caller. The definition of producer is ''any person engaged in the growing of soybeans in the United States who owns, or who shares the ownership and risk of loss of, such soybeans.''

On March 5, 1999, AMS received the results of the soybean producer survey. AMS, also, reviewed the methods used for conducting the soybean producer survey to ensure that the procedures outlined by AMS were followed. The results indicated that approximately 62 percent of those surveyed were soybean producers as defined in the Act. Thus, based on the results, for the purposes of the ''Request for Referendum,'' AMS proposes to use 600,813 as the total number of U.S. soybean producers. This number would serve as the basis for determining whether a soybean referendum would be conducted. A soybean referendum would be conducted if requested by 10 percent of the total number of U.S. soybean producers (not in excess of one-fifth of which may be producers in any one State) engaged in the growing of soybeans.

Since the basis for establishing the total number of producers would no longer be NASS data, § 1220.30(d) of the proposed rule would be amended by deleting the phrase ''* * * the latest official numbers of U.S. soybean farms as reported by the Department's National Agricultural Statistics Service as the total number of producers.'' and inserting the phrase ''* * * the number of soybean producers in the United States is determined to be 600,813.''

A 30-day comment period is provided for interested persons to comment on this amended proposed rule. This comment period is deemed appropriate because the Act provides that the Secretary, 5 years after the conduct of the initial referendum held in 1994, will give soybean producers the opportunity to request an additional referendum on the Order. A 30-day comment period will assist in timely implementation of this rule consistent with the provisions of the Act.

List of Subjects in 7 CFR Part 1220

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Reporting and recordkeeping requirements, Soybeans and soybean products.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 1220 be amended as follows:

PART 1220—SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for part 1220 would continue to read as follows:

Authority: 7 U.S.C. 6301–6311.

Subpart F—Procedures to Request a Referendum Procedures

2. In § 1220.30, as proposed at 63 FR 47202, September 4, 1998, paragraph (d) is further proposed to be revised to read as follows:

§ 1220.30 General.

* * * * *

(d) For purposes of paragraphs (b) and (c) of this section, the number of soybean producers in the United States is determined to be 600,813.

Dated: April 13, 1999.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 99–9658 Filed 4–14–99; 11:18 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, and 70

[Docket No. PRM–30–61]

Nuclear Energy Institute; Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM–30–61) submitted by the Nuclear Energy Institute (NEI). The petitioner requested that the NRC amend its regulations governing timeliness of decommissioning of sites and separate buildings or outdoor areas. Because the petitioner has provided no new significant information that would call into question the basis for the requirements in these regulations, the NRC denies the petition. To achieve the intent of the petition, NRC will develop guidance to clarify specific criteria to review licensee requests for alternate schedules for initiation of decommissioning of inactive contaminated sites.

ADDRESSES: Copies of the PRM, the public comments received, and the NRC's letter to the petitioner are available for public inspection or copying in the NRC Public Document Room, 2120 L Street NW, (lower level), Washington, DC 20555–0001.

FOR FURTHER INFORMATION CONTACT: Anthony DiPalo, telephone (301) 415–6191, e-mail, ajd@nrc.gov, of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

The Petition

On August 21, 1996 (61 FR 43193), the NRC published a notice of receipt of a PRM filed by the NEI. The petitioner requested that NRC amend its regulations in 10 CFR Parts 30, 40, and 70 to provide for an alternative which could result in the delay of decommissioning of a site, separate building, or outdoor area where principal activities have not been conducted for at least 24 months, and the site, separate building, or outdoor area is unsuitable for unrestricted release in accordance with NRC requirements. Specifically, the petitioner requested that inactive facilities be allowed to go on ''standby'' status until economic conditions in its industry improved. The petitioner believes the requested changes are necessary because the rule, as written, has the potential to . . . ''eliminate important components from the nuclear industry infrastructure.'' The petitioner also asserted as a basis for its petition that NRC's regulations were not intended to give it jurisdiction over the commercial aspects of a licensee's activities and, therefore, NRC regulations should not impose restrictions on facilities or sites that have the potential to impact commercial decisions. Further, the petitioner believes that NRC's current regulation is not necessary given the cohesiveness and maturity of the industry today.

Public Comments on the Petition

The notice of receipt of the PRM invited interested persons to submit comments. The comment period closed on November 4, 1996. NRC received comment letters from the following five organizations: (1) Kennecott Energy; (2) Siemens Power Corporation; (3) Wyoming Mining Association; (4) National Mining Association; and (5) Babcock & Wilcox, Naval Nuclear Fuel Division. All five commenters supported the PRM. They supported amending the Timeliness Rule to permit facilities to postpone decommissioning and enter a ''standby'' mode in which facilities would be monitored and maintained for a predetermined time period, pending future operation.

