

§ 50.68 Criticality accident requirements.

(a) Each holder of a construction permit or operating license for a nuclear power reactor issued under this part, or a combined license for a nuclear power reactor issued under part 52 of this chapter shall comply with either 10 CFR 70.24 of this chapter or requirements in paragraph (b).

(b) Each licensee shall comply with the following requirements in lieu of maintaining a monitoring system capable of detecting a criticality as described in 10 CFR 70.24:

(1) Plant procedures may not permit handling and transportation at any one time of more fuel assemblies than have been determined to be safely subcritical under the most adverse moderation conditions feasible by unborated water.

(2) The estimated ratio of neutron production to neutron absorption and leakage (k-effective) of the fresh fuel in the fresh fuel storage racks shall be calculated assuming the racks are loaded with fuel of the maximum permissible U-235 enrichment and flooded with pure water and must not exceed 0.95, at a 95 percent probability, 95 percent confidence level.

(3) If optimum moderation of fresh fuel in the fresh fuel storage racks occurs when the racks are assumed to be loaded with fuel of the maximum permissible U-235 enrichment and filled with low-density hydrogenous fluid, the k-effective corresponding to this optimum moderation must not exceed 0.98, at a 95 percent probability, 95 percent confidence level.

(4) If no credit for soluble boron is taken, the k-effective of the spent fuel storage racks loaded with fuel of the maximum permissible U-235 enrichment must not exceed 0.95, at a 95 percent probability, 95 percent confidence level, if flooded with pure water. If credit is taken for soluble boron, the k-effective of the spent fuel storage racks loaded with fuel of the maximum permissible U-235 enrichment must not exceed 0.95, at a 95 percent probability, 95 percent confidence level, if flooded with borated water, and the k-effective must remain below 1.0 (subcritical), at a 95 percent probability, 95 percent confidence level, if flooded with pure water.

(5) The quantity of SNM, other than nuclear fuel stored on site, is less than the quantity necessary for a critical mass.

(6) Radiation monitors, as required by GDC 63, are provided in storage and associated handling areas when fuel is present to detect excessive radiation levels and to initiate appropriate safety actions.

(7) The maximum nominal U-235 enrichment of the fresh fuel assemblies is limited to no greater than five (5.0) percent by weight.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

1. The authority citation for 10 CFR Part 70 continues to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282, 2297f); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246, (42 U.S.C. 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 70.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234).

Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

2. In § 70.24, paragraph (d) is revised to read as follows:

§ 70.24 Criticality accident requirements.

* * * * *

(d) The requirements in paragraph (a) through (c) of this section do not apply to holders of a construction permit or operating license for a nuclear power reactor issued pursuant to part 50 of this chapter, or combined licenses issued under part 52 of this chapter, if the holders comply with the requirements of paragraph (b) of 10 CFR 50.68 of this chapter.

Dated at Rockville, Maryland this 14th day of November, 1997.

For the Nuclear Regulatory Commission.

L. Joseph Callan,

Executive Director for Operations.

[FR Doc. 97-31732 Filed 12-2-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 96-SW-22-AD]

Airworthiness Directives; Eurocopter France (Formerly Aerospatiale, Society Nationale Industrielle, Sud Aviation) Model SA-365N, SA-365N1, AS-365N2, and SA-366G1 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 Eurocopter France (formerly Aerospatiale, Society Nationale Industrielle, Sud Aviation) Model SA-365N, SA-365N1, AS-365N2, and SA-366G1 helicopters. This proposal would require an inspection of the transmission deck for cracks; repair of any cracked transmission decks; and replacement of the transmission deck support beams (support beams) with redesigned support beams. This proposal is prompted by several reports of cracks in the transmission deck and support beams. The actions specified by the proposed AD are intended to detect cracks that reduce the strength of the main gearbox strut attachment and could result in failure of the main gearbox mounting, and subsequent loss of control of the helicopter.

DATES: Comments must be received by February 2, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 96-SW-22-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.

The service information referenced in the proposed rule may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Mathias, Aerospace Engineer, FAA, Rotorcraft Directorate, ASW-111, 2601 Meacham Blvd., Fort Worth, Texas

76137, telephone (817) 222-5123, fax (817) 222-5961.

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. 96-SW-22-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 Regional Counsel, Southwest Region, Attention: Rules Docket No. 96-SW-22-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

The Direction Generale De L'Aviation Civile (DGAC), which is the airworthiness authority for France recently notified the FAA that an unsafe condition may exist on Eurocopter France SA-365N, SA-365N1, AS-365N2, and SA-366G1 helicopters. The DGAC advises that cracks were discovered in one of the two support beams under the transmission deck and in the transmission deck itself.

Eurocopter France has issued Telex Service No. 10011, dated February 24, 1995, which specifies checks for cracks in the transmission deck and transmission deck support beams, to be accomplished within 50 hours following

receipt of the Telex Service. The Telex Service applies to affected aircraft that have 4,000 or more flying hours. The DGAC classified this service bulletin as mandatory and issued AD 95-067-038(B), and AD 95-068-017(B), both dated April 12, 1995, in order to assure the continued airworthiness of these helicopters in France.

