

PART 982—FILBERTS/HAZELNUTS GROWN IN OREGON AND WASHINGTON

Accordingly, the interim rule amending 7 CFR part 982 which was published at 59 FR 24632 on May 12, 1994, is adopted as a final rule without change.

Dated: August 8, 1994.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94-19893 Filed 8-12-94; 8:45 am]

BILLING CODE 3410-02-P

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 92-029F]

RIN 0583-AB66

Sodium Citrate as a Tripe Denuding Agent

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 permit the use of sodium citrate in solution to denude beef stomachs of mucous membranes (tripe). This regulation makes available to meat processors an additional, alternative tripe-denuding formulation containing sodium citrate as an ingredient. The sodium citrate solution is as effective as existing tripe-denuding agents, but is less objectionable to workers than the agents now in use. The sodium citrate-containing formulation contributes to improved tripe production.

EFFECTIVE DATE: September 14, 1994.

FOR FURTHER INFORMATION CONTACT: Dr. William James, Director, Slaughter Inspection Standards and Procedures Division, Science and Technology, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700, (202) 720-3219.

SUPPLEMENTARY INFORMATION:

Background

Under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), FSIS provides mandatory inspection of meat and meat food products prepared for distribution in commerce. The Act prohibits the addition of any substance to any meat or meat food product that may render the product adulterated (21 U.S.C. 601). Section 318.7(a)(1) of the Federal meat inspection regulations (9 CFR 318.7) prohibits the use of any

substance in the preparation of any product unless its use is approved in § 318.7(c)(4) of the Federal meat inspection regulations, which is the chart of substances acceptable for use in the preparation of products, or unless it is approved elsewhere in the regulations or it is approved by the Administrator.

In 1990, Birko Corporation, a manufacturer of processing aids and other direct food ingredients, petitioned the Food and Drug Administration (FDA) and us to approve the use of several compounds, including sodium citrate, for use in denuding tripe. Tripe denudation—the removal of mucous membranes from beef stomachs—is a necessary step in the cleaning and preparation of tripe for use as human food. We reviewed the data and other information submitted by the petitioner and determined that the proposed use of sodium citrate did not result in product adulteration or misbranding.

FDA lists sodium citrate as generally recognized as safe when used in accordance with good manufacturing practice in an amount not in excess of that required to achieve its intended effect (21 CFR 182.1751). In an August 24, 1992, letter to the petitioner, FDA reported this fact and stated that it would have "no objection to [sodium citrate's] addition to the tripe-denuding mixture [contemplated by the petitioner] providing that it is used in accordance with good manufacturing practice¹." FDA further stipulated that the sodium citrate used be of food-grade quality and that the quantity used not be in excess of the amount reasonably required to accomplish its intended effect.

On January 5, 1994, we published a proposal in the *Federal Register* (59 FR 550-551) to permit the use of sodium citrate, in combination with other approved agents, to denude beef stomachs of mucous membranes, in an amount sufficient to accomplish the intended effect. We received no comments in response to the proposed rule.

Therefore, we are amending § 318.7(c)(4) of the Federal meat inspection regulations to permit the use of sodium citrate as a tripe denuding agent in combination with other approved agents, in an amount sufficient to accomplish the intended effect. Use of sodium citrate for this purpose will be subject to the condition that the substance be removed from the

denuded tripe by rinsing with potable water.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been determined to be not significant and, therefore, has not been reviewed by the Office of Management and Budget.

The Administrator has determined that this final rule will not have a significant impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). This regulation makes available to meat processors an additional, alternative tripe-denuding formulation containing sodium citrate as an ingredient. The sodium citrate formulation could be manufactured and sold in liquid form and used in existing or newly developed tripe denuding equipment. The sodium citrate-containing formulation could be used most efficiently in the new equipment and contribute to improved tripe production. Small establishments will benefit from the use of the sodium citrate product because it provides them a more efficient, less expensive, alternate means of tripe preparation than is currently available.

Executive Order 12778

This final rule was reviewed under Executive Order 12778, Civil Justice Reform. States and local jurisdictions are preempted under the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) from imposing requirements with respect to premises, facilities, and operations of federally inspected meat or poultry products, and any marking, labeling, packaging, or ingredient requirements on federally inspected meat and poultry products that are in addition to, or different than, those imposed under the FMIA and PPIA. States and local jurisdictions may, however, exercise concurrent jurisdiction over meat and poultry products that are outside official establishments for the purpose of preventing the distribution of meat and poultry products that are misbranded or adulterated under the FMIA or PPIA, or in the case of imported articles, which are not at such an establishment, after their entry into the United States. The States may, however, impose more stringent requirements on such State inspected products and establishments.

