

have it decontaminated or disposed of by an NRC or Agreement State licensee that is authorized to perform these functions.

\* \* \* \* \*

(e) \* \* \*

(1) Hydrogen-3 (tritium) sources;

\* \* \* \* \*

(4) Sources of beta- or gamma-emitting radioactive material with an activity of 3.7 MBq [100 microcuries] or less; and

(5) Sources of alpha- or neutron-emitting radioactive material with an activity of 0.37 MBq [10 microcuries] or less.

5. Section 39.41 is revised to read as follows:

**§ 39.41 Design and performance criteria for sources.**

(a) A licensee may use a sealed source for use in well logging applications if—

(1) The sealed source is doubly encapsulated;

(2) The sealed source contains licensed material whose chemical and physical forms are as insoluble and nondispersible as practical; and

(3) Meets the requirements of paragraph (b), (c), or (d) of this section.

(b) For a sealed source manufactured on or before July 14, 1989, a licensee may use the sealed source, for use in well logging applications if it meets the requirements of USASI N5.10-1968, "Classification of Sealed Radioactive Sources," or the requirements in paragraph (c) or (d) of this section.

(c) For a sealed source manufactured after July 14, 1989, a licensee may use the sealed source, for use in well logging applications if it meets the oil-well logging requirements of ANSI/HPS N43.6-1997, "Sealed Radioactive Sources—Classification."

(d) For a sealed source manufactured after July 14, 1989, a licensee may use the sealed source, for use in well logging applications, if—

(1) The sealed source's prototype has been tested and found to maintain its integrity after each of the following tests:

(i) *Temperature.* The test source must be held at  $-40^{\circ}\text{C}$  for 20 minutes,  $600^{\circ}\text{C}$  for 1 hour, and then be subject to a thermal shock test with a temperature drop from  $600^{\circ}\text{C}$  to  $20^{\circ}\text{C}$  within 15 seconds.

(ii) *Impact test.* A 5 kg steel hammer, 2.5 cm in diameter, must be dropped from a height of 1 m onto the test source.

(iii) *Vibration test.* The test source must be subject to a vibration from 25 Hz to 500 Hz at 5 g amplitude for 30 minutes.

(iv) *Puncture test.* A 1 gram hammer and pin, 0.3 cm pin diameter, must be

dropped from a height of 1 m onto the test source.

(v) *Pressure test.* The test source must be subject to an external pressure of  $1.695 \times 10^7$  pascals [24,600 pounds per square inch absolute].

(e) The requirements in paragraphs (a), (b), (c), and (d) of this section do not apply to sealed sources that contain licensed material in gaseous form.

(f) The requirements in paragraphs (a), (b), (c), and (d) of this section do not apply to energy compensation sources (ECS). ECSs must be registered with the Commission under § 32.210 of this chapter or with an Agreement State.

6. Section 39.49 is revised to read as follows:

**§ 39.49 Uranium sinker bars.**

The licensee may use a uranium sinker bar in well logging applications only if it is legibly impressed with the words "CAUTION—RADIOACTIVE—DEPLETED URANIUM" and "NOTIFY CIVIL AUTHORITIES (or COMPANY NAME) IF FOUND."

7. Section 39.53 is added to read as follows:

**§ 39.53 Energy compensation source.**

The licensee may use an energy compensation source (ECS) which is contained within a logging tool, or other tool components, only if the ECS contains quantities of licensed material not exceeding 3.7 MBq [100 microcuries].

(a) For well logging applications with a surface casing for protecting fresh water aquifers, use of the ECS is only subject to the requirements of §§ 39.35, 39.37 and 39.39.

(b) For well logging applications without a surface casing for protecting fresh water aquifers, use of the ECS is only subject to the requirements of §§ 39.15, 39.35, 39.37, 39.39, 39.51, and 39.77.

8. Section 39.55 is added to read as follows:

**§ 39.55 Tritium neutron generator target source.**

(a) Use of a tritium neutron generator target source, containing quantities not exceeding 1,110 MBq [30 curies] and in a well with a surface casing to protect fresh water aquifers, is subject to the requirements of this part except §§ 39.15, 39.41, and 39.77.