The comments are summarized as follows:

1. All five commenters argued that the Timeliness Rule, as currently written, impacts on a licensee's ability to make commercial decisions that allow it to compete in the open market. The commenters believe that any company that has a valid NRC license and operates within the conditions of the license should have the right to decide when to start and stop operations, and when to place buildings or facilities in standby mode, rather than being forced to begin decommissioning.

2. Three commenters expressed the opinion that NRC's rationale requiring decommissioning after 24 months of inactivity is no longer practical, given the cohesiveness and maturity of today's nuclear industry. The commenters stated that NRC previously rejected a proposal for a standby mode because of the potential for site abandonment as a result of changes in a company's financial status, corporate takeover, or bankruptcy. The commenters believe that the nuclear industry has now matured and that poorly financed and poorly managed companies are no longer in business. The remaining companies are said to be stable and willing and able to assume the costs associated with keeping facilities in standby mode.

3. Two commenters argued that the Timeliness Rule is regulation by exception. These commenters believe that it would be better to include generic provisions in the regulations for maintaining a licensed facility in standby mode, rather than approving individual requests for postponement of the initiation of decommissioning.

4. One commenter argued the petitioner's case that the lack of a standby provision in the Timeliness Rule has the potential to eliminate important components from the nuclear industry. It is believed that these components and facilities may be needed in future years to support continuing operation and potential industry expansion. The commenter indicated that fuel cycle facilities operate in a constantly changing economic environment. Mines and mills that have been inactive for years are now beginning to start up because of improved economic conditions. The operating status of conversion facilities and enrichment plants has fluctuated in response to international policy and the influx of low-enriched products from countries of the former Soviet Union. Commercial facilities that support the armed forces must be prepared to respond if called on.

Reasons for Denial

NRC is denying the petition for the following reasons:

1. NRC believes the current language of the Timeliness Rule is sufficiently flexible to accommodate the petitioner's concerns because it currently contains provisions for granting licensees alternative time schedules for initiating decommissioning. NRC also believes that clarification of the specific acceptance criteria for granting alternative schedules could be achieved through the development of guidance.

2. NRC believes that the amendments requested by the petitioner would conflict with the primary purpose of the Timeliness Rule to effectively and efficiently clean up contaminated sites that pose a potential threat to public health and safety. The Timeliness Rule was promulgated in July 1994 to address those situations where decommissioning of contaminated sites was unreasonably delayed. The 24-month inactivity criterion related to decontamination of unused sites, separate buildings, or outdoor areas provides assurance that the licensee will undertake timely cleanup of inactive portions of its site while it is financially solvent.

3. Although the petitioner argues that the nuclear industry has matured and recognizes its responsibilities, that troubled licensees are no longer in business, and that NRC regulations provide adequate decommissioning funding assurance and transfer of ownership requirements, the NRC's experience with inactive materials licensees indicates the need for the timeliness provisions. In fact, since the Timeliness Rule became effective in 1994, approximately 25 material licensees have filed for bankruptcy. Past history with NRC materials facility decommissioning indicates that the approach taken through the Timeliness Rule is the appropriate one.

4. NRC believes that the petitioner is incorrect in asserting that the Timeliness Rule, as currently written, has the potential to eliminate important components from the nuclear industry infrastructure. For case-specific situations, delay of decommissioning is permitted by the current rule if the Commission determines that this relief would not be detrimental to the public health and safety and would otherwise be in the public interest. Licensees must describe why their request to delay decommissioning is in the public interest. Therefore, if the licensee can satisfactorily demonstrate that a proposed delay in decommissioning is not detrimental to public health and safety and is in the public interest, the delay would be granted and there should be no adverse impact on the nuclear industry infrastructure.

Since the effective date of the Timeliness Rule, August 15, 1994, fewer than 30 licensees out of several thousand have asked to delay decommissioning activities and only three of these requests were initially denied. Each denial resulted from a lack of adequate justification. After discussions with the licensees, two of these three requests were withdrawn and one request was approved. Based on the relatively few requests received to date, the NRC concludes that the Timeliness Rule, as written, is not overly restrictive. Further, since NRC has not denied any request to delay decommissioning that was supported with adequate justification, it appears that the rule is not having an adverse impact on licensees' commercial decisions, as suggested by the petitioner.

