

correlate those numbers to different manufacturer's coding patterns.

### C. Regulatory Position

The NRC has construed the "U.S. origin" provision in the context of the industry's recent clarification of international source exchange practices. The NRC recognizes that in some circumstances it may not be feasible for the importer to determine the country of origin for disused sources it seeks to exchange prior to import. If, after a good faith effort, the U.S. manufacturer, distributor, or other entity cannot determine whether an imported disused source that has been exchanged for a new source is of U.S. origin without exposing personnel to additional doses, the source in question shall be deemed to be of U.S. origin for the purposes of the sealed source exclusion to the definition of "radioactive waste" in 10 CFR 110.2.<sup>5</sup> This application of the sealed source exclusion is limited to disused sources imported into the United States that have been exchanged for a new source in a foreign country on a "one-for-one" basis. Accordingly, it is the NRC's expectation that the number of disused sources imported by the manufacturer or distributor into the United States must not be greater than the number of new or refurbished sources exported by that manufacturer or distributor.

The NRC believes that this application of the sealed source exclusion reasonably balances the interests of public health and safety and international policy interests in responsible handling of sources at the end of their useful life. The approach preserves the fundamental policy rationale underlying the original exclusion—to prevent sources from being dispersed in unregulated locations around the world by facilitating a "one-for-one" exchange of U.S.-supplied new and disused sources—while achieving occupational doses to workers that are as low as reasonably achievable, as specified in 10 CFR 20.1101(b).

The NRC expects U.S. manufacturers, distributors, and suppliers to inform their customers about U.S. import licensing requirements for disused sources. It is recommended that U.S. importers retain copies of their communications with their foreign customers regarding U.S. import requirements. The U.S. importer at all times must comply with the specific license requirement for disused sources

known to be of non-U.S. origin prior to import into the United States. A good faith effort by the importer may include communication of U.S. import requirements with its foreign customers, examination of a photograph of the source the customer seeks to exchange, and other relevant information related to the disused sources' origin.

Consistent with 10 CFR 110.53, the NRC may inspect the licensee's records, premises and activities pertaining to its exports and imports to ensure compliance with the sealed source exclusion to the definition of "radioactive waste" by trying to determine source origin (from user paperwork and communication) before an import occurs.

This position is being distributed to all Agreement States and material licensees.

Additionally, the NRC has coordinated this position with the Department of Energy/National Nuclear Security Administration's (DOE/NNSA) Global Threat Reduction Initiative (GTRI). One of GTRI's programs repatriates sources from around the world that are in unsafe or insecure locations. The NRC does not have import licensing jurisdiction when U.S. companies import disused sources on behalf of NNSA's GTRI program; therefore, the licensing requirements in Part 110 would not apply to such imports.

### D. Implementation

This technical position reflects the current NRC staff position on acceptable use of the general license for import of disused radioactive sources. Therefore, except in those cases in which the source manufacturer or distributor proposes an acceptable alternative method for complying with the definition of "radioactive waste" in Section 110.2, the guidance described herein will be used in the evaluation of the use of the general import license for disused sources.

Dated at Rockville, Maryland, this 15th day of October 2012.

For the Nuclear Regulatory Commission,  
**Margaret M. Doane,**  
*Director, Office of International Programs.*  
[FR Doc. 2012-25924 Filed 10-19-12; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2012-1124; Directorate Identifier 2012-CE-041-AD]

RIN 2120-AA64

#### Airworthiness Directives; Burkhart GROB Luft-und Raumfahrt GmbH Sailplanes

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for Burkhart GROB Luft-und Raumfahrt GmbH Models GROB G 109 and GROB G 109B sailplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as corrosion and/or cracking of the elevator control rod that could lead to failure of the elevator control rod with consequent loss of control. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by December 6, 2012.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Grob Aircraft AG, Lettenbachstrasse 9, D-86874 Tussenhausen-Mattsies, Germany; phone: +49 (0) 8268 998 139; fax: +49 (0) 8268 998 200; email: [productsupport@grob-aircraft.com](mailto:productsupport@grob-aircraft.com); Internet: [www.grob-aircraft.com/62.html](http://www.grob-aircraft.com/62.html). You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901

<sup>5</sup> The definition of "radioactive waste" in this Branch Technical Position paper pertains solely to export and import. It does not affect or alter the domestic regulations of "waste" as defined in 10 CFR 20.1003.

Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4165; fax: (816) 329-4090; email: [jim.rutherford@faa.gov](mailto:jim.rutherford@faa.gov).

### SUPPLEMENTARY INFORMATION:

#### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2012-1124; Directorate Identifier 2012-CE-041-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

#### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No.: 2012-0181, dated September 7, 2012 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Corroded and cracked elevator control rod in the vertical fin on a Grob G 109B powered sailplane has been reported.

The technical investigation revealed that water had soaked into the elevator control rod through a control bore hole and resulted in corrosion damage and, in case of water

freeze between the external control rod and the internal mass balance, in crack of the elevator control rod in the vertical fin.

This condition, if not detected and corrected, could lead to failure of the elevator control rod, possibly resulting in loss of control of the sailplane.