This final rule is not intended to have retroactive effect, and no applicable administrative procedures must be exhausted before any judicial challenge to the provisions of this rule. However, the applicable administrative procedures specified in 9 CFR 306.5

¹ A copy of this letter is available for review in the office of the FSIS Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 3171-S, Washington, DC 20250-3700.

must be exhausted prior to any judicial challenge to the application of the provisions of this rule, if the challenge involves any decision of an inspector relating to inspection services provided under the FMIA. The applicable administrative procedures specified in 9 CFR part 335 must be exhausted prior to any judicial challenge to the application of the provisions of this rule with respect to labeling decisions.

List of Subjects in 9 CFR Part 318

Meat inspection, Food additives.

For the reasons set out in the preamble, 9 CFR part 318 is amended as follows:

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

1. The authority citation for part 318 continues to read as follows:

Authority: 7 U.S.C. 450, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.17, 2.55.

2. Section 318.7(c)(4) is amended by adding to the chart of substances, under

the Class of Substance "Denuding agents; may be used in combination. Must be removed from tripe by rinsing with potable water," the substance sodium citrate in alphabetical order as follows:

§ 318.7 Approval of substances for use in the preparation of products.

* * * * *

(c) * * *

(4) * * *

Class of substance	Substance	Purpose	Products	Amount
Denuding Agents; may be used in combination. Must be removed from tripe by rinsing with potable water.	Sodium Citrate	do	do	Do.

Done at Washington, DC, on August 4, 1994.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94–19833 Filed 8–12–94; 8:45 am]

BILLING CODE 3410-DM-P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 19, 20, 35, and 40

RIN 3150-AA38

Standards for Protection Against Radiation; Clarification

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; clarification.

SUMMARY: On December 22, 1993, a final rule making a number of conforming amendments to the NRC's standards for protection against radiation was published in the *Federal Register* (58 FR 67657). References to the former standards for protection against radiation were removed from the regulations, and, in that process, certain requirements and provisions not intended to be removed were inadvertently deleted. This final rule reinstates those applicable implementation provisions of the NRC's regulations which were intended to remain in effect or are needed for clarity.

EFFECTIVE DATE: August 15, 1994.

FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, Office of Nuclear Regulatory Research, U.S. Nuclear

Regulatory Commission, Washington, DC 20555, telephone (301) 415-6219.

SUPPLEMENTARY INFORMATION: On May 21, 1991 (56 FR 23360), the Nuclear Regulatory Commission (NRC) published its revised standards for protection against radiation (10 CFR 20.1001–20.2401 and the associated appendices). The revised standards for protection against radiation incorporated scientific information and reflected changes in the basic philosophy of radiation protection that had occurred since the promulgation of the original regulations. The revisions conformed the Commission's regulations to the Presidential Radiation Protection Guidance to Federal Agencies for Occupational Exposure and to recommendations of national and international radiation protection organizations. The revised standards for protection against radiation became effective on June 20, 1991. However, NRC licensees were permitted to defer the mandatory implementation of these regulations until January 1, 1993.

On August 26, 1992 (57 FR 38588), the NRC published a final rule that extended the date by which NRC licensees were required to implement the revised standards for protection against radiation from January 1, 1993, until January 1, 1994. That document also made several conforming amendments to the text of the revised standards for protection against radiation that were necessary to reflect the new mandatory implementation date.

On December 22, 1993 (58 FR 67657), the NRC published a final rule on "removal of expired material." In that final rule, effective on January 1, 1994,

a number of provisions were removed or modified to reflect the effective date for NRC's revised standards for radiation protection. Several provisions that were removed or modified by the December 22, 1993, action should not have been removed or modified because they have continuing effect beyond the January 1, 1994, effective date for the revised standards for protection against radiation. The NRC is concerned that some licensees might misinterpret the Commission's intent in some instances because of the removal of these paragraphs and/or references. Accordingly, this final rule restores those provisions of § 20.1008 that were incorrectly removed by the December 22, 1993, rulemaking. These provisions clearly indicate that requirements in effect prior to January 1, 1994, that are cited in license conditions or technical specifications, may have continued applicability. It also corrects minor errors discovered in reviewing the published version of the December 22, 1993, final rule.

