

reasonable number and ensuring those working eight-hour shifts have at least one day off every two weeks.

Annual

The petitioner states that the annual limits address longer-term cumulative fatigue and are based on NUREG/CR-4248, "Recommendation for NRC Policy on Shift Scheduling and Overtime at Nuclear Power Plants,"⁶ which recommended limiting overtime to 2,260 hours per year. The petitioner specifies that the maximum allowed by this petition exceeded this amount but it is not likely that the limit of 2260 hours could be reached. According to the petitioner, the table includes a workdown curve for each of the categories to ensure that some amount of immediate relief is provided while allowing a gradual transition period. The shiftworker limits are lower to allow for the impact of rotating shiftwork, constant disruption of circadian rhythms and working during the pre-dawn trough in performance. The licensed operator curve is more gradual to allow more time to increase the number of operators, if the licensee chooses to do so. The roving crew limits are needed to prevent multi-site utilities from almost constantly having people move from site to site using the outage limits on working hours.

16-Hour Shifts

The petitioner states that the 16-hour shift limits address acute fatigue. The petitioner offers that a substantial amount of first- and second-hand experience is available to him that shows that any 16-hour shift involving a midshift is foolhardy. The petitioner offers the following scenario for a 16-hour shift from 3 pm to 7 am.

Assume the worker arises at 8 am, after a restful sleep, on the day he is to work. A nap prior to 3 pm will be difficult, absent the use of sleeping aids, since sleeping during the day is not natural and the worker should still be rested from the previous night. Near the end of the shift, the worker will have been awake for almost 24 hours.

The petitioner states that Australian researchers⁷ show that after 24 hours awake, the performance degradation is equivalent to a Blood Alcohol Content of 0.10%. Additionally, the petitioner states that with the increase in online maintenance, midshifts are no longer the quiet times they were a few years ago and that although the increased workload provides increased stimulation, stimulation is no substitute

for rest. The petitioner believes the increased activities provide more opportunities for mishaps.

The petitioner offers a similar scenario for a worker who rises at 8 am and works on a shift from 11 pm to 3 pm. The petitioner states that at the end of the shift, the worker will have been up for 31 hours with a 3-hour nap. The petitioner states that although short naps (30 minutes) may have some restorative ability, they must be taken when tired. The petitioner notes that this would qualify as a "split rest period" under NTSB rules and that NTSB is requesting the DOT to abolish split rest periods due to lack of effectiveness.

Individual Basis

The petitioner believes that limiting hours worked, regardless of employer or location, is necessary to ensure that contractors or others are not excessively fatigued.

Turnover Limits

The petitioner states that turnovers require special consideration. The petitioner believes that orderly transfer of information from one shift to the next is essential for plant safety and that it is as equally important that the work hours are minimized and the turnover allowance is not abused. The petition states there is substantial potential for abuse of the turnover allowance since some may see it as a "free" extra hour. For example, a maintenance worker or engineer (personnel who typically do not have written turnover) could simply tack on an hour to their workday, absent a specific prohibition. The petitioner also notes that abuses are possible for personnel using written turnovers, i.e., if a turnover is normally completed in 15 minutes, the extra 45 minutes shall not be used for other administrative duties. The petitioner states that this is consistent with the requirement to control working hours to limit the effect of fatigue.

The petitioner further states that there are times when plant events require extended turnovers. The once a week exception is judged adequate based on the petitioner's experience as an on-shift SRO. The petitioner indicated that the requirement to enter the condition into the Licensee's Corrective Action program is required to provide both visibility and tracking, the assumption being that a high number indicates either an excessive administrative burden or an individual performance issue.

Exemption

The list of exemptions is considered reasonable based on the petitioner's experience. It is anticipated to grow slightly during the rulemaking phase as more experience is added. The overriding goal of the exemptions is that they be limited both in circumstance and number. The purpose is to avoid the ambiguity of Generic Letter 82-12.

NRC Form 396 and 10 CFR Part 55

The petitioner believes this revision would allow the NRC to issue conditional licenses with the appropriate compensatory actions. The petitioner states that this approach was adopted by the Coast Guard.