Subsequently, Eurocopter France issued Eurocopter Service Bulletin 05.00.36 on November 14, 1995. Eurocopter Service Bulletin 05.00.36 recommends replacement of the current transmission support beams, part numbers (P/N) 365A21-3365-49 and 365A21-3365-CY with redesigned support beams P/N 365A21-3365-JE-01 and 365A21-3365-JF-01, at major maintenance intervals specified by the service bulletin.

This helicopter model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model SA-365N, SA-365N1, AS-365N2, and SA-366G1 helicopters of the same type design registered in the United States, the proposed AD would require inspections of the transmission deck, repair of any cracks that are found, and replacement of the support beams, P/N 365A21-3365-49 and 365A21-3365-CY, with redesigned support beams, P/N 365A21-3365-JE-01 and 365A21-3365-JF-01. For Model AS-365N2 helicopters, the inspections must be accomplished before or upon the accumulation of 2,000 hours time-in-service (TIS), or within 50 hours TIS after the effective date of this AD, whichever occurs later. For Model SA-365N, SA-365N1, and SA-366G1 helicopters, the inspections must be accomplished upon the accumulation of 4,000 hours TIS, or within 50 hours TIS after the effective date of this AD, whichever occurs later. The support beams must be replaced with reinforced beams whether or not cracks are found in the transmission deck or the currently installed support beams. If

cracks are found in the transmission deck; the repairs must be accomplished.

After any cracks that are found in the transmission deck have been repaired and after replacing the support beams, clean, prime, and paint the affected areas of the transmission deck and the replacement support beams in accordance with the referenced service information.

The FAA estimates that 137 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 50 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$5,000 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$1,096,000.

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), 40113, 44701.

§ 39.13 [Amended]

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

Eurocopter France (Formerly Aerospatiale, Societe Nationale Industrielle, Sud Aviation): Docket No. 96-SW-22-AD.

Applicability: Model SA-365N, SA-365N1, AS-365N2, and SA-366G1 helicopters, 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 (c) 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.

Compliance: Required as indicated, unless accomplished previously.

To detect cracks that reduce the strength of the main gearbox strut attachment and could result in failure of the main gearbox mounting, and subsequent loss of control of the helicopter, accomplish the following:

(a) For Model SA-365N, SA-365N1, and SA-366G1 helicopters, on or before attaining 4,000 hours time-in-service (TIS), or within 50 hours TIS after the effective date of this AD, whichever occurs later; and for Model SA-365N2 helicopters, on or before attaining 2,000 hour TIS, or within 50 hours TIS after the effective date of this AD, whichever occurs later; perform the following:

(1) Inspect the transmission deck for cracks using a dye-penetrant inspection method, in accordance with paragraph BB of Eurocopter France Telex Service No. 10011, dated February 24, 1995. If a crack is found in the transmission deck, repair prior to further flight.

Note 2: A FAA-approved repair solution can be initiated by contacting the American Eurocopter Technical Support Department, ATTN: Manager, telephone: 972-641-3460, fax: 972-641-3527.

(2) Replace the currently installed transmission deck support beams, part numbers (P/N) 365A21-3365-49 and 365A21-3365-CY, with reinforced transmission deck support beams, P/N 365A21-3365-JE-01 and 365A21-3365-JF-01, in accordance with the Accomplishment Instructions in Eurocopter France Service Bulletin No. 05.00.36, Rev. 1, dated December 16, 1996.

(b) After completion of paragraphs (a)(1) and (a)(2) of this AD, clean, prime and paint the affected areas of the transmission deck and the reinforced support beams in

accordance with paragraph BB 2A of Eurocopter France Telex Service No. 10011, dated February 24, 1995.

(c) 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, Rotorcraft Standards Staff, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(d) 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.

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 95-068-017(B) and AD 95-067-038(B), both dated April 12, 1995.

Issued in Fort Worth, Texas, on November 24, 1997.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 97-31614 Filed 12-2-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-CE-72-AD]

RIN 2120-AA64

Airworthiness Directives; Raytheon Aircraft Company Models B200, B200C, and B200T 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 certain Raytheon Aircraft Company (Raytheon) Models B200, B200C, and B200T airplanes (formerly referred to as Beech Models B200, B200C, and B200T airplanes). The proposed AD would require replacing the wiring for the engine fire detector system with fire resistant wiring. The proposed AD is the result of the discovery during aircraft production of the potential for the existing engine fire detector system wiring on the affected airplanes to fail because of high heat and/or fire. The actions specified by the proposed AD

are intended to prevent failure of the engine fire detector system if high heat and/or fire stopped an electrical signal between the engine fire detectors and the engine fire warning annunciator lights located in the cockpit, which could result in passenger injury in the event of an airplane fire.

DATES: Comments must be received on or before February 4, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-72-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Randy Griffith, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4145; facsimile (316) 946-4407.

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 that summarizes 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