

significant economic impact on a substantial number of small entities. This final rule would affect only the operators of ISFSIs. These companies do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR part 121.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 72.62, does not apply to this rule, because this amendment does not involve any provisions that would impose backfits as defined in 10 CFR 72.62(a). Therefore, a backfit analysis is not required for this final rule.

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a "major rule" and has verified this determination with the Office of Information and Regulatory Affairs, Office of Management and Budget.

Compatibility of Agreement State Regulations

Under the "Policy Statement on Adequacy and Compatibility of Agreement State Programs," approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as compatibility Category "NRC." Compatibility is not required for Category "NRC" regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the AEA, or the provisions of Title 10 of the Code of Federal Regulations. Although an Agreement State may not adopt program elements reserved to NRC, it may wish to inform its licensees of certain requirements, by a mechanism that is consistent with the particular State's administrative procedure laws but does not confer regulatory authority on the State.

List of Subjects in 10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended;

the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is adopting the following amendment to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); secs. 274, Pub. L. 86-373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95-601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102-486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97-425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under sec. 142(b) and 148 (c), (d), Pub. L. 100-203, 101 Stat. 1330-232, 1330-236 (42 U.S.C. 10162(b), 10168 (c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97-425, 96 Stat. 2202, 2203, 2204, 2222, 2224 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), Stat. 2252 (42 U.S.C. 10198).

§ 72.82 [Amended]

2. Section 72.82 is amended by removing paragraph (e).

Dated at Rockville, Maryland, this 23rd day of March 1999.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 99-9041 Filed 4-9-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-157-AD; Amendment 39-11114; AD 99-08-08]

RIN 2120-AA64

Airworthiness Directives; Dornier Model 328-100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Dornier Model 328-100 series airplanes, that requires repetitive lubrication of the engine control push-pull cables, and installation of heating tubes on the control cables in the cockpit area and in the left-hand and right-hand engine balconies, which terminates the repetitive lubrication requirement. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent ice from building up on the engine control push-pull cables, which could result in friction or jamming of the engine controls, and consequent reduced controllability of the airplane.

DATES: Effective May 17, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of May 17, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. 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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Dornier Model 328-100 series airplanes was published

as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on January 28, 1999 (64 FR 4370). That action proposed to require repetitive lubrication of the engine control push-pull cables. That action also proposed to require the installation of heating tubes on the control cables in the cockpit area and in the left-hand and right-hand engine balconies, which would terminate the repetitive lubrication requirement.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 50 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required lubrication, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact on U.S. operators is estimated to be \$12,000, or \$240 per airplane.

The FAA estimates that the installation of heating tubes on the control cables required in this AD action will take approximately 50 work hours per airplane to accomplish, and that the average labor rate is \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact on U.S. operators is estimated to be \$150,000, or \$3,000 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the 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 adopted herein will not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

99-08-08 Dornier Luftfahrt GMBH:

Amendment 39-11114. Docket 98-NM-157-AD.

Applicability: All Model 328-100 series airplanes, 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 (c) 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 ice from building up on the engine control push-pull cables, which could result in friction or jamming of the engine controls, and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 2 months after the effective date of this AD, lubricate the engine control push-pull cables in accordance with Dornier Alert Service Bulletins ASB-328-76-022, dated December 22, 1997, and ASB-328-76-015, Revision 3, dated January 9, 1998. Repeat the lubrication thereafter at intervals not to exceed 300 flight hours until the actions required by paragraph (b) of this AD are accomplished.

(b) Within 6 months after the effective date of this AD, accomplish the actions specified in paragraphs (b)(1) and (b)(2) of this AD. Accomplishment of these actions constitutes terminating action for the repetitive lubrication requirement of paragraph (a) of this AD.

(1) Install heating tubes on the control cables in the cockpit area in accordance with Dornier Service Bulletin SB-328-76-254, dated June 30, 1998, or Revision 1, dated August 6, 1998.

(2) Install heating tubes on the control cables in the left and right engine balconies in accordance with Dornier Service Bulletin SB-328-76-267, Revision 1, dated September 25, 1998, or Revision 2, dated October 8, 1998.

Alternative Methods of Compliance

(c) 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, International Branch, ANM-116, 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, International Branch, ANM-116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 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.

Incorporation by Reference

(e) The actions shall be done in accordance with Dornier Alert Service Bulletin ASB-328-76-022, dated December 22, 1997; Dornier Alert Service Bulletin ASB-328-76-015, Revision 3, dated January 9, 1998; Dornier Service Bulletin SB-328-76-254, dated June 30, 1998; Dornier Service Bulletin SB-328-76-254, Revision 1, dated August 6, 1998; Dornier Service Bulletin SB-328-76-267, Revision 1, dated September 25, 1998; and Dornier Service Bulletin SB-328-76-267, Revision 2, dated October 8, 1998, as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate,

1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in German airworthiness directives 1998-105, dated January 30, 1998, and 1997-148/6, dated December 3, 1998.