(b) Use of a tritium neutron generator target source, containing quantities exceeding 1,110 MBq [30 curies] or in a well without a surface casing to protect fresh water aquifers, is subject to the requirements of this part except § 39.41.

9. Section 39.77 is amended by revising paragraph (c)(1), redesignating

paragraphs (d)(9) and (d)(10) as paragraphs (d)(10) and (d)(11), and adding a new paragraph (d)(9) to read as follows:

**§ 39.77 Notification of incidents and lost sources; abandonment procedures for irretrievable sources.**

\* \* \* \* \*

(c) \* \* \*

(1) Notify the appropriate NRC Regional Office by telephone of the circumstances that resulted in the inability to retrieve the source and—

(i) Obtain NRC approval to implement abandonment procedures; or

(ii) That the licensee implemented abandonment before receiving NRC approval because the licensee believed there was an immediate threat to public health and safety; and

\* \* \* \* \*

(d) \* \* \*

(9) The immediate threat to public health and safety justification for implementing abandonment if prior NRC approval was not obtained in accordance with paragraph (c)(1)(ii) of this section;

\* \* \* \* \*

Dated at Rockville, Maryland, this 3rd day of April, 2000.

For the Nuclear Regulatory Commission.

**William D. Travers,**

*Executive Director for Operations.*

[FR Doc. 00-9468 Filed 4-14-00; 8:45 am]

BILLING CODE 7590-01-P

**FEDERAL HOUSING FINANCE BOARD**

**12 CFR Part 910**

[No. 2000-19]

RIN 3069-AB02

**Amendments to the Freedom of Information Act Regulation**

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Final rule.

**SUMMARY:** The Federal Housing Finance Board (Finance Board) is amending its Freedom of Information Act (FOIA) regulation to reflect an agency reorganization. Responsibility for administering the Finance Board's FOIA program has been transferred from the Executive Secretariat to the Office of General Counsel and the Deputy General Counsel of the Administrative Law Division has replaced the Secretary to the Board of Directors as the Finance Board's FOIA officer.

**EFFECTIVE DATE:** The final rule will become effective on April 17, 2000.

**FOR FURTHER INFORMATION CONTACT:** Janice A. Kaye, Attorney-Advisor, Office of General Counsel, by telephone at 202/408-2505, by electronic mail at kajej@fhfb.gov, or by regular mail at the Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

**SUPPLEMENTARY INFORMATION:**

As a result of an agency reorganization, responsibility for administering the Finance Board's FOIA program was transferred from the Executive Secretariat to the Office of General Counsel effective March 20, 2000. As part of the transfer of responsibility, the Deputy General Counsel of the Administrative Law Division has replaced the Secretary to the Board of Directors as the Finance Board's FOIA officer. The FOIA officer is authorized to make all initial denial determinations under the Finance Board's FOIA regulation. The Finance Board is amending its FOIA regulation to conform to the reassignment of responsibility and authority. More specifically, the Finance Board is replacing the term "Secretary to the Board" and the term "Finance Board" with the term "FOIA Officer" where appropriate.

**Notice and Public Participation**

Because it is in the public interest to conform the Finance Board's FOIA regulation to the agency reorganization that already has taken effect, the Finance Board for good cause finds that the notice and publication requirements of the Administrative Procedures Act are unnecessary. See 5 U.S.C. 553(b)(3)(B). Accordingly, the Finance Board is promulgating these technical, procedural changes as a final rule.

**Effective Date**

For the reasons stated in part III above, the Finance Board for good cause finds that the final rule should become effective on April 17, 2000. See 5 U.S.C. 553(d)(3).

**Regulatory Flexibility Act**

The Finance Board is adopting the amendments to part 910 in the form of a final rule and not as a proposed rule. Therefore, the provisions of the Regulatory Flexibility Act do not apply. See 5 U.S.C. 601(2), 603(a).

**Paperwork Reduction Act**

The final rule does not contain any collections of information pursuant to the Paperwork Reduction Act of 1995. See 44 U.S.C. 3501 et seq. Consequently, the Finance Board has not submitted

any information to the Office of Management and Budget for review.

