rulemaking and for making this amendment retroactively effective to October 1, 1988. The notice and the 30-day delay in the effective date are being waived because of the need to continue the voluntary leave transfer program without interruption.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal employees and agencies.

List of Subjects in 5 CFR Part 630

Government employees; Employee benefit plan.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Accordingly, the Office is amending Part 630 of Title 5 of the Code of Federal Regulations as follows:

PART 630—ABSENCE AND LEAVE

1. The authority citation for Part 630 is revised to read as set forth below:

Authority: 5 U.S.C. 6311; § 630.303 also issued under 5 U.S.C. 6133(a); § 630.501 and Subpart F also issued under E.O. 11228; Subpart G also issued under 5 U.S.C. 6305; Subpart H issued under 5 U.S.C. 6326; Subpart I also issued under Pub. L. 100-202, 100-284, and 100-440.

2. In § 630.913, paragraph (a) is revised to read as follows:

§ 630.913 Termination of temporary leave transfer program.

(a) The temporary leave transfer program shall terminate on September 30, 1989.

* * * * *

[FR Doc. 88-26277 Filed 11-14-88; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1430

Milk Price Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule adopts without change an interim rule published in the **Federal Register** on January 5, 1988 (53 FR 107) which amended 7 CFR Part 1430 to implement a two and one-half (2½) cents per hundredweight reduction in the price received by producers for all milk produced within the forty-eight contiguous states and marketed for commercial use in calendar year 1988.

EFFECTIVE DATE: November 15, 1988.

FOR FURTHER INFORMATION CONTACT: Joseph E. Chervenic, Fiscal Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013, (202) 447-3679. A final regulatory Impact Analysis for this final rule is available upon request.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and provisions of Departmental Regulations 1512-1 and has been classified "nonmajor". It has been determined that the provisions of this rule will not result in an annual effect on the national economy of $100 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rule-making with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant adverse impact on the quality of the human environment. Therefore, neither an environmental assessment nor environmental impact statement is needed.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loans and Purchases—10.051, as found in the Catalog of Federal Domestic Assistance.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

An interim rule, published on January 5, 1988, provided for a reduction of 2½ cents per hundredweight to be made in the price received by producers for all milk produced within the forty-eight contiguous states of the continental United States and marketed by producers for commercial use during calendar year 1988. The 1988 calendar year reduction in producer proceeds required by the 1987 Act was implemented by an interim rule published on January 5, 1988, in the **Federal Register** (53 FR 107). The comment period ended March 7, 1988. The reduction is required by an amendment to section 201 of the Agricultural Act of 1949 which was enacted in the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100-203). No comments were received and it was determined that no modifications of the rule were needed.

List of Subjects in 7 CFR Part 1430

Milk, Agriculture, Price support programs, Dairy products.

Final Rule

Accordingly, with respect to 7 CFR Part 1430—*Dairy Products*, Subpart—*Regulations Governing Reductions in the Price of Milk Marketed by Producers, January 1, 1988 to December 31, 1988:*

PART 1430—[AMENDED]

1. The authority citation for the subpart shall continue to read as follows:

Authority: Sec. 201(d) of the Agricultural Act of 1949, as amended (7 U.S.C. 1446); Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714 *et seq.*), unless otherwise noted.

2. The interim rule published in the **Federal Register** on January 5, 1988 (53 FR 107) is adopted as a final rule without change.

Signed at Washington, DC, on November 9, 1988.

Vern Neppl,

Acting Executive Vice President, Commodity Credit Corporation.

[FR. Doc. 88-26368 Filed 11-14-88; 8:45 am]

BILLING CODE 3410-05-M

Farmers Home Administration

7 CFR Part 1956

Debt Settlement; Community and Business Programs; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule regarding debt settlement on Community Program Loans and insured Business and Industry loans published April 21, 1988 (53 FR 13098). In this final rule, a portion of Subpart C of 7 CFR Part 1956, § 1956.101 was omitted. The intent of this action is to insert the missing portion.

FOR FURTHER INFORMATION CONTACT: Susan G. Wieferich, Senior Loan Officer, Program Management Branch, Community Facilities Division, Farmers Home Administration, U.S. Department of Agriculture, Room 6320, South Agriculture Building, Washington, DC 20250; telephone (202) 382–1490.