Specifically, 10 CFR 19.13 currently provides that, at the request of any worker formerly engaged in licensed activities controlled by the licensee, each licensee will provide to the worker reports of his/her exposures if the worker was required to be monitored under the provisions of § 20.1502. This action clarifies that licensees continue to be responsible for providing worker exposure reports to those workers subject to the monitoring requirements in effect prior to January 1, 1994.¹ This

¹ Previous §§ 20.108 and 20.202 provided personnel monitoring requirements that were in effect prior to January 1, 1994 (see 10 CFR Chapter

Continued

will eliminate possible misinterpretations caused by the deletion of the reference in § 19.13(c) to formerly applicable monitoring requirements found in §§ 20.108 and 20.202 in the December 22, 1993, amendments and will ensure that licensees are aware that they are still responsible for providing workers with records of their occupational exposure in accordance with the monitoring requirements in the appropriate sections contained in the current Part 20 or regulations in effect prior to January 1, 1994.

This action restores portions of § 20.1008, "Implementation," which specify that technical specifications and license conditions that cite regulations in effect prior to January 1, 1994, may, under some conditions, take precedence over new Part 20 provisions. This action facilitates the transition from formerly applicable Part 20 provisions to current Part 20 provisions until technical specification changes, license amendments, or license renewals are effected.

In 10 CFR 35.205 (a), the December 22, 1993, amendment replaced references to §§ 20.103 (Exposure of individuals to concentrations of radioactive materials in air in restricted areas) and 20.106 (Radioactivity in effluents to unrestricted areas) with a reference to § 20.1301 (Dose limits for individual members of the public). This action adds a reference to § 20.1201 (Occupational dose limits for adults) to correspond to the earlier reference to formerly applicable § 20.103. This will ensure that licensees understand that this section covers dose limits for airborne concentrations in restricted areas as well as unrestricted areas.

Also, in paragraph (c) of § 35.205, the December 22, 1993, amendments inadvertently revised a reference to the occupational concentration limits in Appendix B to Part 20 to reference § 20.1301 (i.e., dose limits for individual members of the public). This action corrects the misreference to read § 20.1201 to clarify that occupational dose limits were intended rather than public dose limits.

In 10 CFR 40.34, this action corrects a transposed number which resulted in a reference to units of quantities (§ 20.2101 (a)) rather than the intended reference to occupational dose limits (§ 20.1201 (a)).

These amendments are corrective in nature and restore provisions

inadvertently deleted in prior amendments (December 22, 1993; 58 FR 67657). Because the opportunity for public comment was previously provided for the changes that formed the basis for the December 22, 1993, amendments (May 21, 1991; 56 FR 23360 and August 26, 1992; 57 FR 38588), and because the proposed changes are minor corrective amendments, the NRC has determined that good cause exists to dispense with the notice and comment provisions of the Administrative Procedure Act (APA) pursuant to 5 U.S.C. 553(b)(3)(B). For the same reasons, the NRC has determined that good cause exists to waive the 30-day deferred effective date provisions of the APA (5 U.S.C. 553(d)).

Environmental Impact: Categorical Exclusion

The NRC has determined that this rule is the type of action described in categorical exclusion 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 3150-0044, -0014, -0010, and -0020.

Regulatory Analysis

This final rule is administrative in that it reinstates provisions inadvertently removed from the text of an existing regulation. These amendments will not have a significant impact. Therefore, the NRC has not prepared a separate regulatory analysis for this final rule. The final regulatory analysis for the May 21, 1991, final rule examined the costs and benefits of the alternatives considered by the Commission in developing the revised standards for protection against radiation and is available for inspection in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule and, therefore, that a backfit analysis is not required for this final rule because these amendments do not involve any provision that would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

10 CFR Part 19

Criminal penalties, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements, Sex discrimination.

10 CFR Part 20

Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material, Source material, Waste treatment and disposal.

10 CFR Part 35

Byproduct material, Criminal penalties, Drugs, Health facilities, Health professions, Medical devices, Nuclear materials, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials transportation, Nuclear materials, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Source material, Special nuclear material, Uranium.

