

activities will prevent the acceptance of counterfeit and fraudulent materials.

Based on the findings of the original inspections, assessments, and pilot inspections, the NRC staff believes that problems identified with respect to the quality of items dedicated for use in safety-related applications are adequately addressed by the requirements of Appendix B of Part 50 and are problems of compliance, rather than of inadequate rules. The NRC staff and industry worked closely together to improve industry efforts in procurement and commercial grade dedication. Therefore, there appears to be no need for new regulations addressed to the quality of items dedicated for use in safety-related applications.

Part of the NRC staff's reason for originally proposing rulemaking was to reduce the likelihood of counterfeit or fraudulently marketed products from being accepted for use. The NRC staff has issued numerous information notices regarding specific cases of fraudulent parts being found in nuclear facilities and guidance on how to detect them. The NRC staff has also issued two generic letters presenting information regarding procurement program improvements to help prevent the acceptance and use of counterfeit or fraudulently marketed products. This issue is also addressed as part of the NUMARC Comprehensive Procurement Initiative.

Finally, the Commission issued a rule change to 10 CFR Part 50 (§ 50.5, Deliberate misconduct) that gives the NRC staff an additional regulatory tool to pursue cases in which a licensee contractor or subcontractor has deliberately provided material, goods, or services that causes or may cause the licensee to be in violation of a rule. A supplier providing counterfeit and/or substandard materials to be used in safety-related applications is subject to that rule. Therefore, additional rulemaking to specifically address fraudulent parts appears unnecessary.

For these reasons, the Commission has concluded that the nuclear industry has made significant progress toward improving its procurement and commercial grade dedication programs and believes that problems identified with respect to the quality of items dedicated for use in safety-related applications are adequately addressed by the requirements of 10 CFR Part 50, Appendix B. Therefore, there appears to be no need for new regulations addressed to the quality of items dedicated for use in safety-related applications. Accordingly, the Commission is withdrawing the ANPR.

Dated at Rockville, Maryland, this 8th day of September, 1995.

For the Nuclear Regulatory Commission.
James M. Taylor,
Executive Director for Operations.
[FR Doc. 95-23178 Filed 9-18-95; 8:45 am]
BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-SW-19-AD]

Airworthiness Directives; Flight Trails Helicopters, Inc., Hardpoint Assemblies Installed on McDonnell Douglas Helicopter Systems Model 369D, 369E, 369F, 369FF, and 500N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Flight Trails Helicopters, Inc. hardpoint assemblies, installed in accordance with Supplemental Type Certificate (STC) No. SH6080NM, or in accordance with Federal Aviation Administration (FAA) Form 337, "Major Repair and Alteration," approved on McDonnell Douglas Helicopter Systems (MDHS) Model 369D, 369E, 369F, 369FF, and 500N helicopters. This proposal would require removing any Flight Trails Helicopters, Inc. hardpoint assembly not identified by part number (P/N) and serial number (S/N). This proposal is prompted by two incidents in which the hardpoint assembly used to support a search light or night vision system reportedly failed. The actions specified by the proposed AD are intended to prevent failure of the hardpoint assembly, separation of the hardpoint assembly from the helicopter, and subsequent contact between the hardpoint assembly and the fuselage or rotor system of the helicopter.

DATES: Comments must be received by November 20, 1995.

ADDRESSES: Submit comments in triplicate to the FAA, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-SW-19-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. James Wang, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California 90712, telephone (310) 627-5232, fax (310) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 95-SW-19-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-SW-19-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

This document proposes the adoption of a new AD that is applicable to Flight Trails Helicopters, Inc. hardpoint assemblies installed in accordance with STC No. SH6080NM, or in accordance with FAA Form 337, "Major Repair and Alteration," approved on MDHS Model 369D, 369E, 369F, 369FF, and 500N helicopters. Two incidents have occurred in which the hardpoint assembly reportedly failed at its installation weld. The hardpoint assembly is used to attach equipment such as a search light or night vision

system to the helicopter's fuselage. In the first incident, a failure occurred in the hardpoint installation weld area due to a fatigue crack. The discovery of a crack in the hardpoint assembly installation weld on a second helicopter occurred during a visual ground check. This condition, if not corrected, could result in failure of the hardpoint assembly, separation of the hardpoint assembly from the helicopter, and subsequent contact between the hardpoint assembly and the fuselage or rotor system of the helicopter.

Since an unsafe condition has been identified that is likely to exist or develop on other Flight Trails Helicopters, Inc. hardpoint assemblies installed on MDHS Model 369D, 369E, 369F, 369FF, and 500N helicopters of the same type design, the proposed AD would require, before further flight, removing the hardpoint assembly that secures a searchlight or night vision system to the helicopter.

The FAA estimates that 59 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per helicopter to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$3,540.

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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. 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Flight Trails Helicopters, Inc.: Docket No. 95-SW-19-AD.

Applicability: McDonnell Douglas Helicopters Systems (MDHS) Model 369D, 369E, 369F, 369FF, and 500N helicopters, that have been modified in accordance with Supplemental Type Certificate (STC) No. SH6080NM, or in accordance with a Federal Aviation Administration (FAA) Form 337, "Major Repair and Alteration," using Flight Trails Helicopters, Inc. hardpoint assemblies, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Note 2: Information concerning the hardpoint assemblies may be obtained from Flight Trails Helicopters, Inc., ATTN: Mr. Larry Anderson, 4805 Falcon Drive, Mesa, Arizona, 85205, telephone (602) 396-8242.

Compliance: Required as indicated, unless accomplished previously. To prevent failure of the hardpoint assembly, separation of the hardpoint assembly from the helicopter, and subsequent contact between the hardpoint assembly and the fuselage or rotor system of the helicopter, accomplish the following:

(a) Before further flight, remove from the helicopter any Flight Trails Helicopters, Inc. hardpoint assembly not marked with a part number (P/N) and serial number (S/N) by removing the NAS 1351-3 cap screw that secures the hardpoint assembly to the jacking fitting, P/N 369H2521, and slipping the hardpoint assembly out of the step mount.

The only Flight Trails Helicopters, Inc. hardpoint assemblies that are considered airworthy and eligible for installation are those hardpoint assemblies marked with a serial number and either P/N FTH 105 LH Mod 1, for a hardpoint assembly mounted on the left side of the helicopter, or P/N FTH 105 RH Mod 1, for a hardpoint assembly mounted on the right side.

(b) 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, Los Angeles 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, Los Angeles Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(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 helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on September 11, 1995.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 95-23123 Filed 9-18-95; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 95-CE-44-AD]

Airworthiness Directives; Jetstream Aircraft Limited HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to Jetstream Aircraft Limited (JAL) HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes. The proposed AD would require repetitively inspecting the main landing gear (MLG) pintle to cylinder interface for cracks, and replacing any cylinder that has a crack exceeding certain limits. Reports of MLG cracks in the area of the pintle to cylinder interface on three of the affected airplanes prompted the proposed action. The actions specified by the proposed AD are intended to prevent failure of the MLG caused by cracks in the pintle to cylinder interface area, which, if not detected and