SUPPLEMENTARY INFORMATION:

Intergovernmental Review

The final rule that is being corrected by this action affects the following FmHA programs listed in the Catalog of Federal Domestic Assistance:

Sec.
10.414 Resource, Conservation and Development Loans.
10.418 Water and Waste Disposal Systems for Rural Communities.
10.419 Watershed and Flood Prevention Loans.
10.421 Indian Tribes and Tribal Corporations.
10.422 Business and Industry Loans.
10.423 Community Facility Loans.

All of the above programs are subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials, except Indian Tribes and Tribal Corporations.

The final rule that is being corrected by this action affects the following FmHA programs which are not listed in the Catalog of Federal Domestic Assistance:

Irrigation and Drainage Loans
Shift-in-land-use (Grazing) Loans
Timber Development Loans
Economic Opportunity Cooperative Loans

For the reasons set forth in 7 CFR Part 3015, Subpart V, Intergovernmental Review of Department of Agriculture Programs and Activities (December 1, 1983), all of the above programs are excluded from the scope of Executive Order 12372, except Irrigation and Drainage loans.

List of Subjects in 7 CFR Part 1956

Accounting, Loan programs—Agriculture, Rural areas.

PART 1956—DEBT SETTLEMENT [CORRECTED]

Accordingly, the Farmers Home Administration is correcting Subpart C of 7 CFR Part 1956, § 1956.101, published April 21, 1988 (53 FR 13098), page 13100, as follows:

1. The authority citation for Part 1956 reads as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 31 U.S.C. 3711; 7 CFR 2.23; 7 CFR 2.70.

Subpart C—Debt Settlement—Community and Business Programs

2. Section 1956.101 is revised to read as follows:

§ 1956.101 Purpose.

This subpart delegates authority and prescribes policies and procedures for debt settlement of Water and Waste Disposal System loans; Community Facility loans; Association Recreation loans; Watershed loans and advances; Resource, Conservation and Development loans; Rural Renewal loans; insured Business and Industry loans; Irrigation and Drainage loans, Shift-in-land-use loans and Indian Tribal Land Acquisition loans. Settlement of claims against third party converters and settlement of nonprogram loans, Timber Development loans and Economic Opportunity Cooperative loans is not authorized under this part; settlement under these programs is handled pursuant to the Federal Claims Collection Standards, 4 CFR Parts 101 through 105.

Date: October 4, 1988.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 88–26369 Filed 11–14–88; 8:45 am]

BILLING CODE 3410-07-M

Food Safety and Inspection Service

9 CFR Part 310

[Docket No. 85–018F]

Disposition of Livestock Thyroid Glands and Laryngeal Muscle Tissue

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to provide that livestock thyroid glands and the adjacent laryngeal muscle tissue be classified as unfit for human consumption and handled as inedible product. This action is being taken as a result of the health hazard of thyrotoxicosis associated with the consumption of meat trimmings containing cattle thyroid glands. The final rule will assure that thyroid glands are not included in meat trimmings used in the preparation of meat products.

EFFECTIVE DATE: December 15, 1988.

FOR FURTHER INFORMATION CONTACT: Mark T. Mina, Acting Assistant Deputy Administrator, Meat and Poultry Inspecton Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3697.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator, FSIS, has determined that this rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule serves to classify the laryngeal muscle tissue and thyroid glands as inedible. This action is a result of an outbreak of thyrotoxicosis which was associated with the consumption of beef products made from trimmings containing cattle thyroid glands. This final rule will protect consumers by prohibiting the use of thyroid glands and laryngeal muscle tissue for human food.

Effect on Small Entities

The Administrator, FSIS, has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601). Therefore, a regulatory flexibility analysis is not required. As a measure to protect the public from adulterated products, in August 1985, FSIS issued a notice declaring that thyroid glands and larynxes and surrounding laryngeal muscle tissue would be handled as inedible product. Subsequently, FSIS determined that it was unnecessary to treat the larynx as inedible, since the larynx can be separated from the laryngeal muscle tissue without including any thyroid gland tissue. The larynx is that part of the upper respiratory tract composed of cartilage and muscle which contains the vocal cords. The laryngeal muscle tissue surrounds the larynx. Therefore, FSIS's previous determination, announced in the 1985 notice that the larynx was inedible, is rescinded by this rulemaking. This action will permit the use of the larynx as edible tissue and will positively affect those establishments which choose to use it as edible product. In that regard, this rule is less restrictive than the requirements previously instituted at official establishments, as the larynxes will not be handled as inedible.

