

through the rate and tax relief processes, they are not entitled to a full and complete rebate on "stranded investments" and shortfalls that will arise because funding targets for decommissioning have been underfunded. The petitioner believes that shareholders and board members of electric utilities and RECs, must assume responsibility for their business decision. The petitioner adds that to allow artificial definitions concerning ownership of nuclear power plants to insulate those who cogently made capital investments is immoral, unethical, and an endorsement of corporate socialism. The petitioner asserts that shareholders profit from imprudent investment decisions and are accorded relief when error of mismanagement becomes manifest. The petitioner believes that society, the nuclear industry, proportional owners and RECs, must assume responsibility for their investment strategies.

#### *Remedies*

The petitioner recommends the following remedies:

1. RECs, and proportional partners of nuclear generating stations that are not specified as the power reactor licensee must conduct a revised and updated site-specific analysis biennially based on prevailing realities that include a recognition that the NRC is redefining the concept of "electric utility"; scientifically verifiable cost projections for the nuclear decommissioning "target"; premature shutdowns of a substantial number of commercial nuclear generating stations; dry cask storage planning and construction; the asserted indisputable fact that Yucca Mountain will not be available at the time the spent fuel capacity has been breached at many operating nuclear generating stations; and, the asserted reality that the concept of regional low-level waste facilities has been supplanted by the extended operating life of "low-level" radioactive waste facilities.

2. Prevailing legal precedent undermines the notion that nuclear partnerships are entitled to full rate relief from present ratepayers and taxpayers for nuclear decommissioning costs. A sense of fair play, intergenerational equity, and risk sharing between ratepayers and taxpayers on one hand, and shareholders and board members on the other, necessitate that the NRC direct and extend the conditions and mandates promulgated in Section 50.75, Reporting and Recordkeeping for Decommissioning Planning, (a), (b), (c), (d), (e), and (f), to include all partners

in nuclear generating stations, including board members of RECs; and,

3. After implementing remedies (1) and (2), NRC must compel proportional owners of nuclear power generating stations, including RECs, to conduct prudency reviews.

The petition, which consists of a 37-page brief, provides additional justification and support for the requested amendments not included in this **Federal Register** notice. The NRC requests that commenters consider, among other matters raised by petitioner, whether all of the remedies requested by petitioner are within the regulatory scope and jurisdiction of the NRC. By publishing this notice, the NRC is not concluding that it has jurisdiction over all of petitioner's requested remedies. Members of the public interested in filing comments on PRM-50-70 are urged to obtain a copy of the petition by writing to the address under **ADDRESSES** or by viewing the petition at the NRC website at <http://ruleforum.llnl.gov>.

Dated at Rockville, Maryland this 8th date of May 2000.

For the Nuclear Regulatory Commission.

**Annette Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 00-11955 Filed 5-11-00; 8:45 am]

**BILLING CODE 7590-01-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

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

**[Docket No. 2000-NM-91-AD]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Boeing Model 767 Series Airplanes**

**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 certain Boeing Model 767 series airplanes. This proposal would require installation of sleeving on the 90-minute auxiliary power unit (APU) standby power feeder cable at body station 1351. This proposal is prompted by a report of damage to the 90-minute APU standby power feeder cable caused by shifting of unrestrained cargo containers during flight. The actions specified by the proposed AD are intended to prevent damage to the 90-minute APU

standby power feeder cable, which could result in arcing between the standby power feeder cable and the shroud of the APU fuel line, penetration of the fuel line shroud, and a consequent fire in the main deck floor above the aft cargo compartment.

**DATES:** Comments must be received by June 26, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-91-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Holly Thorson, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1357; fax (425) 227-1181.

#### **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 shall 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 Number 2000-NM-91-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, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-91-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The FAA has received a report indicating that unrestrained cargo containers shifted during flight and caused damage on a Boeing Model 767 series airplane that is equipped with an auxiliary power unit (APU) extended standby power system. The cargo containers damaged the 90-minute APU standby power feeder cable and the cabin floor support beam at body station (BS) 1351 on the right side of the airplane. Investigation revealed evidence of arcing between the cable and the beam. Though the reported damage occurred on the right side of the airplane, an unrestrained cargo container that shifts during flight could cause similar damage on the left side of the airplane. On the left side of the airplane, the 90-minute APU standby power feeder cable is routed close to the APU fuel line. Should damage to the 90-minute APU standby power feeder cable occur on the left side of the airplane, the damaged power feeder cable could arc against the shroud of the APU fuel line. This condition, if not corrected, could result in penetration of the fuel line shroud and a consequent fire in the main deck floor above the aft cargo compartment.

#### Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 767-24A0126, dated February 24, 2000. That alert service bulletin describes procedures for installation of sleeving on the 90-minute APU standby power feeder cable at BS 1351 on the left side of the airplane. Installation of this sleeving is intended to protect the cable from being damaged in the event that an unrestrained cargo container shifts during flight and impacts the cable. Accomplishment of the action specified in the service bulletin is intended to adequately address the identified unsafe condition.

#### Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

#### Cost Impact

There are approximately 151 airplanes of the affected design in the worldwide fleet. The FAA estimates that 14 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed action, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$840, or \$60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed 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 proposed herein would 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 proposal would not have federalism implications under Executive Order 13132.

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 the following new airworthiness directive:

**Boeing:** Docket 2000-NM-91-AD.

**Applicability:** Model 767 series airplanes; as listed in Boeing Alert Service Bulletin 767-24A0126, dated February 24, 2000; 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 damage to the 90-minute auxiliary power unit (APU) standby power feeder cable, which could result in arcing between the standby power feeder cable and the shroud of the APU fuel line, penetration of the fuel line shroud, and a consequent fire in the main deck floor above the aft cargo compartment, accomplish the following:

#### Installation of Sleeving

(a) Within 6 months after the effective date of this AD, install sleeving on the 90-minute APU standby power feeder cable at body station 1351 on the left side of the airplane, in accordance with Boeing Alert Service Bulletin 767-24A0126, dated February 24, 2000.

