

**Backfit Analysis**

The NRC has determined that the backfit rule does not apply to this rule and, therefore, a backfit analysis is not required because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR Chapter I.

**Small Business Regulatory Enforcement Fairness Act**

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

**List of Subjects in 10 CFR Part 73**

Criminal penalties, Hazardous materials transportation, Exports, Imports, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

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 final amendment to 10 CFR Part 73.

**PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS**

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

**Authority:** Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 5841, 5844, 2297f).

Section 73.1 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 73.37(f) also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99–399, 100 Stat. 876 (42 U.S.C. 2169).

2. Section 73.51(d)(11) is revised to read as follows:

**§ 73.51 Requirements for the physical protection of stored spent nuclear fuel and high-level radioactive waste.**

\* \* \* \* \*

(d) \* \* \*

(11) All detection systems and supporting subsystems must be tamper indicating with line supervision. These systems, as well as surveillance/assessment and illumination systems, must be maintained in operable condition. Timely compensatory measures must be taken after discovery of inoperability, to assure that the

effectiveness of the of the security system is not reduced.

\* \* \* \* \*

Dated at Rockville, Maryland, this 26th day of August, 1998.

For the Nuclear Regulatory Commission.

**L. Joseph Callan,**

*Executive Director for Operations.*

[FR Doc. 98–24715 Filed 9–15–98; 8:45 am]

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

[Docket No. 96–NM–31–AD; Amendment 39–10736; AD 98–18–20]

RIN 2120–AA64

**Airworthiness Directives; Boeing Model 727 and Model 737 Series Airplanes Equipped with J.C. Carter Company Fuel Valve Actuators**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 727 and Model 737 series airplanes, that requires replacement of the actuator of the engine fuel shutoff valve and the fuel system crossfeed valve with an improved actuator. This amendment is prompted by a report indicating that, during laboratory tests, the actuator clutch on the engine fuel shutoff and crossfeed valves failed to function properly. The actions specified by this AD are intended to prevent improper functioning of these actuators, which could result in a fuel imbalance due to the inability of the flightcrew to crossfeed fuel; improperly functioning actuators also could prevent the pilot from shutting off the fuel to the engine following an engine failure and/or fire.

**DATES:** Effective October 21, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 21, 1998.

**ADDRESSES:** The service information referenced in this AD may be obtained from J.C. Carter Company Inc., Aerospace Components and Repair Service, 673 W. 17th Street, Costa Mesa, California 92627–3605. 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:**

Sulmo Mariano, Aerospace Engineer; Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2175; fax (425) 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 727 and 737 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on March 26, 1997 (62 FR 14373). That action proposed to require replacement of the actuator of the engine fuel shutoff valve and the fuel system crossfeed valve with an improved actuator. That action also proposed to expand the applicability of the proposed rule by including an additional Kearfott actuator that is subject to the addressed unsafe condition.

**Explanation of New Service Information**

The FAA has reviewed and approved J.C. Carter Company Service Bulletin 61163–28–09, dated May 1, 1996. Although no service bulletin revision level was designated, this new service bulletin was issued as an updated revision of the original version, dated September 28, 1995, which was referenced in the supplemental NPRM as the appropriate source of service information for accomplishment of the proposed replacement. The procedures described in these two service bulletins are essentially the same. However, the new revision includes the following additional clarifying information:

1. In Section II, Accomplishment Instructions, an additional reference to 737 Maintenance Manual (MM) 28–22–11/400 was added to the first paragraph.

2. In Section III, Materials, only two relevant changes were made. First, a new optional actuator part number, 40574–1, was added to the itemized list of part numbers. Second, information regarding the model number and nameplate of the new actuator was added to the second Note following the list of part numbers. In addition, information regarding the nameplates for Kearfott actuator models 3715–7 and 3715–8 was added to the first two headings following the Note paragraphs.

## Comments Received

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

Several commenters support the proposed rule. However, two other commenters suggest certain changes to the supplemental NPRM, which are discussed in the following paragraphs.

## Request to Stop Issuance

One commenter suggests that issuance of a new AD is unnecessary for two reasons:

1. The commenter states that, "based upon the number of parts not returned to J.C. Carter to date, it appears that these parts are meeting their life requirement of 10,000 cycles." The commenter also states that, "since the clutch binding problem results in a hard failure with indication, we believe that the potential clutch binding is not a safety issue and thus, an AD is not necessary for part numbers 3715-8 and 3715-9."

The FAA does not concur with the commenter's statements. The FAA has determined that the fundamental issue is the improper functioning of certain actuators due to clutch binding, which could result in a fuel imbalance due to the inability of the flightcrew to crossfeed fuel or prevent the pilot from shutting off the fuel to the engine following an engine failure or fire. The FAA has determined that clutch binding is an identified safety issue, that an airworthiness directive is the appropriate vehicle for mandating such action to correct the unsafe condition, and that issuance of the final rule to identify such part numbers is appropriate and necessary to ensure the continued safety of the fleet.

2. This same commenter advises that part number (P/N) 3715-7 actuators had a brush-sticking problem at cold temperatures and that this problem is latent. The commenter also advises that all but 16 of such actuators have been removed from service and returned to J.C. Carter, the discrepant parts are being tracked, the locations of 14 of the 16 discrepant parts are known, and the locations of the remaining discrepant parts are being pursued for their removal from service. The commenter states that it will continue to pursue removal of P/N 3715-7 actuators from service regardless of whether an airworthiness directive is issued.

The FAA acknowledges that the manufacturer is continuing its efforts to remove all of the discrepant P/N 3715-7 actuators from service. However, in

accordance with various bilateral airworthiness agreements with countries around the world, the FAA is obligated to advise foreign airworthiness authorities of unsafe conditions identified in products manufactured in the United States; the issuance of AD's is the means by which the FAA satisfies this obligation. Therefore, the issuance of this AD is both warranted and necessary.

