

FOR FURTHER INFORMATION CONTACT:

Ronald W. Dodson, Investigations Division, Immigration and Naturalization Service, 425 "I" Street NW., Washington, DC 20536, (202) 633-3050.

SUPPLEMENTARY INFORMATION:

The Investigations Division of the Immigration and Naturalization Service has implemented an investigative support position "investigative assistant" (GS-1802). This rule allows the performance of duties included within the "investigative assistant" position description.

Compliance with 5 U.S.C. 553 as of notice of proposed rulemaking and delayed effective date is unnecessary because this rule relates to agency management.

In accordance with 5 U.S.C. 605(b) the Commissioner of the Immigration and Naturalization Service certifies that this final rule will not have a significant economic impact on substantial numbers of small entities. This order is not a rule within the definition of section 1(b) of E.O. 12291, nor does this rule have federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Fees, Reporting and record keeping requirements.

Accordingly, Part 103 Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for Part 103 continues to read as follows:

Authority: 5 U.S.C. 522(a); 8 U.S.C. 1101, 1103, 1201, 1301-1305, 1351, 1443, 1454, 1455; 28 U.S.C. 1746; 7 U.S.C. 2243, 31 U.S.C. 9701; E.O. 12356; 3 CFR 1982 Comp., p. 166.

§ 103.1 (Amended)

2. Section 103.1(q) is amended by inserting the term "investigative assistant," immediately after the term "special agent."

Dated: February 9, 1989.

Clarence M. Coster,
Associate Commissioner, Enforcement.
[FR Doc. 89-3485 Filed 2-14-89; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION**10 CFR Parts 70 and 74****Centralization of Material Control and Accounting Licensing and Inspection Activities for Non-Reactor Facilities**

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to reflect a management action to centralize material control and accounting (MC&A) licensing and inspection activities in NRC Headquarters, Rockville, Maryland, for non-reactor facilities. Effective February 15, 1989 for affected facilities located in Regions I, III, and V, MC&A licensing reviews required by 10 CFR 70.32(c) and inspections will be performed by the Domestic Safeguards and Regional Oversight Branch, Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards. The performance of these activities for facilities located in Region II will remain in Region II until further notice by the Commission. This action is necessary because the small number of affected facilities in each region cannot support the full spectrum of knowledge, skills, and disciplines needed to conduct MC&A inspections.

EFFECTIVE DATE: February 15, 1989.

FOR FURTHER INFORMATION CONTACT:

Dr. Stanley L. Dolins, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555 Telephone (301) 492-3745 or Priscilla A. Dwyer, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555 Telephone (301) 492-0478.

SUPPLEMENTARY INFORMATION:**Background**

On December 22, 1988, the Executive Director for Operations approved, with the concurrence of the Chairman, a phased centralization in NRC Headquarters, Rockville, Maryland, of MC&A activities for non-reactor facilities. Affected are those non-reactor facilities required to maintain an MC&A program. Nationwide, there are, at the present time, sixteen non-reactor facilities required to maintain MC&A programs and which are subject to MC&A inspections (10 fuel cycle and 6 others). Transfer of these licensing and inspection activities from Regions I, III, and V to the Domestic Safeguards and Regional Oversight Branch, Division of

Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards is effective February 15, 1989 while the Region II MC&A inspection program and 10 CFR 70.32(c) licensing reviews will be phased into Headquarters through Region II staff attrition or over a two-year period, whichever occurs first. Region IV has not affected facilities.

This centralization for these functions is needed because the relatively small annual workload requirements for the NRC in the majority of Regions foreclose the possibility of maintaining within each Region a full spectrum of the knowledge, skills, and disciplines needed to perform MC&A inspections. Centralization in NRC Headquarters will assure the maintenance of a viable and adequate nationwide MC&A inspection program for non-reactor facilities.

These revisions, necessitated by the centralization, are administrative in nature. They change the NRC recipient office point of contact for licensee reports, and conform the regulation to track the responsibilities now assigned to the Director, Office of Nuclear Material Safety and Safeguards.

Because these are amendments dealing with minor matters of agency management and personnel, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). These amendments are effective upon publication in the Federal Register. Good cause exists to dispense with the usual 30-day delay in the effective date because the amendments are of a minor and administrative nature dealing with the centralization to Headquarters of licensing and inspection activities formerly conducted in the NRC Regional Offices.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final 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 by the Office of Management and Budget approval numbers 3150-0009 and 3150-0123.

Backfit Analysis

The backfit rule, 10 CFR 50.109, does not apply to the facilities subject to this final rulemaking. Therefore, no backfit analysis has been prepared.

List of Subjects**10 CFR Part 70**

Hazardous materials—transportation, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 74

Accounting, Hazardous materials—transportation, Material control and accounting, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, 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. 552 and 553, the NRC is adopting the following amendments to 10 CFR Parts 70 and 74.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

1. The authority citation for Part 70 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 § 70.5, paragraph (b)(1)(vi) is added to read as follows:

§ 70.5 Communications.