To address this unsafe condition, Grob Aircraft AG published Service Bulletin (MSB) 817-64 providing instructions for elevator control rod inspection and replacement.

For the reasons described above, this AD requires accomplishment of inspections of the elevator control rod in the vertical fin and, depending on finding, its replacement with a serviceable part, as well as a revision of powered sailplane Aircraft Maintenance Manual (AMM).

You may obtain further information by examining the MCAI in the AD docket.

### Relevant Service Information

Grob Aircraft AG has issued Service Bulletin No. MSB817-64/2, dated September 6, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

### FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

### Costs of Compliance

#### For Model G109 Sailplanes

We estimate that this proposed AD will affect 31 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$5,270, or \$170 per product.

In addition, we estimate that any necessary follow-on actions would take about 1 work-hour and require parts costing \$680, for a cost of \$765 per product. We have no way of determining the number of products that may need these actions.

#### For Model G109B Sailplanes

We estimate that this proposed AD will affect 28 products of U.S. registry. We also estimate that it would take about 3.5 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$78 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$10,514, or \$375.50 per product.

In addition, we estimate that any necessary follow-on actions would take about 1 work-hour and require parts costing \$738, for a cost of \$823 per product. We have no way of determining the number of products that may need these actions.

### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

*For the reasons discussed above, I certify 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),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) 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.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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. The FAA amends § 39.13 by adding the following new AD:

**Burkhart GROB Luft-und Raumfahrt GmbH:**  
Docket No. FAA-2012-1124; Directorate Identifier 2012-CE-041-AD.

##### (a) Comments Due Date

We must receive comments by December 6, 2012.

##### (b) Affected ADs

None.

##### (c) Applicability

This AD applies to Burkhart GROB Luft-und Raumfahrt GmbH Models GROB G 109 and GROB G 109B sailplanes, all serial numbers, certificated in any category.

##### (d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

##### (e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as corrosion and/or cracking of the elevator control rod. We are issuing this proposed AD to detect and correct corrosion and/or cracking of the elevator control rod, which could lead to failure of the elevator control rod with consequent loss of control.

##### (f) Actions and Compliance

Unless already done, do the following actions:

(1) Within the next 25 hours time-in-service (TIS) after the effective date of this AD or within the next 60 days after the effective date of this AD, whichever occurs first, and repetitively thereafter at intervals not to exceed every 5 years, inspect the elevator control rod in the vertical fin for corrosion or cracking following the accomplishment instructions in Grob Aircraft AG Service Bulletin No. MSB817-64/2, dated September 6, 2012.

(2) For the purposes of this AD, we define slight corrosion as corrosion you can remove with metal wool and that has no visible pitting in the base metal. If you cannot remove the corrosion with metal wool or if there is visible pitting in the base metal, we define it as heavy corrosion.

(3) If any cracks or heavy corrosion are found during any of the inspections required in paragraph (f)(1) of this AD, before further flight, replace the elevator control rod with an airworthy part following the accomplishment instructions in Grob Aircraft AG Service Bulletin No. MSB817-64/2, dated September 6, 2012, for your applicable sailplane model.

(4) If only slight or no corrosion of the elevator control rod is found during any of the inspections required in paragraph (f)(1) of this AD, before further flight, clean the rod surface and apply a corrosion inhibitor, as applicable, following the accomplishment instructions in Grob Aircraft AG Service Bulletin No. MSB817-64/2, dated September 6, 2012.

**Note 1 to paragraph (f) of this AD:** Grob Aircraft AG incorporated the repetitive inspections required by this AD into the instructions for continued airworthiness of the aircraft maintenance manual for the applicable sailplanes.

##### (g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4165; fax: (816) 329-4090; email: [jim.rutherford@faa.gov](mailto:jim.rutherford@faa.gov). Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection

of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES-200.

##### (h) Related Information

Refer to European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, AD No.: 2012-0181, dated September 7, 2012; and Grob Aircraft AG Service Bulletin No. MSB817-64/2, dated September 6, 2012, for related information. For service information related to this AD, contact Grob Aircraft AG, Lettenbachstrasse 9, D-86874 Tussenhausen-Mattsies, Germany; phone: +49 (0) 8268 998 139; fax: +49 (0) 8268 998 200; email: [productsupport@grob-aircraft.com](mailto:productsupport@grob-aircraft.com); Internet: [www.grob-aircraft.com/62.html](http://www.grob-aircraft.com/62.html). You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

Issued in Kansas City, Missouri, on October 15, 2012.

**Pat Mullen,**

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

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2012-1127; Directorate Identifier 2010-SW-035-AD]

**RIN 2120-AA64**

#### Airworthiness Directives; Bell Helicopter Textron Canada (Bell) Model Helicopters

**AGENCY:** Federal Aviation Administration (FAA) DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for Bell Model 430 helicopters, which would require replacing certain components of the air data system. This proposed AD is prompted by the discovery of incorrect indicated airspeed when the helicopter was tested to the cold temperature limits (−40 degrees centigrade) required for Category A operations. The proposed actions are intended to correct the published  $V_{ne}$  and to correct the indicated airspeed.

**DATES:** We must receive comments on this proposed AD by December 21, 2012.