RIS) assigned by the Commission to the licensee. Copies of the reporting instructions may be obtained by writing to U.S. Nuclear Regulatory Commission, Division of Safeguards, Washington, DC 20555.

* * * * *

(d) The reports described in paragraphs (a), (b), and (c) of this section are not required for:

(1) Processed ores containing less than five (5) percent of uranium or thorium, or any combination of uranium and thorium, by dry weight;

(2) Thorium contained in magnesium-thorium and tungsten-thorium alloys, if the thorium content in the alloys does not exceed 4 percent by weight;

(3) Chemical catalysts containing uranium depleted in the U-235 isotope to 0.4 percent or less, if the uranium content of the catalyst does not exceed 15 percent by weight; or

(4) Any source material contained in non-nuclear end use devices or components, including but not limited to permanently installed shielding, teletherapy, radiography, X-ray, accelerator devices, or munitions.

### § 150.19 [Amended]

8. In § 150.19, paragraph (b) is removed and reserved.

Dated at Bethesda, Maryland, this 30th day of May 1984.

For the Nuclear Regulatory Commission.

**William J. Dircks,**
*Executive Director for Operations.*

[FR Doc. 84–16103 Filed 6–14–84; 8:45 am]

BILLING CODE 7590–01–M

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

[Docket No. 83–NM–123 AD; Amdt. 39–4880]

## Airworthiness Directives; CASA Models C–212CB and C–212CC Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new airworthiness directive (AD) that requires inspections of structural and systems components on certain CASA Models C–212CB and C–212CC series airplanes and modification or repair, as necessary, to correct unsafe conditions which may exist. This action is necessary to preserve the integrity of the structure, and to ensure the proper operation of the surface control, fuel, and hydraulic systems.

**DATE:** Effective July 23, 1984.

**ADDRESSES:** The service bulletins specified in this AD may be obtained upon request to Construcciones Aeronauticas, S. A., Getafe, Madrid, Spain, or may be examined at the address shown below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger D. Anderson, Foreign Aircraft Certification Branch, ANM–150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431–2978. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** The Civil Aviation Authority of Spain has, in accordance with existing provisions of a bilateral agreement, notified the FAA of a number of unsafe conditions which may exist or develop on certain CASA–212 airplanes registered in this country. These conditions may be corrected by complying with thirteen separate mandatory service bulletins. The unsafe conditions and corrective actions are described as follows:

A. *Fuse Installation and Substitution.* A new 5 amp fuse is added to protect the DC generating circuit and an existing 50 amp fuse is replaced with a 35 amp fuse to prevent a fire hazard.

B. *Replacement of Rudder/Elevator-to-Shaft Attach Fittings.* New design rudder and elevator-to-shaft fittings are installed to prevent the ball joints from disconnecting with a resulting loss of rudder and elevator control.

C. *Replacement of the Wing Flap Hydraulic Cylinder.* A new design hydraulic cylinder is installed which has design features to prevent failure of the wing flap retraction system.

D. *Modification of the Flight Deck Floor Reinforcements.* The flight deck floor reinforcement is modified to prevent interference with flight controls.

E. *Replacement of Wing Flap Hydraulic System Relief Valve.* A new design safety valve stem is installed to avoid valve stem distortion and ensure correct operation of the system.

F. *Replacement of Wing Flap Control Hinge Bearing.* A stainless steel self-lubricating bearing is installed to prevent corrosion and seizure failures.

G. *Installation of Safety Rings on the Elevator Shaft.* Safety rings are installed on the elevator shaft assembly to prevent movement of supports.

H. *Fuel Shutoff Valve Installation.* A new design electrical fuel shutoff valve is installed to prevent fuel from going forward of the firewall and creating a fire hazard in the event the propeller feathering control is locked.

I. *Replacement of Nuts in Wing Splice Joint.* Correct nuts are installed in the outer wing to center section splice to ensure proper joint strength.

J. *Replacement of Engine Mount Bolts.* The existing engine mount bolts may be too short. Longer NAS bolts are installed to ensure proper fit and strength.

K. *Modification of Rudder Hinge Fittings.* The rudder hinge fittings are modified to preclude interference which would prevent the rudder surface from completing its normal travel.

L. *Increasing Inboard/Outboard Wing Flap Attachments to Higher Torque Values.* The torque value on the attachment nuts at the wing flap pivot points is increased to prevent structural damage due to loose joints.