**List of Subjects in Part 910**

Confidential business information, Federal home loan banks, Freedom of information.

For the reasons stated in the preamble, the Finance Board hereby amends 12 CFR part 910 as follows:

**PART 910—FREEDOM OF INFORMATION ACT REGULATION**

1. The authority citation for part 910 continues to read as follows:

**Authority:** 5 U.S.C. 552; 52 FR 10012 (Mar. 27, 1987).

2. In part 910, remove the term "Secretary to the Board" everywhere it appears and add in its place the term "FOIA Officer."

3. In § 910.1, remove the definition of the term "Secretary to the Board" and add a definition of the term "FOIA Officer" to read as follows:

**§ 910.1 Definitions.**

\* \* \* \* \*

*FOIA Officer* means the Finance Board employee who is authorized to make determinations as provided in this part. The mailing address for the FOIA Officer is Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006.

\* \* \* \* \*

4. Revise § 910.3(b) to read as follows:

**§ 910.3 Requests for records.**

\* \* \* \* \*

(b) *Incomplete requests.* If a request does not meet all of the requirements of paragraph (a) of this section, the FOIA Officer may advise the requester that additional information is needed. If the requester submits a corrected request, the FOIA Officer shall treat the corrected request as a new request.

5. Amend § 910.4 by revising paragraph (c)(3), the first sentence of paragraph (d)(1), and paragraph (e) to read as follows:

**§ 910.4 Finance Board response to requests for records.**

\* \* \* \* \*

(c) \* \* \*

(3) The opportunity for the requester to either limit the scope of the request so that the FOIA Officer may process it in accordance with paragraph (a) of this section, or arrange an alternative time frame for processing the request or a modified request.

(d) *Expedited processing.* (1) The FOIA Officer shall process a request for records as soon as practicable if it is

determined that expedited processing is appropriate or the requester demonstrates a compelling need. \* \* \*

\* \* \* \* \*

(e) *Providing responsive records.* The FOIA Officer shall provide one copy of a record to a requester in any form or format requested if the record is readily reproducible by the Finance Board in that form or format by regular U.S. mail to the address indicated in the request unless other arrangements are made, such as taking delivery of the document at the Finance Board. At the option of the requester and upon the requester's agreement to pay fees in accordance with § 910.9, the FOIA Officer shall provide copies by facsimile transmission or other express delivery methods.

6. Revise § 910.7 to read as follows:

**§ 910.7 Records of financial regulatory agencies held by the Finance Board.**

The Finance Board shall not disclose an examination, operating, or condition report, or other record prepared by, on behalf of, or for the use of a financial regulatory agency. Upon a receipt of a request for such records, the FOIA Officer shall promptly refer the request to the appropriate agency and notify the requester of the referral.

7. Amend § 910.8 by revising paragraph (a)(1) to read as follows:

**§ 910.8 Appeals.**

(a) *Procedure.* (1) If the FOIA Officer has denied a request in whole or in part, the requester may appeal the denial by submitting a written application to the FOIA Officer stating the grounds for the appeal within 30 working days of the date of the determination under § 910.4.

\* \* \* \* \*

8. Amend § 910.9 by revising paragraph (c), paragraph (d) introductory text, paragraph (d)(3)(ii) introductory text, paragraph (e), paragraphs (f)(3) through (f)(5), and paragraph (g) introductory text to read as follows:

**§ 910.9 Fees.**

\* \* \* \* \*

(c) *Interest.* The Finance Board may assess interest at the rate prescribed in 31 U.S.C. 3717 on any unpaid fees beginning 31 days after the earlier of the date of the determination under § 910.4 or the date a fee statement is mailed to a requester. Interest shall accrue from such date.

(d) *Exceptions.* Notwithstanding paragraphs (a) or (b) of this section, the FOIA Officer may determine not to assess a fee or to reduce a fee if:

(3) \* \* \*

(ii) In determining whether disclosure of a record is in the public interest, the FOIA Officer shall consider whether the record:

\* \* \* \* \*

(e) *Aggregating requests.* If the FOIA Officer reasonably believes that a requester or a group of requesters acting in concert is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, the FOIA Officer may aggregate such requests and assess fees in accordance with this section.