Background

Under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the

Secretary is responsible for assuring that meat and meat food products distributed to consumers are wholesome and not adulterated. Section 1(m)(1) of the FMIA (21 U.S.C. 601(m)(1)) provides that any carcass, part thereof, meat or meat food product is adulterated "if it bears or contains any poisonous or deleterious substance which may render it injurious to health;

* * * "Furthermore, section 1(m)(3) of the FMIA (21 U.S.C. 601(m)(3)) states that any carcass, part thereof, meat, or meat food product is adulterated "if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food; * * *

In August 1985, the Minnesota Department of Agriculture notified FSIS of an outbreak of thyrotoxicosis in portions of Minnesota, South Dakota, and Iowa. Thyrotoxicosis is a condition resulting from excess thyroid hormone, thyroxin, in the blood. The symptoms include sleeplessness, nervousness, increased heart rate, shortness of breath, fatigue, excessive sweating, and weight loss. Thyrotoxicosis can be serious, especially in persons with pre-existing heart disease.

It is suspected that there are a number of possible causes of thryrotoxicosis. Epidemiologic investigations, conducted as a result of this outbreak, have strongly indicated an association of thyrotoxicosis with the consumption of certain ground beef products made from meat trimmings containing cattle thyroid glands.[1] It appears that periodic intake of livestock thyroid tissue results in increased amounts of thyroxin in the human body, causing a potentially severe effect.

Except for livers, testicles and thymus, livestock glands are not used as human food (see § 318.1(g) of the Federal meat inspection regulations (9 CFR 318.1(g)). Livestock glands are sold, however, for pharmaceutical use as provided under § 314.9 of the regulations (9 CFR 314.9). Although the thyroid gland is not used for human food, it has been common practice for some establishments to trim adjacent muscle tissue and sell the tissue as trimmings for use in various meat products, such as ground beef. This tissue (laryngeal muscle tissue) surrounds the larynx and in cattle accounts for approximately 2 to 3 ounces of edible meat product per carcass. The thyroid gland weighs an average of 37 grams or about 1 ounce and is closely aligned with the muscle tissue surrounding the larynx.

Upon being informed of the association between thyrotoxicosis and consumption of cattle thyroid glands, FSIS promptly took action to determine how and why the thyroid glands were being incorporated into the edible meat trimmings. Investigations soon revealed that in trimming laryngeal muscle tissue, some establishments were cutting too deeply, and thus, were retaining all or a significant portion of the thyroid gland. As a result, the owners of a beef slaughtering establishment in Minnesota voluntarily recalled all affected beef trimmings and ground beef products prepared with the affected beef trimmings. In addition, the largest official establishments—producers of approximately 80 percent of all such beef trimmings nationwide—voluntarily ceased using the laryngeal muscle tissue for trimmings.

On August 29, 1985, FSIS issued on FSIS Notice to Agency personnel, official establishments, and other affected parties advising them that, effective immediately, the larynx, including the thyroid gland, would be handled as "inedible" product.[2] Due to the similar coloration and close proximity of the thyroid gland and laryngeal muscle tissue, FSIS determined it to be impractical to attempt to separate the thyroid gland tissue and laryngeal tissue. Thus, all such tissue was deemed as inedible.

Proposal and Response to Comments

On December 15, 1986, FSIS issued a proposed rule to amend the Federal meat inspection regulations by specifically classifying the thyroid glands and laryngeal muscle tissue of all livestock species as inedible and not fit for human consumption (51 FR 44920). FSIS determined that since the larynx itself can be separated without including any thyroid gland tissue, the proposal would not address the larynx.