(f) This amendment becomes effective on May 17, 1999.

Issued in Renton, Washington, on March 31, 1999.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-8536 Filed 4-9-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-325-AD; Amendment 39-11116; AD 99-08-10]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 747-100, -200, -300, -SP, and -400F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Boeing Model 747-100, -200, -300, -SP, and -400F series airplanes.

Among other things, this amendment requires repetitive leak tests of the lavatory drain system and repair, if necessary; installation of a cap or flush/fill line ball valve on the flush/fill line; periodic seal changes; and replacement of any "donut" type valves installed in the waste drain system. This amendment is prompted by continuing reports of damage to airframes and damage to property on the ground, caused by "blue ice" that forms from leaking lavatory drain systems on transport category airplanes and subsequently dislodges from the airplane fuselage. The actions specified by this AD are intended to prevent damage to airframes and property on the ground that is associated with the problems of "blue ice" that forms from leaking lavatory drain systems on transport category airplanes and subsequently dislodges from the airplane fuselage.

DATES: Effective May 17, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director

of the Federal Register as of May 17, 1999.

ADDRESSES: 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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. **FOR FURTHER INFORMATION CONTACT:** Don Eiford, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227-2788; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Boeing Model 747-100, -200, -300, -SP, and -400F series airplanes was published in the **Federal Register** on June 15, 1998 (63 FR 32624). That action proposed to require repetitive leak tests of the lavatory drain system and repair, if necessary; installation of a cap or flush/fill line ball valve on the flush/fill line; periodic seal changes; and replacement of any "donut" type valves installed in the waste drain system.

The actions specified in that proposal are intended to prevent damage to airframes and property on the ground that is associated with the problems of "blue ice" that forms from leaking lavatory drain systems on transport category airplanes and subsequently dislodges from the airplane fuselage.

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

1. Support for the Proposal

Two commenters support the proposed rule.

2. Request To Revise the Unsafe Condition

One commenter, the airplane manufacturer, requests that the proposed rule be revised to remove reference to "engine damage" in the description of the unsafe condition. The airplane manufacturer bases this request on the fact that it is not aware of any in-service reports of engine damage due to "blue ice" on Model 747 series airplanes.

The FAA concurs. Since the FAA has not received any reports of engine damage due to "blue ice" on Model 747 series airplanes, reference to "engine damage" in the description of the unsafe

condition has been removed from the AD.

3. Request To Extend Leak Test Intervals for Model 747 Series Airplanes

One commenter requests that the leak test intervals be specified in flight cycles rather than flight hours as proposed in the Notice of Proposed Rulemaking (NPRM). The commenter also requests that, if the intervals are retained as flight hours, all of the intervals should be extended. The commenter points out that a typical "C" check on Model 747 series airplanes is between 5,000 and 6,000 flight hours, as compared to typical "C" checks of Models 727 and 737 series airplanes, which are generally between 3,000 and 4,000 flight hours. Since most of the wear and damage is caused by opening and closing the valve, which happens during a flight cycle, and is not directly related to the number of flight hours, flight cycles are more critical than flight hours with regard to the potential for leakage. Because Model 747 series airplanes have a low number of flight cycles per hour, the fleet should be allowed a greater leak test interval than the interval specified for Models 727 and 737 series airplanes.

The FAA does not concur that the leak test intervals should be specified in flight cycles rather than flight hours. The commenter did not provide any specific data that correlated the number of flight hours to the number of flight cycles for the Boeing Model 747 fleet and the Boeing 727 and 737 fleets. Additionally, existing "blue ice" Airworthiness Directives for other airplanes presently specify the leak test intervals in terms of flight hours. To change the leak test intervals from flight hours to flight cycles could result in an operator having some airplanes operating under flight hours intervals and other airplanes operating under flight cycle intervals, which may be burdensome for the operator.

However, the FAA does concur that certain leak test intervals can be extended somewhat for Model 747 series airplanes for the reasons the commenter suggested. Specific extensions of leak tests for certain valves are discussed later in this disposition of comments.

4. Requests To Extend PneuDrualics Leak Test Intervals

One commenter requests that the leak test interval for the PneuDrualics service panel drain valve be revised from 2,000 to 4,000 flight hours. The commenter advises that the PneuDrualics service panel drain valve specified in paragraph