Other Changes

The petitioner believes that a full set of examples in the Enforcement Manual would provide clear guidance to NRC staff on the appropriate level of sanctions required.

Reference Documents

The petitioner states that documents used in support of this petition were readily available on websites of the NRC and the NTSB and in the NRC Public Document Room. The petitioner also attached two documents that in his view summarize the hazards of fatigue. They are *Overtime and Staffing Problems in the Commercial Nuclear Power Industry*, Union of Concerned Scientists (March 1999), and *Evaluation of U.S. Department of Transportation Efforts in the 1990s to Address Operator Fatigue*, NTSB Safety Report NTSB/SR-99/01 (May 1999).

Dated at Rockville, Maryland, this 24th day of November 1999.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 99-31192 Filed 11-30-99; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

Business Loan Program

AGENCY: Small Business Administration (SBA).

ACTION: Notice of extension of comment period.

SUMMARY: On November 8, 1999, SBA published a proposed rule to amend the regulations governing Certified Development Companies ("CDCs"). The original comment period closes on December 8, 1999. This Notice extends the comment period for 60 days.

⁶ Battelle Pacific Northwest Laboratories, Richland, WA July 1985.

⁷ Nature, Vol. 388, July 17, 1997 pg 235.

DATES: Continue to submit comments on or before January 31, 2000.

ADDRESSES: Comments should be mailed to Jane Palsgrove Butler, Associate Administrator for Financial Assistance, Small Business Administration, 409 Third Street, S.W., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Jane Palsgrove Butler, Associate Administrator for Financial Assistance, (202) 205-6490.

SUPPLEMENTARY INFORMATION: On November 8, 1999, SBA published a proposed rule to amend the regulations governing Certified Development Companies ("CDCs") (64 FR 60735). The original comment period closes on December 8, 1999. SBA is extending the comment period for 60 days.

SBA will also plan a public hearing on this proposed rule and will publish in the **Federal Register** a Notice providing further information on the public hearing.

Dated: November 24, 1999.

Jane Palsgrove Butler,
Associate Administrator for Financial Assistance.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NE-42-AD]

RIN 2120-AA64

Airworthiness Directives; Turbomeca Arrius 1A Series Turboshift Engines

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 Turbomeca Arrius 1A and series turboshaft engines. This proposal would require installation of module TU63, which provides a separate supply of fuel for one of the 10 main injectors of the fuel injection system. This proposal is prompted by reports of unexpected power loss during test flights. The actions specified by the proposed AD are intended to prevent unexpected power loss, which could result in an uncommanded in-flight engine shutdown, autorotation, and forced landing.

DATES: Comments must be received by January 31, 2000.

ADDRESSES: Submit comments to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-NE-42-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be submitted to the Rules Docket by using the following Internet address: "9-ane-adcomment@faa.gov". Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Turbomeca, 40220 Tarnos, France; telephone +33 05 59 64 40 00, fax +33 05 59 64 60 80. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Glorianne Niebuhr, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299.

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 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 99-NE-42-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, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-NE-42-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

Discussion

The Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the Federal Aviation Administration (FAA) that an unsafe condition may exist on Turbomeca Arrius 1A series turboshaft engines. The DGAC advises that they have received reports of unexpected power loss during test flights. This power loss is due to lack of fuel supply to the main fuel injectors during low fuel flow conditions. The power loss occurred during a very quick decrease of power consumption caused by displacing collective pitch of the helicopter to minimum stop, for example, during a "quick stop." This condition, if not corrected, could result in unexpected power loss, which could result in an uncommanded in-flight engine shutdown, autorotation, and forced landing.

Service Information

Turbomeca has issued Service Bulletin (SB) No. 319 72 0016, Revision 1, dated December 22, 1997, that specifies procedures for installing module TU63, which provides a separate supply of fuel for one of the 10 main injectors of the fuel injection system. The DGAC classified this SB as mandatory and issued Airworthiness Directive (AD) 98-200(A), dated May 20, 1998, in order to assure the airworthiness of these engines in France.

Bilateral Airworthiness Agreement

This engine model is manufactured in France and is type certificated for operation in the United States under the provisions of § 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.