As inedible product, the thyroid glands and laryngeal muscle tissue may be distributed for pharmaceutical use as prescribed in § 314.9 or § 325.19(c) of the Federal meat inspection regulations (9 CFR 314.9 or 325.19(c)), provided they are labeled in accordance with § 316.13(f) of the Federal meat inspection regulations (9 CFR 316.13(f)). If not so handled, it was proposed such inedible product would be disposed of by tanking, incineration, or denaturing as set forth in § 314.1 or § 314.3 of the Federal meat inspection regulations (9 CFR 314.1 or 314.3).

FSIS received two comments in response to the proposal—one from the State of Minnesota, Department of Agriculture, voicing full support and one from a law firm requesting a revision to the proposal. The law firm represents various companies that manufacture and distribute thyroid-containing products in tablet form which, as claimed in the comment, are regulated as "food" under the Federal Food, Drug, and Cosmetic Act (FFDCA). The commenter further claimed that manufacturing processes used by these companies remove thyroxin to an amount that does not constitute a health hazard. The commenter requested that the proposal be revised to allow the distribution of thyroid and laryngeal muscle tissue for use as "food" when processed to remove thyroxin to insignificant amounts. Otherwise, if the proposal were adopted, as written, thyroid glands would not be available for use in such "food" products.

The Food and Drug Administration (FDA), responsible for implementing the FFDCA, has advised this Agency that it maintains the position that thyroid-containing products on the market are regarded as "drugs" within the meaning of section 201(g) of the FFDCA, and not "food." FDA further maintains that the consumption of unknown amounts of exogenous "thyroid" of unknown hormonal content represents a clear danger to patients with cardiovascular impairment and certain elderly persons. Therefore, FDA believes such products should be marketed only as prescription drugs with adequate directions for use under the supervision of licensed practitioners. In addition, FDA contends that since the products are without apparent nutritional value if consumed in normal amounts, the thyroid-containing tablets would appear to be distributed with an implied therapeutic value.

Because FDA regards thyroid-containing products as drugs, FSIS sees no reason to modify the proposed rule, which is being issued as published.

List of Subjects in 9 CFR Part 310

Carcasses and parts, Meat inspection.

For reasons set forth in the preamble, Title 9, Part 310 of the Code of Federal Regulations is amended as set forth below.

PART 310—[AMENDED]

1. The authority citation for Part 310 continues to read as set forth below:

[1] Preliminary Summary, "Epidemiologic Investigation of an Outbreak of Thyrotoxicosis in Southwestern Minnesota, Eastern South Dakota and Northwestern Iowa," Minnesota Department of Health and Centers for Disease Control. A copy is available for public inspection in the office of the FSIS Hearing Clerk.

[2] This notice is available for public inspection in the office of the FSIS Hearing Clerk.

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254(b).

2. Section 310.15 is added to read as follows:

§ 310.15 Disposition of thyroid glands and laryngeal muscle tissue.

(a) Livestock thyroid glands and laryngeal muscle tissue shall not be used for human food.

(b) Livestock thyroid glands and laryngeal muscle tissue may be distributed to pharmaceutical manufacturers for pharmaceutical use in accordance with § 314.9 or § 325.19(c) of this subchapter, if they are labeled in accordance with § 316.13(f) of this subchapter. Otherwise, they shall be disposed of at the official establishment in accordance with § 314.1 or § 314.3 of this subchapter.

Done at Washington, DC, on November 9, 1988.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 88-26288 Filed 11-14-88; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Alternative Method for Leakage Rate Testing

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to modify the requirements applicable to the leakage testing of containments of light-water-cooled nuclear power plants. The rule explicitly permits the use of a new statistical data analysis technique that the NRC considers to be an acceptable method of calculating containment leakage rates in addition to previously acceptable methods.

EFFECTIVE DATE: November 15, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. E. Gunter Arndt, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301-492-3814.

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Regulatory Commission is amending 10 CFR Part 50, Appendix J, "Primary Containment Leakage Testing for Water-Cooled Power Reactors," to explicitly permit the use of the Mass Point statistical data analysis method for calculating containment leakage rates. The Mass Point method involves calculation of the air mass at a series of points in time and the plotting of mass against time. A linear regression line is plotted through the mass-time points using a least squares fit. The slope of this line is divided by the intercept of this line, and the result is multiplied by an appropriate constant to obtain the calculated leakage rate.