#### 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, 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.

**Special Flight Permits**

(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.

Issued in Renton, Washington, on May 8, 2000.

**Vi L. Lipski,**

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

[FR Doc. 00-11952 Filed 5-11-00; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF COMMERCE****International Trade Administration****DEPARTMENT OF THE TREASURY****Customs Service****15 CFR Part 301**

[Docket No. 000331091-0091-01]

**RIN 0625-AA47**

**Proposed Changes in Procedures for Florence Agreement Program**

**AGENCIES:** Import Administration, International Trade Administration, Department of Commerce; U.S. Customs Service, Department of the Treasury.

**ACTION:** Proposed rule and request for comments.

**SUMMARY:** This action invites public comment on a proposal to amend the regulations which govern duty-free entry of scientific instruments and apparatus, by educational and nonprofit institutions, into the United States. The amendments are being proposed for the purposes of making the technical changes required by the passage of the Omnibus Trade and Competitiveness Act of 1988 and by passage of the Miscellaneous Trade and Technical Corrections Act of 1999; updating the regulations by specifying the correct court of review, taking into account terminological changes in the scientific community, and by extending the waiver for repair components to maintenance tools as well; and simplifying and clarifying the regulations for the using community by clarifying the commercial use provisions and removing redundant requirements, adding information about procedures for obtaining duty refunds, reducing the number of copies required for resubmissions and permitting performance data obtained in tests or trials as evidence of guaranteed specifications.

**DATES:** Written comments must be received on or before June 12, 2000.

**ADDRESSES:** Address written comments to Gerald Zerdy, Program Manager, Statutory Import Programs Staff, Room 4211, U.S. Department of Commerce, Washington D.C. 20230.

**FOR FURTHER INFORMATION CONTACT:** Gerald Zerdy, (202) 482-1660, same address as above.

**SUPPLEMENTARY INFORMATION:** The Departments of Commerce and the Treasury are proposing to amend Part 301, Chapter III, Subtitle B of Title 15 of the Code of Federal Regulations relating to their responsibilities under the Educational, Scientific, and Cultural Materials Importation Act of 1966 (the "Act"; Pub. L. 89-651; 80 Stat. 897).

The proposed rule would make the necessary technical changes to reflect the conversion from the Tariff Schedule of the United States (TSUS) to the Harmonized Tariff Schedule of the United States (HTSUS); and the modification made by Proclamation 5978 of May 12, 1989, which was issued pursuant to sections 1121 and 1204 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418) and section 604 of the Trade Act of 1974 (Pub. L. 93-618), as amended; and the statutory amendment made by section 2402 of the Miscellaneous Trade and Technical Corrections Act of 1999 (Pub. L. 106-36). The proposed rule would also make editorial and administrative changes, including updating terminology.

Specifically, we propose amending § 301.2(h) to provide further information about the entry of accessories for existing instruments.

We propose amending paragraph (r) of § 301.2 to permit performance data obtained from a trial or test run of an instrument, under conditions specified by the applicant, to be used as evidence for a guaranteed specification since this is sometimes stipulated as a condition for purchase or provides the basis for selecting one instrument over another. In the past, applicants have regularly cited such ad hoc performance data to support their justification for duty exemption.

We propose removing the language in § 301.4(a)(1) that refers to specific documentation Customs may require to establish the applicant's nonprofit or tax exempt status. The proposed revision leaves the method of this determination to the discretion of Customs.

We propose amending § 301.4(a)(3) to further emphasize that an applicant may not participate in the development and evaluation of an instrument, beyond routine acceptance testing and

calibration, if substantial benefits accrue to the manufacturer as a result of such participation for which the applicant receives a valuable consideration. The purpose of this change is to clarify the conditions of compliance with the statutory prohibition of commercial use within five years of entry (see § 301.1(c)(1)).

We propose amending § 301.5(a)(1) by making copies of applications available for public inspection within five days of receipt from Customs instead of the ten days currently specified in the regulations. This amendment would bring the rule into accord with established practice.

The proposed rule would eliminate § 301.5(a)(7), which relates to the routine sending of copies of applications to interested domestic manufacturers. Use of this service has been extremely limited. While the routine provision of copies would be eliminated, we would continue to provide copies on a case-by-case basis if requested.

We propose amending § 301.5(c)(3) by removing language requesting consultants to provide advice within 30 days. Routine interagency procedures do not require codification. "National Bureau of Standards" would be replaced by "National Institute of Standards and Technology."

We propose to reduce the paperwork burden on applicants by amending § 301.5(e)(3) to permit resubmissions by facsimile, e-mail or other electronic means in addition to posted mail, and to permit resubmissions with an original copy only instead of in quadruplicate. We also propose amending § 301.5(e)(5) to conform with this change.

We propose to eliminate § 301.5(e)(9), which provides for comment by interested parties on resubmitted applications. Interested parties are afforded ample opportunity to comment on the original applications. Also, applicants are not permitted to introduce new purposes or other material changes in a resubmission. Accordingly, no useful purpose is served by the existing procedure.

We propose to amend § 301.8(d) to inform the applicant that estimated duties levied by U.S. Customs at the time of entry may be refundable, and to instruct the applicant to contact Customs at the port of entry for information and claims status.

Presidential Proclamation 5978 of May 12, 1989, issued pursuant to sections 1121 and 1204 of the Omnibus Trade and Competitiveness Act of 1988 and section 604 of the Trade Act of 1974, as amended, added maintenance tools for scientific instruments to the list