PART 19—NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS: INSPECTION AND INVESTIGATIONS

1. The authority citation for Part 19 continues to read as follows:

Authority: Secs. 53, 63, 81, 103, 104, 161, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2236, 2282); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); Public Law 95-601, sec. 10, 92 Stat. 2951, as amended by Public Law 102-486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851).

2. In § 19.13, paragraph (c) is revised to read as follows:

§ 19.13 Notifications and reports to individuals.

* * * * *

(c)(1) At the request of a worker formerly engaged in licensed activities controlled by the licensee, each licensee shall furnish to the worker a report of the worker's exposure to radiation and/or to radioactive material:

(i) As shown in records maintained by the licensee pursuant to § 20.2106 for each year the worker was required to be

monitored under the provisions of § 20.1502; and

(ii) For each year the worker was required to be monitored under the monitoring requirements in effect prior to January 1, 1994.

(2) This report must be furnished within 30 days from the time the request is made or within 30 days after the exposure of the individual has been determined by the licensee, whichever is later. This report must cover the period of time that the worker's activities involved exposure to radiation from radioactive material licensed by the Commission and must include the dates and locations of licensed activities in which the worker participated during this period.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

3. The authority citation for Part 20 continues to read as follows:

Authority: Secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 953, 955, as amended (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236), secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

4. Section 20.1008 is added to read as follows:

§ 20.1008 Implementation.

(a) [Reserved].

(b) The applicable section of §§ 20.1001–20.2402 must be used in lieu of requirements in the standards for protection against radiation in effect prior to January 1, 1994¹ that are cited in license conditions or technical specifications, except as specified in paragraphs (c), (d), and (e) of this section. If the requirements of this part are more restrictive than the existing license condition, then the licensee shall comply with this part unless exempted by paragraph (d) of this section.

(c) Any existing license condition or technical specification that is more restrictive than a requirement in §§ 20.1001–20.2402 remains in force until there is a technical specification change, license amendment, or license renewal.

(d) If a license condition or technical specification exempted a licensee from a requirement in the standards for protection against radiation in effect prior to January 1, 1994,¹ it continues to exempt a licensee from the

corresponding provision of §§ 20.1001–20.2402.

(e) If a license condition cites provisions in requirements in the standards for protection against radiation in effect prior to January 1, 1994¹ and there are no corresponding provisions in §§ 20.1001–20.2402, then the license condition remains in force until there is a technical specification change, license amendment, or license renewal that modifies or removes this condition.

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

5. The authority citation for Part 35 continues to read as follows:

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

6. In § 35.205, paragraphs (a) and (c) are revised to read as follows:

§ 35.205 Control of aerosols and gases.

(a) A licensee that administers radioactive aerosols or gases shall do so in a room with a system that will keep airborne concentrations low enough so as not to exceed the limits prescribed by §§ 20.1201 and 20.1301 of this chapter. The system must either be directly vented to the atmosphere through an air exhaust or provide for collection and decay or disposal of the aerosol or gas in a shielded container.

(c) Before receiving, using, or storing a radioactive gas, the licensee shall calculate the amount of time needed after a spill to reduce the concentration in the room low enough so as not to exceed the limits prescribed by § 20.1201 of this chapter. The calculation must be based on the highest activity of gas handled in a single container, the air volume of the room, and the measured available air exhaust rate.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

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

Authority: Sec. 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, Public Law 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, Public Law 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); sec. 275, 92 Stat. 3021, as amended by Public Law 97–415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Public Law 95–602, sec. 10, 92 Stat. 2951, as amended by Public Law 102–486, sec. 2902, 106 Stat. 3123 (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).

§ 40.34 [Amended]

8. In § 40.34, paragraph (a)(2) is amended by revising the reference to “§ 20.2101(a)” to read “§ 20.1201(a).”

Dated at Rockville, Maryland, this 9th day of August 1994.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 94–19900 Filed 8–12–94; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–ASW–50; Amendment 39–8934; AD 94–12–06]

Airworthiness Directives; Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A–1, 269B, 269C, and TH–55A Series Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A–1, 269B, 269C, and TH–55A series helicopters, that currently requires repetitive inspections and replacement of certain lower belt drive pulley bearings (pulley bearings). This amendment retains the present AD requirements and adds an alternate pulley bearing to the requirements of the AD. This amendment is prompted by the introduction of an alternate pulley bearing into service by Schweizer Aircraft Corporation. The actions specified by this AD are intended to prevent failure of the pulley bearings, loss of power to the rotor systems, and subsequent loss of control of the helicopter.