This Mass Point method was incorporated in a newer ANSI standard, ANSI/ANS-56.8-1981, "Containment System Leakage Testing Requirements" (revised 1987) and in fact has been accepted by the NRC staff as an improved alternative method of calculating containment leakage rates. However, it was recently recognized by the NRC staff that a strict interpretation of the specific wording of Appendix J, III.A.3, by referencing only the older ANSI standard, would preclude use of the newer, improved method. To alleviate this restriction on the use of an improved alternative methodology, it is necessary to clarify the language in Section III.A.3 to explicitly permit the use of the newer Mass Point method in addition to the earlier methods covered by ANSI N45.4-1972.[1]

A proposed rule concerning the addition of the Mass Point method was published for comment on February 29, 1988 (53 FR 5985). The complete history and background for the proposed action were discussed in detail in the **SUPPLEMENTARY INFORMATION** section which accompanied the proposed rule. The effect of this amendment will be to permit licensees to use the Mass Point analysis as an alternative to the Total Time and Point-to-Point analyses incorporated by reference into Appendix J by ANSI N45.4-1972.

The final rule is identical to the proposed rule published for comment, and adds the following words to Section III.A.3:

> In addition to the Total Time and Point-to-Point methods described in that standard, the Mass Point method, when used with a test duration of at least 24 hours, is an acceptable method to use to calculate leakage rates. A typical description of the Mass Point method can be found in the American National standard, ANSI/ANS 56.8-1987, "Containment System Leakage Testing Requirements", January 20, 1987.

Also, as in the proposed rule, in order to allow a change in the methods now permitted, the final rule deletes the following sentence from Section III.A.3 of Appendix J:

> The method chosen for the initial test shall normally be used for the periodic tests.

The NRC believes the wording of the revision as published for comment, and as finally amended, clearly and accurately represents the NRC's position. All comments have been reviewed. In spite of the objections raised in the comments to the wording or content of the proposed rule, the wording in the final rule is identical to that published for public comment. A Public Comment Resolution Memo has been prepared and sent to all who commented. It is available for inspection and copying at the NRC's Public Document Room at 2120 L Street, Washington, DC. The memo addresses in more detail the NRC's decision to keep the wording the same as in the proposed revision. A brief summary of the comments received is set out in the following paragraphs.

Summary of Public Comments

Twenty-one comment letters were received. In general, three principal comments were presented.

First, all commentors supported the addition of the Mass Point analysis to the list of acceptable analysis methods.

Second, all but two commentors objected to requiring a 24-hour test duration in combination with the Mass Point method.

As noted in the proposed rule of February 29, 1988, the position stated in the text is consistent with the position that has been taken by the NRC staff when granting exemption requests on this matter. In particular, the description of the Mass Point method and its coupling with a test duration of at least 24 hours reflect prior exemption approvals and maintain necessary consistency.

The intent of this limited amendment is not to endorse ANS 56.8, nor to propose any of the changes and updating represented by the October 29, 1986 proposed general revision to Appendix J (51 FR 39538). Instead, this action does no more than eliminate the need for exemptions to the existing rule by permitting the use of a statistical method that has been generally accepted for several years. This revision makes available to all reactor licensees

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[1] ANSI N45.4-1972, "Leakage Rate Testing of Containment Structures for Nuclear Reactors" (dated March 16, 1972). Incorporation of ANSI N45.4-1972 by reference was approved by the Director of the Federal Register on October 30, 1972. Copies of this standard, as well as ANSI/ANS-56.8-1987, "Containment System Leakage Testing Requirements" (dated January 20, 1987) may be obtained from the American Nuclear Society, 555 North Kensington Avenue, La Grange Park, IL 60525. A copy of each of these standards is available for inspection at the Commission's Public Document Room at 2120 L Street NW., Washington, DC.

the use of the Mass Point method for 24-hour tests.

