

List of Subjects in 10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

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 2.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS

1. The authority citation for Part 2 continues to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87-615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f), Pub. L. 97-425, 96 Stat. 2213, as amended (42 U.S.C. 10134(f)); sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200-2.206 also issued under secs. 161b, i, o, 182, 186, 234, 68 Stat. 948-951, 955, 83 Stat. 444, as amended (42 U.S.C. 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.600-2.606 also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section 2.764 and Table 1A of Appendix C also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85-256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91-560, 84 Stat. 1473 (42 U.S.C. 2135). Appendix B also issued under sec. 10, Pub. L. 99-240, 99 Stat. 1842 (42 U.S.C. 2021b et seq.).

2. In § 2.802, paragraph (g) is revised to read as follows:

§ 2.802 Petition for rulemaking.

(g) The Director, Division of Freedom of Information and Publications Services, Office of Administration, will prepare on a semiannual basis a summary of petitions for rulemaking before the Commission, including the status of each petition. A copy of the report will be available for public inspection and copying for a fee in the Commission's Public Document Room, 2120 L Street, NW., Washington, DC.

Dated at Rockville, Maryland, this 19th day of August 1994.

For the Nuclear Regulatory Commission,
James M. Taylor,

Executive Director for Operations.

[FR Doc. 94-21454 Filed 8-30-94; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY**10 CFR Part 1050**

RIN 1990-AA04

Foreign Gifts and Decorations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This final rule amends regulations on foreign gifts and decorations, so that the definition of "minimal value" and other specific dollar figures used with respect to foreign gifts and decorations reflect changes in the consumer price index.

DATES: Final rule effective August 31, 1994.

FOR FURTHER INFORMATION CONTACT: Susan Beard (Acting Deputy Assistant General Counsel for Standards of Conduct), Office of the Assistant General Counsel for General Law, GC-80, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202/586-1522).

SUPPLEMENTARY INFORMATION**I. Background**

Article I, section 9, clause 8 of the Constitution provides that no person holding any office of profit or trust under the United States shall, without the consent of the Congress, accept any present, emolument, office, or title, of any kind whatever, from any foreign state. In the Foreign Gifts and Decorations Act (Act) (5 U.S.C. 7342), Congress consented to an exception to the general Constitutional rule against the acceptance of gifts or decorations from foreign governments by Federal employees. Among other things, the

statute allows employees to accept gifts of "minimal value" tendered as souvenirs or as marks of courtesy.

"Minimal value" is defined in the Act, as amended, as a retail value in the United States of \$100 or less, but the Act provides that "minimal value" shall be redefined periodically in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding three-year period. The authority to redefine the term "minimal value" was effective on January 1, 1981. The Act also provides that, a Federal employing agency may, by regulation, define "minimal value" to be less than the value established under the foregoing provision.

There is also a limitation on the use of appropriated funds for the purchase of gifts for foreign individuals. Effective September 30, 1977, no appropriated funds, other than funds from the "Emergencies in the Diplomatic and Consular Service" account of the Department of State, may be used to purchase any tangible gift of more than minimal value, as defined in the Foreign Gifts and Decorations Act, for any individual unless the gift is approved by the Congress (22 U.S.C. 2694).

In 1980 the Department of Energy promulgated regulations regarding the acceptance by Department employees of gifts and decorations from foreign governments and the use of appropriated funds for the purchase of tangible gifts for a foreign individual. The Department's Foreign Gifts and Decorations regulations currently provide, at 10 CFR 1050.103(e), that "minimal value" means a retail value of \$100 or less. This provision does not reflect changes in the definition of "minimal value" contained in the regulations promulgated by the General Services Administration. At the time this regulation was promulgated, the definition of "minimal value" was not indexed. Furthermore, Subpart D of these regulations, Gifts to Foreign Individuals, sets a \$100 ceiling, but fails to incorporate the term "minimal value" in establishing allowable purchases of tangible gifts for any foreign individuals.

This rule will redefine "minimal value" to be the value prescribed by the Administrator of General Services, in coordination with the Secretary of State, to reflect changes in the consumer price index, thus, making it unnecessary for the Department to issue a new rule each time the definition changes due to an increase or decrease in the consumer price index. Further, it will apply the term "minimal value" to the value of

gifts allowable for presentation to foreign individuals.

This rulemaking involves a matter relating to agency management or personnel, affecting a regulation that only applies to Department of Energy employees. Furthermore, the rule would relieve a substantive restriction that previously was placed upon Department of Energy employees. Accordingly, the Department has determined that a general notice of proposed rulemaking is not required (5 U.S.C. 553(a)(2)), and is making this rule effective immediately (5 U.S.C. 553(d)(1)).