## Request to Reduce Number of Affected Airplanes

The airplane manufacturer states that J.C. Carter estimates there are only 200 Kearfott actuators that may be in service. The commenter adds that, therefore, the number of airplanes that will require accomplishment of the AD is much lower than the 2,190 airplanes estimated in the supplemental NPRM. The FAA acknowledges that 200 actuators may be in service. However, because these actuators could be installed on any airplane in the fleet of 2,190 U.S.-registered airplanes, the FAA finds it appropriate to reflect that number in the cost impact information, below. No change to the final rule is necessary in this regard.

## Request to Cite Latest Service Bulletin Revision

One commenter states that the updated revision of J.C. Carter Service Bulletin 61163-28-09, dated May 1, 1996, is approved by the FAA and has been released to all operators. Because this service bulletin includes the new optional actuator part number and some additional information, the commenter requests that the action required by the supplemental NPRM be accomplished in accordance with the latest service bulletin. Another commenter states that, "The release date of J.C. Carter Service Bulletin 61163-28-09 is May 1, 1996, not September 28, 1995."

The FAA concurs with the requests to cite the latest release of this service bulletin (described previously). The FAA has determined that the new optional actuator part does not impose any additional burden or cost on the operator. Paragraph (a) of the final rule has been changed to cite both versions of the service bulletin as appropriate sources of service information for accomplishment of the replacement.

## Conclusion

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 change previously described. The FAA has determined that this change will neither

increase the economic burden on any operator nor increase the scope of the AD.

## Cost Impact

There are approximately 4,137 Model 727 and 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 2,190 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts would be supplied by J.C. Carter Company at no cost to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$394,200, or \$180 per airplane.

The 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.

## Regulatory Impact

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. 106(g), 40113, 44701.

### **§ 39.13 [Amended]**

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

**98-18-20 Boeing:** Amendment 39-10736. Docket 96-NM-31-AD.

**Applicability:** Model 727 and Model 737 series airplanes, equipped with J.C. Carter Company fuel valve actuators having part number (P/N) 40574-2 (Kearfott Models 3715-7 and -8) or 40574-5 (Kearfott Model 3715-9); certificated in any category.

**Note 1:** This AD applies to each airplane 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 airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent improper functioning of a certain actuator, which could result in a fuel imbalance due to the inability of the flightcrew to crossfeed fuel, or which could prevent the pilot from shutting off the fuel to the engine following an engine failure and/or fire, accomplish the following:

(a) Within 36 months after the effective date of this AD, replace any actuator having P/N 40574-2 (Kearfott Models 3715-7 and -8) or P/N 40574-5 (Kearfott Model 3715-9) on the fuel system crossfeed valve and the engine shutoff valves with either a new actuator having P/N 40574-1 (General Design Model 3715-6) or P/N 40574-4, or an actuator having P/N 40574-2 with a nameplate identified in paragraph III, Material, of either J.C. Carter Company Service Bulletin 61163-28-09, dated September 28, 1995, or J.C. Carter Company Service Bulletin, 61163-28-09, dated May 1, 1996, that is not affected by a manufacturer's recall (reference Figure 1.0 of the service bulletin). The replacement shall be done in accordance with either J.C. Carter Company Service Bulletin 61163-28-09, dated September 28, 1995, or J.C. Carter Company Service Bulletin 61163-28-09, dated May 1, 1996.

(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 §§ 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 replacement shall be done in accordance with either J.C. Carter Company Service Bulletin 61163-28-09, dated September 28, 1995, or J.C. Carter Company Service Bulletin 61163-28-09, dated May 1, 1996. 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 J.C. Carter Company Inc., Aerospace Components and Repair Service, 673 W. 17th Street, Costa Mesa, California 92627-3605. 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 October 21, 1998.

Issued in Renton, Washington, on August 28, 1998.

**Vi L. Lipski,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 98-24245 Filed 9-15-98; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. 98-ANE-10-AD; Amendment 39-10754; AD 98-19-12]

**RIN 2120-AA64**

### **Airworthiness Directives; Rolls-Royce, plc RB211 Trent 700 Series Turbofan Engines**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to Rolls-Royce, plc RB211 Trent 700 series turbofan engines. This action requires repositioning of the oil metering jet up into the oil distributor within the bevel gearshaft, followed by repetitive inspections of the Magnetic Chip Detector (MCD). Evidence of driving bevel gearshaft ball bearing

failure requires replacement of the Step Aside Gearbox (SAGB). This amendment is prompted by reports of uncommanded engine rundowns caused by failure of the SAGB driving bevel gearshaft ball bearing due to oil starvation. This causes a loss of drive to the external gearbox and accessories, resulting in an inflight engine shutdown. The actions specified in this AD are intended to prevent inflight engine shutdowns caused by SAGB driving bevel gearshaft ball bearing failure.

**DATES:** Effective October 1, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 1, 1998.

Comments for inclusion in the Rules Docket must be received on or before November 16, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-ANE-10-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@faa.dot.gov". Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from Rolls-Royce North America, Inc., 2001 South Tibbs Ave., Indianapolis, IN 46241; telephone (317) 230-3995, fax (317) 230-4743. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7176, fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom (UK), recently notified the

FAA that an unsafe condition may exist on Rolls-Royce, plc (R-R) RB211 Trent 700 series turbofan engines. The CAA advises that they have received reports of 4 uncommanded engine rundowns caused by failure of the Step Aside Gearbox (SAGB) driving bevel gearshaft ball bearing and loss of drive to the external gearbox and accessories, resulting in an inflight shutdown. The