Inclusion of the 24-hour duration is considered necessary because a considerable difference of opinion exists as to what is a sufficient test duration. Until an acceptable set of alternative technical criteria is developed to replace the 24-hour duration criterion, the NRC staff intends to continue the 24-hour criterion. Some alternative technical criteria were presented for public review and comment in proposed regulatory guide MS 021-5, "Containment System Leakage Testing," [2] on October 28, 1986. These criteria and others proposed are still being evaluated in order to determine what is an appropriate set of test termination criteria to include in the final regulatory guide.

Third, one objection was raised to the degree of flexibility permitted by the proposed wording in defining the Mass Point method.

If this comment were to be followed, the effect would be to incorporate by reference into 10 CFR Part 50 the exact Mass Point analysis as defined in ANSI/ANS 56.8-1987, along with the portions of that standard that are relevant to setting the conditions of use of this analysis. The existence of proposed regulatory guide MS 021-5 demonstrates that this degree of compatibility between ANS 56.8 and a position acceptable to the NRC staff does not exist. Therefore, in order to define in detail a Mass Point analysis that would be acceptable to the NRC staff, such an incorporation by reference would also have to contain the portions of proposed Regulatory Guide MS 021-5 that modify the ANS 56.8 definition and use of the Mass Point analysis. This approach would be undesirably cumbersome, inflexible, and restrictive in the ability to keep the legally acceptable Mass Point analysis current with any future improvements, simplifications, or changes in the state-of-the-art of statistical reduction of test data to a leakage rate.

An alternative perhaps could be to simply state that the Mass Point method be defined in a manner acceptable to the NRC staff, and leave that definition to the finalization of proposed regulatory guide MS 021-5. However, this would probably be a less acceptable alternative because it would be more flexible than the current wording and would depend heavily on the as yet unissued regulatory guide.

Finally, as noted in the proposed rule of February 29, 1988, the wording was intentionally made instructive but flexible in the event that the proposed general revision to Appendix J and its proposed associated regulatory guide are not issued as final documents. Should that happen, then a clear need would exist for some flexibility in the ability of Appendix J to keep up with changes to ANS 56.8 and potential future modifications to the Mass Point analysis.

Effective Date

Since the amendment set forth below is intended to provide relief from, rather than to impose, restrictions currently in effect, the Commission is, pursuant to 5 U.S.C. 553(d)(1), making the final rule effective on November 15, 1988 without the customary 30-day waiting period.

Environmental Impact: Categorical Exclusion

The Commission has determined that this rule is the type of action described in the categorical exclusion in 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment have been prepared for this rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved under the Office of Management and Budget approval number 3150-0011.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. Interested persons may examine a copy of the regulatory analysis at the NRC Public Document Room, 2120 L Street NW., Washington, DC.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule effects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in the regulations issued by the Small Business Administration at 13 CFR Part 121.

Backfit Analysis

The NRC has determined that a backfit analysis is not required for this rule because, although the rule is applicable to all current or future operating nuclear power plants, the provisions of the rule codify and permit the continuation of a previously accepted practice. This action will not encumber those using this accepted practice with the added burden of seeking exemptions to the existing rule.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, 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. 552 and 553, the NRC is adopting the following amendment to 10 CFR Part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read in Part as follows:

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

2. In Appendix J, Section III.A.3.(a) is revised to read as follows:

Appendix J—Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors

* * * * *

III. Leakage Testing Requirements

* * * * *

A. *Type A Test*—* * *

3. *Test Methods.* (a) All Type A tests shall be conducted in accordance with the provisions of the American National Standard N45.4-1972, "Leakage Rate Testing of Containment Structures for Nuclear Reactors", March 16, 1972. In addition to the Total time and Point-to-Point methods described in that standard, the Mass Point Method, when used with a test duration of at least 24 hours, is an acceptable method to use to calculate leakage rates. A typical description of the Mass Point method can be found in the American National Standard ANSI/ANS 56.8-1987, "Containment System

[2] A free single copy of draft regulatory guide MS 021-5, to the extent of supply, may be obtained by writing to the Distribution Section, Document Control Branch, Division of Information Support Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A copy is also available for inspection, or copying for a fee, in the NRC Public Document Room, 2120 L Street NW., Washington, DC.