(f) *Collecting fees.* \* \* \*

(3) Prior to disclosing any record, the FOIA Officer may require a requester to agree in writing to pay actual fees and interest incurred in accordance with this section if the estimated fee will likely exceed \$25 but not \$250.

(4) The FOIA Officer may require a requester to pay an estimated fee in advance if:

(i) It is determined that the fee will likely exceed \$250; or

(ii) The requester has previously failed to pay a fee assessed under this section within 30 days of the earlier of the date of the determination under § 910.4 or the date a fee statement was mailed to a requester.

(5) The Finance Board shall promptly refund to a requester any estimated advance fee paid under paragraph (f)(4) of this section that exceeds the actual fee. The FOIA Officer shall assess the requester for the amount by which the actual fee exceeds the estimated advance fee payment.

(g) *Fee schedule.* The FOIA Officer shall assess fees in accordance with the following schedule:

\* \* \* \* \*

Dated: April 6, 2000.

By the Board of Directors of the Federal Housing Finance Board.

**Bruce A. Morrison,**

*Chairman.*

[FR Doc. 00-9454 Filed 4-14-00; 8:45 am]

BILLING CODE 6725-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-252-AD; Amendment 39-11677; AD 99-13-08 R1]

RIN 2120-AA64

#### Airworthiness Directives; Lockheed Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment revises an existing airworthiness directive (AD), applicable to all Lockheed Model L-1011-385 series airplanes, that currently requires inspections to detect cracking and other discrepancies of certain web-to-cap fasteners of the rear spar between inner wing station (IWS) 310 and IWS 343, and of the web area around those fasteners; various follow-on actions; and modification of the web-to-cap fastener holes of the rear spar between IWS 299 and IWS 343, which, when accomplished, defers the initiation of the inspections for a certain period of time. The actions specified by that AD are intended to prevent fatigue cracking in the web of the rear spar of the wing, which could result in failure of the rear spar of the wing and consequent fuel spillage. This amendment, for certain airplanes, extends the compliance time for the modification of the web-to-cap fastener holes, and eliminates references to modification of the outboard spar.

**DATES:** Effective May 22, 2000.

The incorporation by reference of Lockheed Service Bulletin 093-57-218, dated April 11, 1996, was approved previously by the Director of the Federal Register as of June 27, 1996 (61 FR 29642, June 12, 1996).

The incorporation by reference of certain other publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of July 28, 1999 (64 FR 33386, June 23, 1999).

**ADDRESSES:** The service information referenced in this AD may be obtained from Lockheed Martin Aircraft & Logistics Center, 120 Orion Street, Greenville, South Carolina 29605. 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 FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Thomas Peters, Aerospace Engineer, Systems and Flight Test Branch, ACE-116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30337-2748; telephone (770) 703-6063; fax (770) 703-6097.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39)

by revising AD 99-13-08, amendment 39-11202 (64 FR 33386, June 23, 1999), which is applicable to all Lockheed Model L-1011-385 series airplanes, was published in the **Federal Register** on November 8, 1999 (64 FR 60750). The action proposed to continue to require inspections to detect cracking and other discrepancies of certain web-to-cap fasteners of the rear spar between inner wing station (IWS) 310 and IWS 343, and of the web area around those fasteners; and various follow-on actions. The action also proposed, for certain airplanes, to extend the compliance time for the modification of the web-to-cap fastener holes, and eliminate references to modification of the outboard spar.

#### Comments

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

The commenter supports the proposed rule.

#### Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

There are approximately 235 Lockheed Model L-1011-385 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 117 airplanes of U.S. registry will be affected by this AD. The requirements of this AD will not add any new additional economic burden on affected operators. Also, because the existing AD states the cost impact only for the required modification and not for the acceptable alternatives that were provided for certain airplanes, no change to the cost impact information is necessary. The current costs associated with this amendment are reiterated in their entirety (as follows) for the convenience of affected operators:

The inspections that are currently required by AD 99-13-08 take approximately 13 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required inspections on U.S. operators is estimated to be \$91,260, or \$780 per airplane, per inspection cycle.

The modification that is currently required by AD 99-13-08 takes approximately 100 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based