II. Review Under Executive Order 12866

Today's regulatory action has been determined not to be a "significant regulatory action" under Executive Order 12866, "Regulatory Planning and Review," (58 FR 51735, October 4, 1993). Accordingly, today's action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs.

III. Review Under the Regulatory Flexibility Act

Pursuant to section 605 of the Regulatory Flexibility Act (Pub. L. 96-354), it is hereby certified that the final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Act. It is related solely to internal agency organization, management, or personnel.

IV. Review Under the National Environmental Policy Act

The Department has determined that the final rule does not constitute a major Federal action significantly affecting the quality of the human environment, because it is a strictly procedural rulemaking within the meaning of paragraph A6 of Appendix A to subpart D of 10 C.F.R. part 1021.

V. Review Under the Paperwork Reduction Act

This final rule does not impose a "collection of information" requirement, as defined in 44 U.S.C. 3502(4).

List of Subjects in 10 CFR Part 1050

Government employees.

In consideration of the foregoing, the Department of Energy is amending part 1050 of Title 10 of the Code of Federal Regulations, as set forth below:

Issued in Washington, D.C. on August 25, 1994.

Eric J. Fygi,
Acting General Counsel.

PART 1050—FOREIGN GIFTS AND DECORATIONS

1. The authority citation for 10 CFR part 1050 is revised to read as follows:

Authority: The Constitution of the United States, Article I, Section 9; 5 U.S.C. 7342; 22 U.S.C. 2694; Public Law 95-91, secs. 644 and 652, 91 Stat. 599 (42 U.S.C. 7254 and 7262).

2. Section 1050.103 is amended by revising paragraph (e) to read as follows:

§ 1050.103 Definitions.

(e) *Minimal value* means that value as defined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period in accordance with the definition of "minimal value" as set forth in the Federal Property Management Regulations of title 41 of the Code of Federal Regulations as applied to the Utilization, Donation, and Disposal of Foreign Gifts and Decorations.

3. Subpart D is revised to read as follows:

§ 1050.401 Prohibition against use of appropriated funds.

No appropriated funds other than funds from the "Emergencies in the Diplomatic and Consular Service" account of the Department of State may be used to purchase any tangible gift of more than minimal value for any foreign individual unless such gift has been approved by the Congress.

[FR Doc. 94-21538 Filed 8-30-94; 8:45 am]
BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 121CE, Special Condition 23-ACE-78]

Special Conditions; Cessna Models 401, 402, 414A, 421, and 425 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued to Yingling Aircraft, Inc. Wichita,

Kansas for a Supplemental Type Certificate (STC) on the Cessna Models 401, 402, 414A, 421, and 425 airplanes. These airplanes will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel and unusual design features include the installation of electronic displays for which the applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

EFFECTIVE DATE: The effective date of these special conditions is on publication in the Federal Register. Comments must be received on or before September 30, 1994.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 121CE, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 121CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m..
FOR FURTHER INFORMATION CONTACT: Ervin Dvorak, Aerospace Engineer, Standards Office (ACE-110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426-6941.

SUPPLEMENTARY INFORMATION

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety, and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on these special conditions.

Interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special conditions number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the rules docket for examination by

interested parties, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments, submitted in response to this request, must include a self-addressed and stamped postcard on which the following statement is made: "Comments to Docket No. 121CE." The postcard will be date stamped and returned to the commenter.

Background

On July 21, 1994, Yingling Aircraft, Inc. Post Office Box 9248, Wichita, Kansas 67277, made an application to the FAA for a supplemental type certificate (STC) for the Cessna Models 401, 402, 414A, 421, and 425 airplanes. The proposed modification incorporates a novel or unusual design feature, such as digital avionics consisting of an electronic flight instrument system (EFIS), that is vulnerable to HIRF external to the airplane.

Type Certification Basis

The type certification basis for the Cessna Models 401, 402, 414A, 421, and 425 Airplanes is given in Type Certification Data Sheet No. A7CE plus the following: § 23.1301 of Amendment 23-20; §§ 23.1309 and 23.1311 of amendment 23-41; and § 23.1322 of Amendment 23-43; exemptions, if any; and the special conditions adopted by this rulemaking action.

Discussion

The FAA may issue and amend special conditions, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards, designated according to § 21.101(b), do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations. Special conditions are normally issued according to § 11.49, after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and become a part of the type certification basis in accordance with § 21.101(b)(2).

Yingling Aircraft, Inc., plans to incorporate certain novel and unusual design features into an airplane for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF. These features include electronic systems, which are

susceptible to the HIRF environment, that were not envisaged by the existing regulations for this type of airplane.

