the required actions in response to a failure of the cask heat removal system. Other minor administrative changes were also requested.

This direct final rule revises the NAC–UMS cask design listing in § 72.214 by adding Amendment No. 2 to CoC No. 1015. The amendment consists of adding miscellaneous spent fuel related components to the approved contents list for the NAC–UMS Universal Storage System and changing the required actions in response to a failure of the cask heat removal system. Also, other administrative changes will be made. Specific changes will be made to TS SR 3.1.2.1, SR 3.1.3.1, LCO 3.1.6, SR 3.2.1.1, A 5.3, A 5.7, B2.1, B 2.1.3, and Tables B2–2, B2–6, and B2–7 to permit the storage of these components and the other requested changes. Other Technical Specification sections will be changed for correction of typographical, spelling, and other minor editorial errors. Changes will also be made to Conditions 1b and 6 of the CoC. The alternative to this action is to withhold approval of this amended cask system design and issue an exemption to each general license. This alternative would cost both the NRC and the utilities more time and money because each utility would have to pursue an exemption.

The direct final rule eliminates the described problem and is consistent with previous NRC actions. Further, the direct final rule has no adverse effect on public health and safety. This direct final rule has no significant identifiable impact or benefit on other Government agencies. Based on the above discussion of the benefits and impacts of the alternatives, the NRC concludes that the requirements of the direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and thus, this action is recommended.

**Regulatory Flexibility Certification**

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule does not have a significant economic impact on a substantial number of small entities. This direct final rule affects only the licensing and operation of nuclear power plants, independent spent fuel storage facilities, and NAC International, Inc. The companies that own these plants do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

**Backfit Analysis**

The NRC has determined that the backfit rule (10 CFR 50.109 or 10 CFR 72.62) does not apply to this direct final rule because this amendment does not involve any provisions that would impose backfits as defined. Therefore, a backfit analysis is not required.

**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, Office of Management and Budget.

**List of Subjects in 10 CFR Part 72**

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

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 amendments to 10 CFR Part 72.

## PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for Part 72 continues to read as follows:

**Authority:** Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c),(d)). Section 72.46 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). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.214, Certificate of Compliance 1015 is revised to read as follows:

**§ 72.214 List of approved spent fuel storage casks.**

* * * * *

*Certificate Number:* 1015.

*Initial Certificate Effective Date:* November 20, 2000.

*Amendment Number 1 Effective Date:* February 20, 2001.

*Amendment Number 2 Effective Date:* December 31, 2001.

*SAR Submitted by:* NAC International, Inc.

*SAR Title:* Final Safety Analysis Report for the NAC–UMS Universal Storage System.

*Docket Number:* 72–1015.

*Certificate Expiration Date:* November 20, 2020.

*Model Number:* NAC–UMS.

* * * * *

Dated at Rockville, Maryland, this 1st day of October, 2001.

For the Nuclear Regulatory Commission.

**William D. Travers,**

*Executive Director for Operations.*

[FR Doc. 01–25890 Filed 10–15–01; 8:45 am]

BILLING CODE 7590–01–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. 2000–NM–146–AD; Amendment 39–12458; AD 2001–20–10]**

**RIN 2120–AA64**

## Airworthiness Directives; Boeing Model 737 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, that requires inspection of wire bundles in certain junction boxes in the main wheel well to detect chafing or damage, and follow-on actions. The actions specified by this AD are intended to prevent wire damage, which could result in arcing

and consequent fire in the main wheel well or passenger cabin, or inability to stop the flow of fuel to an engine or to the auxiliary power unit in the event of a fire. This action is intended to address the identified unsafe condition.

**DATES:** Effective November 20, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 20. 2001.

**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:** Stephen Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2793; 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 737 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on June 5, 2001 (66 FR 30114). That action proposed to require inspection of wire bundles in four junction boxes in the main wheel well to detect chafing or damage, and follow-on actions.

## Comments

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 concurs with the proposed rule; another commenter indicates that it is already accomplishing the proposed inspections and has no further comments.

## Extend Compliance Time

One commenter asks that we extend the compliance time for the proposed requirements from 12 to 18 months after the effective date of the AD. The commenter states that the 12-month compliance time is not a sufficient amount of time to perform the inspection (check) during its 737 fleet 'C-check' cycle. The assessment was based on the amount of operational testing that would have to be performed on the systems that would be disturbed by the proposed inspections and modifications. The commenter recommends the compliance time be extended to 18 months to ensure the inspection may be accomplished during a scheduled maintenance visit.