Leakage Testing Requirements", January 20, 1987.[1]

* * * * *

Dated Rockville, MD, this 1st day of November 1988.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 88-26332 Filed 11-14-88; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 76-SW-41; Amdt. 39-6069]

Airworthiness Directives; Bell Helicopter Textron, Inc. (BHTI), Model 206A, 206A-1, 206B, 206B-1, 206L, 206-L1, and 206L-3 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which establishes a 2-year calendar life in addition to the existing flight time restriction on the tension-torsion (T-T) straps on the BHTI Model 206A, 206A-1, 206B, 206B-1, 206L, 206L-1, and 206L-3 helicopters. The AD is needed to prevent T-T strap failure which would result in main rotor (M/R) blades departing the helicopter and subsequent loss of the helicopter.

DATES: *Effective Date:* December 15, 1988.

Compliance: Compliance is required within the next 6 calendar months after the effective date of this AD, unless already accomplished.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Roach, Helicopter Certification Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, Texas 76193-0170, telephone (817) 624-5179.

SUPPLEMENTARY INFORMATION: A proposal to amend Amendment 39-3221, AD No. 78-11-02 (43 FR 22340; May 25, 1978), which currently requires retirement of the T-T straps as a function of flight time with no calendar time restriction on BHTI Model 206A, 206A-1, 206B, 206B-1, and 206L helicopters was published in the **Federal Register** (52 FR 23464) on June 22, 1987.

The proposal was prompted by extensive testing which was accomplished by the manufacturer on T-T straps which had been retired 2 years after installation but had not reached their flight-hour life limit. The results showed that the T-T straps should have a 2-year calendar life limit to assure airworthiness of the part. Consequently, the proposed amendment called for a 2-year calendar life restriction on the T-T straps, in addition to the existing flight hour life limit. Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. Accordingly, the proposal is adopted without change.

The regulations adopted herein do not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation would involve 5,000 helicopters for an estimated cost of $3,854 per helicopter every 2 years. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By amending Amendment 39-3221, AD No. 78-11-02 (43 FR 22340) by revising the applicability paragraph and paragraph (c) and adding paragraph (d) to read as follows:

Bell Helicopter Textron, Inc.: Applies to Model 206A, 206A-1, 206B, 206B-1, 206L, 206L-1, and 206L-3 helicopters certified in any category. (Airworthiness Docket No. 76-ASW-41)

Compliance is required within the next 6 calendar months after effective date of this AD, unless already accomplished.

To prevent M/R blades from departing the helicopter, accomplish the following:

* * * * *

(c) The retirement time of the tension-torsion straps, Part Numbers 206-010-105-3, 206-010-105-5, and 206-011-127-1, is reduced from 1,200 to 600 hours' time in service. These straps must be retired from service by January 1, 1989, regardless of time in service. The inboard strap fittings, P/N's 206-010-155-11 and -15, must be removed from service as noted in paragraph (a)(1) of this AD. Replacement tension/torsion straps, P/N's 206-011-147-001, -003, -005, -007, and 206-011-154-101 and -103, have a 1,200 hour time in service life or 2-year calendar life after installation, whichever occurs first.

(d) An alternate method of compliance which provides an equivalent level of safety with this AD may be used when approved by the Manager, Helicopter Certification Branch, Federal Aviation Administration, Fort Worth, Texas 76193-0170.

This amendment amends Amendment 39-3221; AD No. 78-11-02 (43 FR 22340).

This amendment becomes effective December 15, 1988.

Issued in Fort Worth, Texas, on November 2, 1988.

L. B. Andriesen,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 88-26289 Filed 11-14-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 88-NM-49-AD; Amdt. 39-6057]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 727 series airplanes, which currently requires inspections of certain main landing gear (MLG) support link

[1] ANSI N45.4-1972, "Leakage Rate Testing of Containment Structures for Nuclear Reactors" (dated March 16, 1972). Incorporation of ANSI N45.4-1972 by reference was approved by the Director of the Federal Register on October 30, 1972. Copies of this standard, as well as ANSI/ANS-56.8-1987, "Containment System Leakage Testing Requirements" (dated January 20, 1987) may be obtained from the American Nuclear Society, 555 North Kensington Avenue, La Grange Park, IL 60525. A copy of each of these standards is available for inspection at the Commission's Public Document Room at 2120 L Street NW., Washington, DC.