5. The Generic Environmental Impact Statement (GEIS), entitled ''Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities'' (NUREG–0586), prepared in connection with the 1988 modifications to the decommissioning regulations recommended prompt dismantlement of material facilities once they had permanently ceased operation. The GEIS concluded that decommissioning can be accomplished safely and at a reasonable cost shortly after cessation of activities. Further, the GEIS concluded that immediate decommissioning following cessation of activities eliminates the potential problems that may result from an increasing number of contaminated sites, and the potential health, safety, regulatory, and economic problems associated with maintaining an inactive nuclear facility. The Timeliness Rule imposed certain ''action-forcing'' requirements to ensure that the recommendations in the GEIS were met.

In conclusion, no new significant information has been provided by the petitioner that calls into question the basis for the requirements of the Timeliness Rule. The intent of the petition will be achieved by developing guidance on the specific criteria for reviewing licensee request submittals for alternate schedules for the initiation of decommissioning of inactive contaminated sites. Obviously, if the petitioner believes that the final guidance documents and their implementation do not adequately address the intent of the petition, the petitioner has the option of resubmitting

the petition. For the reasons cited in this document, NRC denies the petition.

Dated at Rockville, Maryland, this 31st day of March, 1999.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Executive Director for Operations.

[FR Doc. 99–9536 Filed 4–15–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

RIN 3150–AG08

Revision of Fee Schedules; 100% Fee Recovery, FY 1999; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; Correction.

SUMMARY: The NRC is making the following technical corrections to the proposed rule which appeared in the **Federal Register** on April 1, 1999 (64 FR 15876). This action is necessary to correct typographical and printing errors.

FOR FURTHER INFORMATION CONTACT: Glenda Jackson, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone 301–415–6057.

SUPPLEMENTARY INFORMATION:

1. On page 15883, under Table III, Class of licensees, Transportation: Users and Fabricators, Option B, ''66,800'' is revised to read ''66,900''.

2. On page 15885, in the first table under Effort factors for UF6 Conversion, ''8 (2.9%)'' and ''3 (2.2%)'' are revised to read ''12 (4.4%)'' and ''0 (0%)'' respectively, and Limited Operations Facility, ''12 (4.4%)'' and ''0 (0%)'' are revised to read ''8 (2.9%)'' and ''3 (2.2%)'' respectively.

3. On page 15885, in the third column, in the last complete paragraph, the words ''and the proposed FY 1999 annual fee for each'' are removed.

4. On page 15887, in the first column, under paragraph (2), in the fifth line, the words ''amount or range of the'' are removed, and in the last line of the same paragraph, the words ''$351,000 under Option A or Option B'' are removed and replaced with ''$358,000 under Option A or $359,000 under Option B.''

§ 170.12 [Corrected]

5. On page 15890, in the third column, under § 170.12(f), in the sixth and tenth lines, the word ''ACT'' is revised to read ''ACH'.

§ 170.20 [Corrected]

6. On page 15891, in § 170.20, the first column, in the first line, insert ''$'' before 140.

§ 171.16 [Corrected]

7. On page 15896, in the table in § 171.16, the heading is corrected to read, ''Maximum annual fee per licensed category.''

8. On page 15897, in the table at the top of the page, the heading is corrected to read, ''Maximum annual fee per licensed category.''

9. On page 15899, under number 10. B. Quality assurance program approvals issued under 10 CFR part 71: Users and Fabricators, Option B, ''66,800'' is revised to read ''66,900.''

§ 171.19 [Corrected]

10. On page 15900, § 171.19(b), in the next to last line, insert ''or more'' after $100,000.

Dated at Rockville, Maryland, this 13th day of April, 1999.

For the Nuclear Regulatory Commission.

Jesse L. Funches,

Chief Financial Officer.

[FR Doc. 99–9537 Filed 4–15–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–SW–59–AD]

Airworthiness Directives; Sikorsky Aircraft-Manufactured Model CH–54B 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 Sikorsky Aircraft-manufactured Model CH–54B helicopters. This proposal would require initial and recurring inspections and rework or replacement, if necessary, of the second stage lower planetary plate (plate). This proposal is prompted by two reports of cracked plates that have been found during overhaul and inspections. The actions specified by the proposed AD are intended to prevent failure of the main gearbox plate due to fatigue cracking, which could lead to failure of the main gearbox and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before June 15, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97–SW–59–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: Uday Garadi, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, Fort Worth, Texas 76193–0170, telephone (817) 222–5157, fax (817) 222–5959.

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. 97–SW–59–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. 97–SW–59–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

This notice proposes the adoption of a new AD that is applicable to Sikorsky-