The FAA agrees to extend the compliance time for the inspection to 18 months. In developing an appropriate compliance time for the inspection required by the final rule, we considered not only the degree of urgency associated with addressing the unsafe condition, but the practical aspect of accomplishing the inspection of the wire bundles on the Model 737 fleet in a timely manner. It is our intent in this final rule to allow the inspections to be done within the time frame of a regular maintenance interval. We took the commenter's recommendations into account, as well as the time necessary to do the specified actions, and we find that an 18-month compliance time should correspond with the regular maintenance schedules of the majority of affected operators. An extension of the compliance time to 18 months will not adversely affect safety. Paragraph (a) of the final rule has been changed accordingly.

Two commenters ask that the proposed compliance time be extended to 24 months. One commenter, the airplane manufacturer, states that, based on input from the airlines and an internal Boeing review, the compliance time should be extended. The commenter notes that this extension will provide adequate time for compliance to operators with large fleets because they will be able to accomplish the inspection during routine maintenance, rather than scheduling an inspection specifically to address the proposed rule. The second commenter states that a 24-month compliance time would allow it to accomplish the inspections during regularly scheduled maintenance.

We do not agree to extend the compliance time for the inspection to 24 months. We have already considered factors such as operators' maintenance schedules in setting a compliance time for the required modification, and have determined that 18 months is an appropriate compliance time in which the inspection may be accomplished during scheduled airplane maintenance for the majority of affected operators. Since maintenance schedules vary from operator to operator, it would not be possible to guarantee that all affected airplanes could be modified during scheduled maintenance, even with a compliance time of 24 months. In any event, we find that 18 months represents the maximum time wherein the affected airplanes may continue to operate prior to inspection without compromising safety. No further change to the final rule is necessary in this regard.

## Add New Service Information

One commenter asks that Boeing Service Letter 737–SL–24–138, dated May 24, 1999, be added to the proposed rule as another source of service information for accomplishment of certain actions related to those specified in the proposed rule. The service letter was referenced in a Civil Airworthiness Authorities' Additional Airworthiness Directive.

On July 2, 2001, the FAA issued AD 2001–14–06, amendment 39–12316 (66 FR 36445, July 12, 2001), which references that service letter as the appropriate source of service information for accomplishment of the inspections of the circuit connectors of the fuel shutoff valve in the main wheel well. As the service letter has been addressed in another AD, no change to the final rule is necessary in this regard.

## Change Certain Requirements

One commenter asks that the proposed requirement of wire protection features, as specified in paragraph (a)(1) of the proposed rule, be changed to agree verbatim with the procedures specified in Boeing Service Letter 737–SL–24–111, dated February 27, 1996. The commenter states that the proposed requirement implies that the protective methods need to be incorporated regardless of the condition of the wire bundles, whereas the service letter does not specify incorporation of wire protection features unless contact between the wiring and junction box is found. The commenter adds that such action would require re-inspection of the fleet, in addition to added work that may be unjustified. The commenter also adds that installation of wire protection would not be necessary in that the affected wire bundles are short in length and, due to the relatively rigid nature of the installation at the pressure seal, if a wire bundle was found to have adequate clearance from the cover, this condition probably would not change.

The FAA does not agree. Although there may be no damage to the wiring found during the inspection, the chafing condition that prompted this rulemaking action could still develop eventually, due to airplane vibration. Incorporation of the wire protection features will ensure that this condition

does not develop. No change to the final rule is necessary in this regard.

**Add Work Hours to Cost Impact Section**

One commenter asks that the estimate of 8 work hours per airplane for doing the proposed actions, as specified in the Cost Impact section of the proposed rule, be changed. The commenter states that the estimate is not accurate based on the amount of operational checks required after disturbing the affected connectors/systems in the junction boxes to repair damage to wiring. The commenter recommends that the estimate be changed to 35 work hours per aircraft and adds that this labor estimate is based on its experience with accomplishment of the original release of the referenced service letter.

The FAA does not agree with the commenter's request to include the work hours necessary for repairs of the wiring and subsequent operational checks in the Cost Impact section of the proposed AD. The Cost Impact section only includes the ''direct'' costs of the specific actions required, which include inspecting the wire bundles and protecting the wires from chafing. The AD does not include the cost of ''on-condition'' actions, such as repair of the wiring if chafing is detected during the required inspection (''repair, if necessary''). Such on-condition repair actions would be required to be accomplished, regardless of AD direction, to correct an unsafe condition identified in an airplane and to ensure the airworthiness of that airplane, as required by the Federal Aviation Regulations. No change to the work hour estimate in the final rule is necessary.