* * *

(b) * * *

(1) * * *

(vi) Reviews pursuant to § 70.32(c).

3. In § 70.32, the introductory text of paragraph (c)(2) and paragraph (c)(3) are revised to read as follows:

§ 70.32 Conditions of licenses.

* * *

(c) * * *

(2) The licensee shall maintain records of changes to the material control and accounting program made without prior Commission approval for a period of five years from the date of the change. Licensees located in Regions I, III, IV, and V as indicated in Appendix A of Part 73 of this chapter, shall furnish to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, a report

containing a description of each change within:

* * *

(3) Licensees located within Region II, as indicated in Appendix A of Part 73 of this chapter, shall meet the provisions of paragraph (c)(2) of this section except that, until further notice by the Commission, these licensees shall furnish the required report to the Regional Administrator, U.S. Nuclear Regulatory Commission, 101 Marietta Street, NW., Suite 2900, Atlanta, Georgia 30323 with a copy to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

* * *

4. In § 70.55, paragraph (c)(3) is revised to read as follows:

§ 70.55 Inspections.

* * *

(c) * * *

(3) The licensee shall afford any NRC resident inspector assigned to that site or other NRC inspectors identified by the Regional Administrator or the Director, Office of Nuclear Material Safety and Safeguards, as likely to inspect the facility, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.

PART 74—MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

5. The authority citation for Part 74 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).

6. In § 74.13, the introductory text of paragraph (b) is revised to read as follows:

§ 74.13 Material status reports.

* * *

(b) Each licensee subject to the requirements of § 70.51(e) of this chapter shall submit a report, in accordance with paragraph (b)(1) or (b)(2) of this section, to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, except licensees located in Region II, as indicated in Appendix A of Part 73 of this chapter, shall submit their report to the Region II Regional Office until further notice by the Commission, within 30 calendar days after the start of each ending

physical inventory required by § 70.51(e)(3).

* * *

7. In § 74.17, paragraphs (a) and (b) are revised to read as follows:

§ 74.17 Special nuclear material physical inventory summary report.

(a) Each licensee subject to the requirements of § 74.31 shall submit a completed Special Nuclear Material Physical Inventory Summary Report on NRC Form 327 not later than 60 calendar days from the start of the physical inventory required by § 74.31(c)(5) of this chapter. The licensee shall report the inventory results by plant and total facility to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, except licensees located in Region II as indicated in Appendix A to Part 73 of this chapter shall submit their report to the Region II Regional Office until further notice by the Commission.

(b) Each licensee subject to the requirements of § 70.51(e) of this chapter shall submit a completed Special Nuclear Material Physical Inventory Summary Report on NRC Form 327 not later than 30 calendar days from the start of the physical inventory required by § 70.51(e)(3) of this chapter. The licensee shall report the inventory results by plant and total facility to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, except licensees located in Region II as indicated in Appendix A to Part 73 of this chapter shall submit their report to the Region II Regional Office until further notice by the Commission.

* * *

8. In § 74.57, the introductory text of paragraph (c) and paragraph (f)(2) are revised to read as follows:

§ 74.57 Alarm resolution.

* * *

(c) Each licensee shall notify the Domestic Safeguards and Regional Oversight Branch of the Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards by telephone on (301) 492-0352, except licensees located in Region II as indicated in Appendix A to Part 73 of this chapter shall notify the Region II Regional Office until further notice by the Commission, of any MC&A alarm that remains unresolved beyond the time period specified for its resolution in the licensee's fundamental nuclear material control plan. Notification must occur within 24 hours except when a holiday or weekend intervenes in which

case the notification must occur on the next scheduled workday. The licensee may consider an alarm to be resolved if:

(f) * * *

(2) Within 24 hours, the licensee shall notify the Domestic Safeguards and Regional Oversight Branch of the Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards, except licensees located in Region II, as indicated in Appendix A to Part 73 of this chapter shall, until further notice by the Commission, notify the Region II Regional Office by telephone that an MC&A alarm resolution procedure has been initiated.

9. In § 74.59, paragraph (f)(1)(iii) is revised to read as follows:

§ 74.59 Quality assurance and accounting requirements.

(f) * * *

(1) * * *

(iii) Investigate and report to the Domestic Safeguards and Regional Oversight Branch of the Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards, except licensees located in Region II, as indicated in Appendix A to Part 73 of this chapter, shall notify the Region II Regional Office until further notice by the Commission, of any difference that exceeds three times the standard deviation determined from the sequential analysis:

10. In § 74.81, paragraph (c)(3) is revised to read as follows:

§ 74.81 Inspections.