DATES: Effective on September 19, 1994

The incorporation by reference of certain publications listed in the

¹ See §§ 20.1–20.602 codified as of January 1, 1993.

² See §§ 20.1–20.602 codified as of January 1, 1993.

³ See §§ 20.1–20.602 codified as of January 1, 1993.

regulations is approved by the Director of the Federal Register as of September 19, 1994.

ADDRESSES: The service information referenced in this AD may be obtained from Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902. This information may be examined at the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, 2601 Meacham Blvd., room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond Reinhardt, Aerospace Engineer, FAA, New York Aircraft Certification Office, Propulsion Branch, ANE-174, New England Region, 181 South Franklin Avenue, Valley Stream, New York 11581, telephone (516) 791-7421, fax (516) 791-9024.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR 39) by superseding AD 80-02-14, Amendment 39-3668 (45 FR 3251, January 17, 1980), which is applicable to Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A-1, 269B, 269C, and TH-55A series helicopters, was published in the Federal Register on July 2, 1993 (58 FR 35900). That action proposed to continue the present AD requirements for lower belt drive pulley bearings (pulley bearings), part number (P/N) 269A5050-57, and also proposed a one-time inspection of the pulley bearing installation, repetitive inspections of the pulley bearings, and an 1,800 hours' time-in-service life limit for pulley bearings, part number (P/N) 269A5050-80. Pulley bearings, P/N 269A5050-80, are subject to the same requirements as pulley bearings, P/N 269A5050-57.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed, with only editorial changes. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 700 helicopters of U.S. registry will be affected by this AD, that it will take approximately 1.5 work hours per helicopter to accomplish the required actions, and that the average labor rate is \$55 per work hour. Required parts, if needed, will cost approximately \$635

per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$168,875 each year assuming 175 helicopters would need new parts each year.

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, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [AMENDED]

2. Section 39.13 is amended by removing Amendment 39-3668, (45 FR 3251, January 17, 1980), and by adding a new airworthiness directive (AD), Amendment 39-8934, to read as follows:

94-12-06 Schweizer Aircraft Corporation and Hughes Helicopters, Inc.: Amendment 39-8934. Docket Number 92-ASW-50. Supersedes AD 80-02-14, Amendment 39-3668.

Applicability: Model 269A, 269A-1, 269B, 269C, and TH-55A helicopters, with lower belt drive pulley bearings, part number (P/N) 269A5050-57 or 269A5050-80, installed, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the lower belt drive pulley bearings (pulley bearings), loss of power to the rotor systems, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within the next 50 hours' time-in-service (TIS) after the effective date of this AD, replace all pulley bearings, P/N 269A5050-57 or 269A5050-80, that have accumulated 1,750 or more hours' TIS on the effective date of this AD. For pulley bearings that have accumulated less than 1,750 hours' TIS on the effective date of this AD, replace these pulley bearings on or prior to attaining 1,800 hours' total TIS. If replaced with pulley bearings, P/N 269A5050-57 or 269A5050-80, the repetitive inspection requirements of paragraph (d) of this AD are applicable.

Note: The following paragraphs of the AD, relative to bearing retention system inspection, cover two systems of retention. At delivery, all Model 269A, 269A-1, 269B, TH-55A, and certain 269C helicopters, serial numbers 1 through 589, were equipped with sheet metal lower bearing straps, P/N 269A5463. Model 269C helicopters, serial numbers 590 and subsequent, were equipped with machined lower bearing caps that are part of a 269A5573-11 "H" frame assembly. Paragraph (b) concerns the sheet metal straps and paragraph (c) concerns the machined caps.

(b) Within the next 50 hours' TIS after the effective date of this AD, on helicopters equipped with sheet metal lower bearing straps, P/N 269A5463—

(1) Inspect the pulley bearings in accordance with paragraphs a. through f. of Part I of Schweizer Aircraft Corporation or Hughes Helicopters, Inc. Service Information Notice (SIN) N-146.2, dated December 7, 1979, and,

(2) Shim bearing straps in accordance with paragraph h.(2) of Part I of SIN N-146.2, dated December 7, 1979.