M. *Reducing Control Rod Clearance.* The clearance space of the engine air screen control rods is reduced at the firewall penetration point to ensure firewall integrity.

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring accomplishment of previously mentioned inspections and modifications was published in the Federal Register on March 5, 1984 (49 FR 8002). The comment period closed on April 24, 1984, and interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received.

It is estimated that 31 airplanes are affected by this AD, that it will take approximately 500 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Repair parts are estimated at $15,000 per airplane. Based on these figures, the total cost impact of this AD is estimated to be $1,085,000. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act would be affected.

Therefore, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

**List of Subjects in 14 CFR Part 39**

Aviation safety, Aircraft.

**Adoption of the Amendment**

**PART 39—[AMENDED]**

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:

**CASA:** Applies to CASA Model 212 series airplanes, certificated in all categories, as indicated in the applicability statement of each of the following service bulletins. Compliance is required within the time interval specified in each of the following paragraphs after the effective date of this AD, unless already accomplished.

A. To prevent damage to the D.C. generating circuit, within the next 200 hours time in service, install a new 5 amp fuse and replace the existing 50 amp fuse with a 35 amp fuse in accordance with CASA Service Bulletin 212–24–22 dated November 7, 1979.

B. To prevent the loss of rudder and elevator control, within the next 200 hours time in service, replace the rudder and elevator-to-shaft attach fittings with new design fittings in accordance with CASA Service Bulletin 212–27–12, Revision 3, dated June 12, 1980.

C. To prevent damage to the wing flap actuation system, within the next 200 hours time in service, replace the hydraulic cylinder with a new design cylinder in accordance with CASA Service Bulletin 212–27–13 dated December 17, 1980.

D. To prevent interference with flight controls, within the next 200 hours time in service, modify the flight deck floor structure in accordance with CASA Service Bulletin 212–27–14 dated November 18, 1980.

E. To prevent damage to the wing flap hydraulic system, within the next 200 hours of time in service, replace the hydraulic system relief valve with a new design valve in accordance with CASA Service Bulletin 212–27–15, Revision 1, dated November 30, 1981.

F. To prevent bearing failures, within the next 200 hours time in service, replace the existing wing flap control hinge bearings with a stainless steel bearing in accordance with CASA Service Bulletin 212–27–19 dated July 1, 1982.

G. To prevent relative displacement between the elevator shaft support fittings and the elevator shaft, within the next 500 hours time in service, install safety rings in accordance with CASA Service Bulletin 212–27–23 dated October 7, 1982.

H. To prevent the risk of a fire from fuel collecting forward of the nacelle fire wall, within the next 500 hours time in service, install electric fuel shutoff valves in accordance with CASA Service Bulletin 212–28–11, Revision 1, dated September 2, 1981.

I. To ensure proper joint strength, within the next 200 hours time in service, replace the existing nuts in the outer wing-to-center section splice in accordance with CASA Service Bulletin 212–51–01 dated July 7, 1981.

J. To ensure proper fitting, within the next 200 hours time in service, replace the existing mount bolts with longer bolts in accordance with CASA Service Bulletin 212–51–02 dated September 22, 1981.

K. To ensure proper rudder travel, within the next 200 hours time in service replace the rubber hinge fittings with new fittings in accordance with CASA Service Bulletin 212–55–07 dated July 1, 1982.

L. To prevent damage to the wing flap structure, within the next 200 hours time in service, retorque the attachment fitting fasteners in accordance with CASA Service Bulletin 212–57–12 dated September 22, 1981.

M. To ensure engine fire wall integrity, within the next 200 hours time in service, reduce the clearance space between the engine screen control rods and the firewall at the penetration point in accordance with CASA Service Bulletin 212–73–03, Revision 1, dated July 14, 1982.

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

O. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modification required by this AD.

This amendment becomes effective July 23, 1984.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89)

**Note.**—For the reasons discussed in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, CASA Model 212 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on June 6, 1984.