(c) * * *

(3) The licensee shall afford any NRC resident inspector assigned to their site, or other NRC inspectors identified by the Regional Administrator or Director of the Office of Nuclear Material Safety and Safeguards as likely to inspect the facility, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.

Dated at Rockville, Maryland this 3rd day of February 1989.

For the Nuclear Regulatory Commission,
Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 89-3546 Filed 2-14-89; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-NM-154-AD; Amdt. 39-6142]

Airworthiness Directives; British Aerospace Model BAe 146 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146 series airplanes, which requires a one-time inspection of the aileron and elevator trim screwjack assemblies to determine the presence of a circlip, and installation of the circlip if it is missing. This amendment is prompted by reports that some of the aileron and elevator trim screwjacks have been assembled without a circlip during production. This condition, if not corrected, could lead to a hazardous trim system configuration in the event of a single failure in the trim tab system.

EFFECTIVE DATE: March 28, 1989.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 431-1565. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to British Aerospace Model BAe 146 series airplanes, which requires a one-time inspection of the aileron and elevator trim screwjack assemblies to determine the presence of a circlip, and installation of the circlip if it is missing, was published in the *Federal Register* on November 17, 1988 (53 FR 46470).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due

consideration has been given to the single comment received.

The commenter supported the proposal.

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

It is estimated that 45 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 man-hours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per man-hour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$9,000.

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

For the reasons discussed above, 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 impact, positive or negative, on a substantial number of small entities because few, if any, Model BAe 146 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

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, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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 adding the following new airworthiness directive:

British Aerospace.—Applies to all British Aerospace Model BAe 146 100A series airplanes, serial numbers up to and including E1101; and 200A series airplanes, serial numbers up to and including E2100; certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent a hazardous trim system configuration, accomplish the following:

A. Within 60 days or 600 landings after the effective date of this AD, whichever occurs first, inspect the right and left aileron and elevator trim screwjack assemblies for the presence of a circlip, in accordance with BAE Inspection Service Bulletin 27-74, dated April 8, 1988. If the circlip is missing, prior to further flight, install a circlip in accordance with the service bulletin.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

Note.—The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Manager, Standardization Branch, ANM-113.

C. 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 inspection and/or modification required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 28, 1989.

Issued in Seattle, Washington, on February 6, 1989.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-3498 Filed 2-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 88-AEA-9]

Amend Time of Designation of Restricted Areas R-4005, R-4006, R-4007A and R-4008; Patuxent River, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the time of designation for R-4005, R-4006, R-4007A and R-4008 in the vicinity of Patuxent River, MD. A "continuous" time of designation for these restricted areas is no longer required by the using agency. The time changes will more accurately reflect actual use, release time periods during which the areas are available for public access, and provide for the more efficient utilization of airspace.

EFFECTIVE DATE: 0901 u.t.c., April 6, 1989.

FOR FURTHER INFORMATION CONTACT:

Jesse B. Bogan, Jr., Airspace Branch (ATO-240), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9255.

The Rule

This amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) reduces the time of use for Restricted Areas R-4005, R-4006, R-4007A and R-4008, Patuxent River, MD, from "continuous" to "0700-2300 local time, daily; other times as specified by NOTAM issued 48 hours in advance." The Department of the Navy indicated that continuous use of R-4005, R-4006, R-4007A and R-4008 is no longer required. This action amends the time of designation to reflect actual times of use and reduces the times that the restricted areas are in effect. For this reason, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical amendment in which the public would not be particularly interested. Section 73.40 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) was republished in Handbook 7400.6D dated January 4, 1988.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is amended, as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) [Revised Pub. L. 97-449, January 12, 1983]; 14 CFR 11.69.

§ 73.40 [Amended]

2. Section 73.40 is amended as follows:

R-4005 Patuxent River, MD [Amended]

By removing the word "Continuous" and substituting the words "0700-2300 local time, daily; other times as specified by NOTAM issued 48 hours in advance."

R-4006 Patuxent River, MD [Amended]

By removing the word "Continuous" and substituting the words "0700-2300 local time, daily; other times as specified by NOTAM issued 48 hours in advance."

R-4007A Patuxent River, MD [Amended]

By removing the word "Continuous" and substituting the words "0700-2300 local time, daily; other times as specified by NOTAM issued 48 hours in advance."

R-4008 Patuxent River, MD [Amended]

By removing the word "Continuous" and substituting the words "0700-2300 local time, daily; other times as specified by NOTAM issued 48 hours in advance."

Issued in Washington, DC, on February 7, 1989.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 89-3499 Filed 2-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 88-ASW-11]

Alteration of Jet Route J-17; Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of J-65 located in the vicinity of Abilene, TX. The NPRM stated that J-17 would be realigned by adding a west dogleg between Abilene and San Antonio, TX. After further study, the FAA has decided to leave the description of J-17 unchanged and extend J-65 over the west dogleg.