Protection of Systems From High Intensity Radiated Fields (HIRF)

Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid state advanced components in analog and digital electronics circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the HIRF. The HIRF can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the HIRF environment has undergone a transformation that was not foreseen when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the number of transmitters has increased significantly. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling to cockpit-installed equipment through cockpit window apertures is undefined.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the airplane. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels, which are lower than previous required values, are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in aircraft, to the defined HIRF environment in paragraph 1 or, as an option to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HIRF environment defined below:

FIELD STRENGTH VOLTS/METER

Frequency	Peak	Average
KHz:		
10-100	50	50
100-500	60	60
500-2000	70	70
MHz:		
2-30	200	200
30-70	30	30
70-100	30	30
100-200	150	33
200-400	70	70
400-700	4020	935
700-1000	1700	170
GHz:		
1-2	5000	990
2-4	6680	840
4-6	6850	310
6-8	3600	670
8-12	3500	1270
12-18	3500	360
18-40	2100	750

or,

(2) The applicant may demonstrate by a system test and analysis that the electrical and electronic systems that perform critical functions can withstand a minimum threat of 100 volts per meter, peak electrical field strength, from 10 KHz to 18 GHz. When using this test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant, for approval by the FAA, to identify electrical and/or electronic systems that perform critical functions. The term "critical" means those functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or any combination of these. Service experience alone is not

acceptable since normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Conclusion

In view of the design features discussed for the Cessna Models 401, 402, 414A, 421, and 425 Airplanes, the following special conditions are issued. This action is not a rule of general applicability and affects only those applicants who apply to the FAA for approval of these features on these airplanes.

The substance of these special conditions has been subject to the notice and public comment procedure in several prior rulemaking actions. For example, the Dornier 228-200 (53 FR 14782, April 26, 1988), the Cessna Model 525 (56 FR 49396, September 30, 1991), and the Beech Model 200, A200, and B200 airplanes (57 FR 1220, January 13, 1992). It is unlikely that additional public comment would result in any significant change from those special conditions already issued and commented on. For these reasons, and because a delay would significantly affect the applicant's installation of the system and certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions without notice. Therefore, these special conditions are being made effective upon publication in the *Federal Register*. However, as previously indicated, interested persons are invited to comment on these special conditions if they so desire.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

PART 23—[AMENDED]

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g); 14 CFR 21.16 and 21.101; and 14 CFR 11.28 and 11.49.

Adoption of Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the modified

Cessna Models 401, 402, 414A, 421, and 425 airplanes:

1. *Protection of electrical and electronic systems from High Intensity Radiated Fields (HIRF).* Each system that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions, are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies: *Critical functions:* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on August 17, 1994.

Gerald Pierce,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94-21528 Filed 8-30-94; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 94-ANE-07; Amendment 39-9011; AD 94-17-16]

Airworthiness Directives; General Electric Aircraft Engines CT7 Series Turboprop Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to General Electric Aircraft Engines (GEAE) CT7 series turboprop engines, that currently requires a one-time ultrasonic inspection of a suspect population of propeller shafts for metallurgical defects, and if necessary, replacement with a serviceable part. This amendment extends the compliance time for the required ultrasonic inspection on certain propeller shafts. This amendment is prompted by information indicating that the equipment necessary to perform the ultrasonic inspection is less available than originally assumed. The actions specified by this AD are intended to prevent failure of the propeller shaft, which can result in separation of the propeller from the propeller shaft and possible damage to the aircraft.

DATES: Effective September 15, 1994.

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

of the Federal Register as of September 15, 1994.

Comments for inclusion in the Rules Docket must be received on or before October 31, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94-ANE-07, 12 New England Executive Park, Burlington, MA 01803-5299.

The service information referenced in this AD may be obtained from General Electric Aircraft Engines, 1000 Western Avenue, Lynn, MA 01910. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Daniel Kerman, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7130, fax (617) 238-7199.

SUPPLEMENTARY INFORMATION: On July 8, 1994, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 94-15-01, Amendment 39-8972 (59 FR 36930, July 20, 1994), applicable to General Electric Aircraft Engines (GEAE) CT7 series turboprop engines, to require a one-time ultrasonic inspection of the propeller shaft flange outer diameter (OD) fillet radius and inner diameter (ID) bore on a suspect population of propeller shafts for subsurface metallurgical defects, and if necessary, replacement with a serviceable part. That action was prompted by the determination that certain propeller shafts may have a metallurgical defect that could cause separation of the propeller from the propeller shaft. The FAA's investigation has revealed this population of propeller shafts may contain a metallurgical defect known as a pipe inclusion, which developed during manufacture of the shaft. This defect typically forms during the process of melting the ingot used to form the shaft and positions itself at either end of the ingot. During this phase of the manufacturing process cropping both ends of the ingot normally ensures complete removal of such defects. The FAA has determined, however, that for five heat lots of material, pipe inclusions may not have been completely removed from the material used to form the propeller shaft. The FAA has determined that suspect