(c) Within the next 50 hours' TIS after the effective date of this AD, on helicopters equipped with machined lower pulley bearing caps (caps) that are part of a 269A5573-11 "H" frame assembly, inspect caps and frame assembly lower bearing bore for out-of-roundness in accordance with paragraphs l. through p., Part I of SIN N-164, dated December 7, 1979.

(1) If out-of-roundness exceeds 0.001 inch Total Indicator Reading (T.I.R.), reverse the caps and repeat the inspections of paragraph (c) of this AD for both caps.

(2) If out-of-roundness exceeds 0.001 inch T.I.R. after reversing and reinspecting the caps, replace both caps with two lower bearing straps, P/N 269A5463, in accordance with paragraph r. of Part I of SIN N-164, dated December 7, 1979.

(d) Within 300 hours' TIS after accomplishing paragraphs (b) or (c) of this AD, and thereafter at intervals not to exceed 300 hours' TIS from the last inspection, inspect the pulley bearings in accordance

with paragraph a. through e. of Part III of SIN N-164, dated December 7, 1979.

(e) Before returning any helicopter equipped with a replacement "H" frame assembly to service, accomplish the inspections of paragraphs (b) or (c) of this AD as appropriate.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, New York Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, New York Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York Aircraft Certification Office.

(g) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

(h) The inspections and replacements shall be done in accordance with Schweizer Aircraft Corporation SIN N-164 and SIN N-146.2, both dated December 7, 1979. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(i) This amendment becomes effective on September 19, 1994.

Issued in Fort Worth, Texas, on June 17, 1994.

Eric Bries,

Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.

[FR Doc. 94-17868 Filed 8-12-94; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 93-NM-218-AD; Amendment 39-8995; AD 94-16-05]

Airworthiness Directives; Boeing Model 767 Series Airplanes Equipped With Carbon Brakes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that requires repetitive inspections to detect cracking, corrosion, and wear of various components of the main landing gear

(MLG) brake assembly, and correction of discrepancies. This amendment is prompted by reports indicating that components in the MLG assembly have been damaged due to the consequences of vibration in the brake assembly. The actions specified by this AD are intended to minimize the exposure of the brake assembly to the consequences of a vibratory condition that could ultimately lead to failure of components of the MLG; such failure could severely affect the braking capability of the airplane while on the ground.

DATES: Effective September 14, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 14, 1994.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kristin Larson, Aerospace Engineer, Systems & Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1760; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes was published in the Federal Register on March 15, 1994 (59 FR 11946). That action proposed to require inspections to detect cracking, corrosion, and wear of various components of the main landing gear (MLG) brake assembly, and correction of discrepancies.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposal.

Several commenters request that the proposal be withdrawn. These commenters contend that AD 94-03-07, amendment 39-8814 (59 FR 7897, February 17, 1994), adequately addresses the safety concerns related to failures caused by the vibration phenomenon of the brakes. That AD is

applicable to the same airplanes that would be affected by the proposal, and requires that operators incorporate modifications and perform several different types of inspections to detect cracking and other damage of various components of the MLG brake assembly. Additionally, one commenter advises that every operating airplane affected by AD 94-03-07 is currently in compliance with that AD and, due to the efforts of the operators of these airplanes, there has been a "dramatic effect" in addressing the known brake failure modes.

The FAA does not concur with the request to withdraw the AD. The issuance of AD 94-03-07 was prompted by incidents of brake failure and by physical evidence, which indicated that certain components in the brake load path are subject to damage or failure due to the vibration phenomenon of the brakes. Such damage or failures can contribute to the overall failure of the braking system. While accomplishment of the requirements of AD 94-03-07 will minimize the likelihood or effect of failures of certain components within the brake system, accomplishment of the repetitive inspection requirements of this new AD will address potential damage that could further aggravate the identified vibration phenomenon. While there have been no in-service incidents of failure of certain of these specific components, the FAA has determined that the potential exists for such failures to occur, due to the configuration of the MLG brake assembly and the continuing occurrences of the vibration phenomenon of the brakes. If the failure of the subject components were to occur, it could further aggravate the vibratory condition and weaken the brake load path, possibly leading to further failures or loss of braking. No evidence has been submitted to the FAA to indicate that this potential for failure does not exist, or to justify that inspection of these components is not necessary. In light of these factors, the FAA has determined that this final rule is both appropriate and warranted.

One commenter states that the proposed inspections to detect corrosion and damage to the brake hardware are currently part of operators' maintenance programs. Prudent operators would be expected to adjust their maintenance programs to reflect the changes in the inspections and inspection intervals recommended by Boeing Service Bulletin 767-32-0128 (which is referenced in the proposal). The commenter contends that the incidents upon which the proposed AD and AD 94-03-07 are based are the result of design defects rather than improper

maintenance; therefore, an operator's maintenance program should not have to be revised via an AD in order to address the safety concern. The commenter suggests that the FAA should not require the operator's maintenance program to be revised unless it can show that the maintenance program is inadequate. In this regard, the commenter requests that the FAA review its justification for the proposed rule to ensure that it is sufficient to satisfy the requirements of part 39 of the Federal Aviation Regulations (FAR) (14 CFR part 39), "Airworthiness Directives."

The FAA concurs with the commenter's observation that the unsafe condition addressed by this AD action is the result of a design deficiency and not a maintenance deficiency; however, the FAA does not concur with the commenter's inference that this AD is not justified. This commenter appears to be confusing the basis for finding of an unsafe condition with the appropriate means of addressing the unsafe condition. While it is true that the unsafe condition is based on a design deficiency of the MLG assembly, there currently is no permanent "design fix" to eliminate the problem. Therefore, although a design fix would be the ultimate intention, the FAA has determined that the accomplishment of the inspection requirements of this AD, in the interim, is necessary in order to minimize the occurrence of brake failures due to the brake vibration phenomenon and to ensure that an acceptable level of safety is maintained. With regard to the commenter's statement concerning maintenance programs, even though a parallel inspection action currently may be part of an operator's maintenance program, this AD serves as the means available to the FAA for mandating the appropriate inspection actions and ensuring their accomplishment at timely intervals by all affected operators.

Further, according to part 39 of the FAR, the issuance of an AD must be based on the finding that an unsafe condition exists or is likely to develop in aircraft of a particular type design. This AD is prompted by what the FAA has determined to be an unsafe condition to which Model 767 series airplanes equipped with carbon brakes are subject. That unsafe condition entails the failure of MLG components and the subsequent loss of braking capability, which is brought about by the effects of a vibration phenomenon that is known to exist in the brake assembly of these airplanes. The FAA also has determined that repetitive inspections of the affected area must be

mandated in order to minimize the failure of the components and to ensure that safety is not degraded. The appropriate vehicle for mandating such action to correct an unsafe condition is the airworthiness directive. Accordingly, the issuance of this AD is justified under part 39 of the FAR.

One commenter requests an explanation of why the requirements of AD 94-03-07 are considered interim action. The FAA responds by noting that it considers the requirements of both AD 94-03-07 as well as this new AD to be interim action. The accomplishment of the requirements of these AD's is intended to minimize the occurrence of brake failures due to the brake vibration phenomenon. These actions do not eliminate the vibration phenomenon itself, however, as has been verified by a recent incident that occurred in March 1994. During that incident, an airplane that was in compliance with AD 94-03-07 experienced a rejected takeoff in which there was no detected brake loss, but brake components were found to be fractured or damaged during an inspection performed after the incident occurred. The damage that was sustained as a result of that incident was primarily in components other than those addressed by AD 94-03-07. It is apparent that failure of the brake components due to vibration can still occur. The FAA maintains that design changes are needed that will eliminate or significantly reduce the vibration phenomenon recognized in the Model 767 carbon brake system, or significantly reduce the occurrence of failures in the brake load path. The FAA considers that the actions required by AD 94-03-07 and by this new AD are interim actions until such design changes are developed and available.

Several commenters request that the proposed compliance terms be revised from "hours time-in-service" to "flight cycles." These commenters point out that the procedures specified in the referenced Boeing service bulletin are in terms of flight cycles, not hours. The FAA concurs. The reference to "hours time-in-service" that appeared in the proposal was an error. The wording of the final rule has been corrected to specify "flight cycles". This correction will not impose any additional burden on affected operators; it will relieve operators from having to perform the inspections earlier or more often than is actually necessary.

These same commenters request that the compliance time for the inspections that would be required by paragraph (a) be revised from the proposed 1,500 hours time-in-service to 1,600 flight

cycles. The commenters state that AD 94-03-07 requires that the rod linkage be inspected at intervals of 800 flight cycles; therefore, the adoption of a 1,600-flight cycle interval for the proposed inspections would allow some of them to be accomplished concurrently with those of AD 94-03-07. This will simplify scheduling and eliminate duplication of work for affected operators. The FAA concurs. In addition to considering the reasons presented by these commenters, the FAA has reviewed and approved Revision 1 of Boeing Service Bulletin 767-32-0128, dated March 31, 1994. Among other things, this revised version of the service bulletin recommends that inspections of the pins, the brake torque arm bushings, and the brake rod bushings begin within 1,600 flight cycles and be repeated at intervals of 1,600 flight cycles. Paragraph (a) of the final rule has been revised to specify a 1,600-flight cycle inspection interval, and to reference the revised version of the service bulletin as the appropriate source of service information.

Another commenter requests that the inspections of the bulkhead, keeper pin, and brake attach pin, as proposed by paragraph (b), be eliminated. This commenter points out that modification of the brake rod pin assembly and the brake attach pin retainer, which is required by AD 94-03-07, has significantly strengthened the brake load path in this area. There has been no indication that this area continues to be a problem area once the modification is installed. The FAA concurs with the commenter's request to delete the proposed inspections. The requirements of AD 94-03-07 eliminated the cross bolts at the brake rod attach pin, thereby eliminating one of the failure modes in the brake load path that had accounted for a significant number of brake loss incidents. The modification required by AD 94-03-07 improves the brake load path in the brake-to-brake rod attachment area. In light of this, the FAA has determined that the inspections proposed in paragraph (b) of the notice are not necessary, and has deleted them from the final rule. The FAA notes that Part 2 of Revision 1 of Boeing Service Bulletin 767-32-0128 provides instructions for inspecting the modified area for corrosion or damage. Although those inspections may be "value added," the FAA does not consider them necessary to improve the safety of the brake system.

One commenter provides an update on the number of airplanes affected by the proposed AD. The information provided by this commenter indicates that the worldwide number has risen

from 289 airplanes (at the time the proposal was issued) to 308 airplanes; and the U.S.-registered number has risen from 71 airplanes to 77 airplanes. The FAA has revised the economic impact information, below, accordingly.

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 rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 308 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 77 airplanes of U.S. registry will be affected by this AD, that it will take approximately 10 work hours per airplane to accomplish the required actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$42,350, or \$550 per airplane, per inspection cycle.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

94-16-05 Boeing: Amendment 39-8995. Docket 93-NM-218-AD.

Applicability: Model 767 series airplanes equipped with carbon brakes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the failure of components of the main landing gear, which could severely affect the braking capability of the airplane while on the ground, accomplish the following:

(a) Within 1,600 flight cycles after the effective date of this AD, and thereafter at intervals not to exceed 1,600 flight cycles, conduct inspections to detect cracking and corrosion of the pin that attaches the brake rod to the brake housing; to detect cracking of the brake torque arm bushings; and to detect wear of the brake rod bushings; in accordance with Part 1 of Boeing Service Bulletin 767-32-0128, Revision 1, dated March 31, 1994. If any discrepancy is detected in any part, replace or repair the part in accordance with the compliance schedule specified in Figure 1, Figure 2, or Figure 3 of the service bulletin, as applicable.

Note 1: Inspections, replacement, and repairs performed prior to the effective date of this AD in accordance with Boeing Service Bulletin 767-32-0128, dated November 11, 1993, are considered to be in compliance with this paragraph.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The actions shall be done in accordance with Boeing Service Bulletin 767-32-0128, Revision 1, dated March 31, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on September 14, 1994.

Issued in Renton, Washington, on August 2, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94-19353 Filed 8-12-94; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 92-NM-237-AD; Amendment 39-8998; AD 94-17-03]

Airworthiness Directives; Boeing Model 767 Series Airplanes Equipped With Rolls-Royce RB211-524 Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that requires inspections, adjustments, and functional checks of the thrust reverser system; installation of a terminating modification; and repetitive operational checks of the gearbox locks and the air motor brake following accomplishment of the modification. This amendment is prompted by the identification of a modification that ensures that the level of safety inherent in the original type design of the thrust reverser system is further enhanced. The actions specified by this AD are intended to prevent possible discrepancies that exist in the current thrust reverser control system, which could result in an inadvertent deployment of a thrust reverser during flight.

DATES: Effective September 14, 1994.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director