**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 3,719 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,467 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. The cost of required parts will be negligible. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $704,160, or $480 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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

**Regulatory Impact**

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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:

**2001–20–10 Boeing:** Amendment 39–12458. Docket 2000–NM–146–AD.

*Applicability:* All Model 737–100, –200, –300, –400, and –500 series airplanes; and Model 737–600, –700, –800, and –900 series airplanes, line numbers 1 through 706 inclusive; 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 chafing of wire bundles in four junction boxes in the main wheel well, which could result in arcing and consequent fire in the main wheel well or passenger cabin, or inability to stop the flow of fuel to an engine or to the auxiliary power unit in the event of fire, accomplish the following:

**Inspection**

(a) Within 18 months after the effective date of this AD, perform a detailed visual inspection of the wire bundles in the four junction boxes formed by electrical disconnect brackets on the left and right sides of the main wheel wells to detect damage or chafing, as specified in Boeing Service Letter 737–SL–24–111–B, dated January 16, 2001.

**Note 2:** For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(1) If no chafing is detected, prior to further flight, protect the wire bundles from chafing against the cover plate of the junction box, according to the service letter.

(2) If any chafing is detected, prior to further flight, repair the wiring in accordance with the service letter, and protect the wire bundles from chafing against the cover plate of the junction box, according to the service letter.

**Note 3:** Boeing Service Letter 737–SL–24–111–B, dated January 16, 2001, refers to Boeing Standard Wiring Practices Manual D6–54446, Subject 20–10–13, as the

appropriate source of repair instructions if any damaged wiring is found.

**Alternative Methods of Compliance**

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

**Special Flight Permits**

(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.

**Incorporation by Reference**

(d) The actions shall be done in accordance with Boeing Service Letter 737–SL–24–111–B, including Attachment, dated January 16, 2001. 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.

**Effective Date**

(e) This amendment becomes effective on November 20, 2001.

Issued in Renton, Washington, on October 4, 2001.

**Vi L. Lipski,**

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

[FR Doc. 01–25616 Filed 10–15–01; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. 98–NM–225–AD; Amendment 39–12460; AD 2001–20–12]**

**RIN 2120–AA64**

## Airworthiness Directives; Boeing Model 757 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, that requires revising the Airworthiness Limitations Section of the maintenance manual (757 Airworthiness Limitations Instructions (ALI)). The revision will incorporate into the ALI certain inspections and compliance times to detect fatigue cracking of principal structural elements (PSE). This amendment is prompted by analysis of data that identified specific initial inspection thresholds and repetitive inspection intervals for certain PSEs to be added to the ALI. The actions specified by the proposed AD are intended to ensure that fatigue cracking of various PSEs is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

**DATES:** Effective November 20, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 20, 2001.

**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:** Dennis Stremick, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington; telephone (425) 227–2776; 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 757 series airplanes was published in the **Federal Register** on January 29, 1999 (64 FR 4367). That action proposed to require revising Section 9 of the Airworthiness Limitations Section of the maintenance manual (757 Airworthiness Limitations Instructions (ALI)). The revision would incorporate certain inspections and compliance times to detect fatigue cracking of principal structural elements (PSE).

### Comments

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

### Support for the Notice of Proposed Rulemaking (NPRM)

One commenter supports the NPRM.

### 1. Request for Specific Task Content and Implementation Intervals

The manufacturer requests that a newer revision, dated November 1998 of Boeing 757 Maintenance Planning Data, Boeing Document D622N001–9, be specified in the final rule. The manufacturer notes that the November 1998 revision contains qualifying statements that, for some affected airplanes, would reduce the scope of some of the actions required by the May 1997 revision, which was cited in the NPRM as the appropriate source of service information. Another commenter states that it opposes the NPRM, but if the FAA issues the final rule, the operator requests that the identical task content and interval of implementation specified in Revision November 1998 of Boeing Document D622N001–9 be followed in the final rule.

The FAA concurs that the final rule should specify more recent service information than the May 1997 revision. Since the issuance of the NPRM, Boeing Document D622N001–9 (Section 9), dated November 1998, has been issued by the manufacturer and approved by the FAA. We have, therefore, included the November 1998 revision as an option to accomplish in lieu of the May 1997 revision specified in paragraph (a) of this final rule. We consider the requirements of this final rule to be interim action until such time that a new NPRM may be developed to require accomplishment of the November 1998 revision of Boeing Document D622N001–9.

### 2. Request To Extend Reporting Requirement Period

One commenter requests that the reporting period (as specified in Section 9) be extended from the proposed 10 days to 20 days. The commenter notes that 20 days would allow enough time to collate all inspection findings and transmit a single data package for each airplane.

The FAA agrees with the commenter. However, since Section 9 is not specifically identified in the NPRM (it is embodied in the reference to Subsection B of Boeing Document D622N001–9), we have incorporated the reference to the reporting requirement that was specified in Note 2 of the NPRM into a new paragraph (b) of the final rule. Paragraph (b) of the final rule clarifies