**Charles R. Foster,**

*Director, Northwest Mountain Region.*

[FR Doc. 84-16025 Filed 6-14-84; 8:45 am]

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**14 CFR Part 39**

**[Docket No. 84-NM-01-AD; Amdt. 39-4879]**

## Airworthiness Directives; McDonnell Douglas Model DC-10 and KC-10A (Military) Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new airworthiness directive (AD) which requires an inspection and torque check of the six bolts which attach the forward and aft cylinders to the trunnion block assemblies on the inboard aileron actuator control assemblies on McDonnell Douglas Model DC-10 series airplanes. Actuators have been found having loose and broken bolts which, if not corrected, could result in fluid leakage and rapid loss of pressure in two hydraulic systems. This action is necessary to minimize the potential of dual hydraulic system failure which would reduce the capability of the flight control system.

**DATES:** Effective July 16, 1984.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

**ADDRESSES:** The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gilbert L. Thompson, Aerospace Engineer, Systems & Equipment Branch, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2831.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) requiring an inspection and torque check of the inboard aileron actuator cylinder tie bolts on McDonnell Douglas Model DC-10 series airplanes was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on February 10, 1984 (49 FR 5135). The comment period for the proposal closed March 26, 1984.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received. Three comments were received. One commenter objected to the Phase II retorquing of all DC-10 inboard aileron actuator tie bolts and requested that the 5,000 flight-hour maximum time be removed from the proposed amendment. This request was based upon a belief that the Phase II action is an unnecessary response to what is considered by the commenter to be an isolated failure. The FAA does not agree. Evidence from torque checks on in-service actuators verifies that other inboard aileron actuators can be expected to have loose bolts which will contribute to reduced bolt fatigue life.

One commenter felt that the Phase II retorquing was not an appropriate closing action and that the component and/or airplane manufacturer have a responsibility to provide a closing action based upon a knowledge of the factors causing the problem. The FAA acknowledges, as stated in the notice of proposed rulemaking, that is not known if the bolt looseness was caused by assembly or service conditions. However, considering the impact of multiple failure of the inboard aileron actuator tie bolts, the FAA has concluded that action must be taken to assure bolt torque is within design limits, regardless of cause, until such time as a definitive cause is conclusively ascertained. In this regard, the actuator manufacturer has initiated a torque check of these bolts on *all* actuators returned to them for service. When actuators whose bolts have been retorqued start being returned for service, data will become available to confirm or refute an in-service problem. Additional action, if necessary, would be initiated at that time.

The third commenter felt the compliance times were overly restrictive and unjustified. It was recommended that paragraph A.1. of the proposed action be revised to read "Prior to the accumulation of 6,000 flight hours * * *" and paragraph A.2. be revised to read "All units which have accumulated 5,000 flight hours since new or overhauled, within the next 5,000 flight hours * * *". With regard to the compliance times of paragraph A.1., the FAA does not concur with the recommendation. Requiring the prescribed inspection for new or overhauled actuators prior to the accumulation of 5,000 flight-hours is considered consistent with stress analysis results under various bolt loading conditions. For those actuators which have exceeded the 5,000 flight-hour interval at the effective date of this AD, the 1,000 flight-hour interval is necessary to prevent grounding of aircraft and is appropriate for the task involved with the specified inspection.

With regard to the compliance time specified in paragraph A.2., the FAA agrees that justification exists for entertaining an increase as recommended but not to the extent requested. Accordingly, the final rule has been changed to indicate a 7,500 flight-hour interval in paragraph A.2.

The estimated costs associated with this amendment are as follows: It is estimated that 181 U.S. registered airplanes will be affected by this AD, that it will take approximately 1.5 manhours per airplane to accomplish the required inspection and 15.0 manhours per airplane to accomplish the required torque check, and that the average labor costs will be $40 per manhour. The actual costs of parts necessary to accomplish the torque check are estimated to be $80 per aircraft. Based on these figures, the total cost impact of this AD on the U.S. fleet is estimated to be $177,380. No small entities within the meaning of the Regulatory Flexibility Act will be affected since no small entities operate DC-10 airplanes.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule, with the changes previously noted.

**List of Subjects in 14 CFR Part 39**

Aviation safety, Aircraft.

**Adoption of the Amendment**

**PART 39—[AMENDED]**

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:

**McDonnell Douglas:** Applies to McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, and KC-10A (Military) series airplanes, certificated in all categories. Compliance required as indicated in the body of this AD unless previously accomplished.

To preclude the potential of dual hydraulic system failure as a consequence of loose or broken inboard aileron actuator cylinder tie bolts, accomplish the following: