

Agreement State Programs" approved by the Commission on June 30, 1997 (62 FR 46517), this rule is classified as compatibility Category "NRC." This regulation addresses areas of exclusive NRC authority. However, a State may adopt these provisions for the purposes of clarity and communication, as long as the State does not adopt regulations or program elements that would cause the State to regulate this area.

#### 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 Commission is proposing to adopt the following amendments 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); sec. 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 secs. 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), 96 Stat. 2252 (42 U.S.C. 10198).

#### § 72.104 [Amended]

2. In § 72.104, the introductory text of paragraph (a) is revised to read as follows:

#### § 72.104 Criteria for radioactive materials in effluents and direct radiation from an ISFSI or MRS.

(a) During normal operations and anticipated occurrences, the annual dose equivalent to any real individual who is located beyond the controlled area must not exceed 25 mrem to the whole body, 75 mrem to the thyroid and 25 mrem to any other critical organ as a result of exposure to:

\* \* \* \* \*

3. In § 72.106, paragraph (b) is revised to read as follows:

#### § 72.106 Controlled area of an ISFSI or MRS.

\* \* \* \* \*

(b) Any individual located on or beyond the nearest boundary of the controlled area may not receive from any design basis accident the more limiting of a total effective dose equivalent of 0.05 Sv (5 rem), or the sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue (other than the lens of the eye) of 0.5 Sv (50 rem). The eye dose equivalent shall not exceed 0.15 Sv (15 rem) and the shallow dose equivalent to skin or to any extremity shall not exceed 0.5 Sv (50 rem). The minimum distance from the spent fuel or high-level radioactive waste handling and storage facilities to the nearest boundary of the controlled area must be at least 100 meters.

\* \* \* \* \*

Dated at Rockville, Maryland, this 3rd day of March 1998.

For the Nuclear Regulatory Commission.

**L. Joseph Callan,**

*Executive Director for Operations.*

[FR Doc. 98–7114 Filed 3–18–98; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97–CE–14–AD]

RIN 2120–AA64

#### Airworthiness Directives; Cessna Aircraft Company 180, 182, and 185 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

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

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to all Cessna Aircraft Company (Cessna) 180, 182, and 185 series airplanes equipped with wing extension supplemental type certificate (STC) SA00276NY. The proposed action would require inspecting between wing station (W.S.) 90 and W.S. 110 for an angle stiffener at the lower wing spar splice. If the angle stiffener is not installed, the proposed action would require installing a reinforcing strap. The proposed action is the result of failed test results revealing that the wings of these Cessna airplanes, without the stiffener, do not meet the applicable design requirements after being modified by the above STC. The actions specified by the proposed AD are intended to prevent wing failure during flight, which, if not corrected, could cause loss of control of the airplane.

**DATES:** Comments must be received on or before May 15, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–14–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Air Research Technology, Inc., 3440 McCarthy, Montreal, Quebec, Canada H4K 2P5; telephone (514) 337–7588; facsimile (514) 337–3293. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Sol Maroof, Aerospace Engineer, New York Aircraft Certification Office, 10 Fifth Street, 3rd Floor, Valley Stream, New York, 11581–1200; telephone (516) 256–7522; facsimile (516) 568–2716.

#### 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 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 that summarizes 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 No. 97-CE-14-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, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-14-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

#### Discussion

The FAA has been notified by the Canadian civil airworthiness authority, Transport Canada, that certain Cessna 180, 182, and 185 series airplanes, equipped with wing extensions by way of supplemental type certificate (STC) SA00276NY, may not have had a wing stiffener installed at factory. This condition has been discovered on several of these airplanes during routine inspections. Since this discovery, further investigation has shown that without the wing stiffener, the wing is susceptible to structural failure. Both the FAA and Transport Canada have been in contact with the manufacturer of this particular STC and have approved an alternative to the wing stiffener. Tests have shown that the wing would be stabilized by installing a wing reinforcement strap to add strength to this area of the wing, if it is without the wing stiffener.

#### Relevant Service Information

Air Research Technology, Inc. has issued Service Bulletin No. SB-1-96, Issue 1, dated April 11, 1996, which specifies procedures for visually inspecting the underside of the wing, aft of the spar, closest to where the strut connects to the wing, for the installation of an angle stiffener along the lower spar cap between Wing Station (W.S.) 90 and W.S. 110. If an angle stiffener is not installed, then the service information provides procedures for installing a

stainless steel reinforcement strap on the underside of the wing, along the spar, at W.S. 100.50.

#### The FAA's Determination

After examining the circumstances and reviewing all available information, including the relevant service information, related to the incidents described above, the FAA has determined that AD action should be taken to prevent wing failure during flight, which, if not corrected could cause loss of control of the airplane.

#### Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other (Cessna) 180, 182, and 185 series airplanes equipped with wing extension STC SA00276NY, the proposed AD would require inspecting the inside of the underside of the wing, near Wing Station (W.S.) 100, for an angle stiffener. If an angle stiffener is not installed, the proposed AD would require installing a reinforcement strap along the lower wing spar.

#### Cost Impact

The FAA estimates that there are 55 airplanes in the U.S. registry that would be affected by the proposed AD, that it would take approximately 1 workhour for the initial inspection and 7 workhours for the installation of the reinforcement strap per airplane, and that the average labor rate is approximately \$60 an hour. Parts are supplied by the wing extension kit manufacturer at no cost to the owner/operator. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$26,400 or \$480 per airplane. The FAA has no way to determine the number of owners/operators who may have already accomplished the proposed action, and would presume that none of the owners/operators of the affected airplanes have accomplished the proposed action.

#### Regulatory Impact

The regulations proposed herein would 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 proposal would 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) 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 has been placed 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 a new airworthiness directive (AD) to read as follows:

**Cessna Aircraft Company:** Docket No. 97-CE-14-AD.

**Applicability:** The following airplane models (all serial numbers), certificated in any category, that are equipped with wing extension supplemental type certificate (STC) SA00276NY.

#### Models

180, 180A, 180B, 180C, 180D, 180E, 180F, 180G, 180H, 180J, 180K, 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, 182R, 182S, R182, T182, TR182, 185, 185A, 185B, 185C, 185D, 185E, A185E, A185F

**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 (d) 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 within the next 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent wing failure during flight, which, if not corrected, could cause loss of control of the airplane, accomplish the following:

(a) Inspect inside both left and right wings, aft of the spar, closest to where the strut connects to the wing, for an angle stiffener along the lower spar cap between Wing Station (W.S.) 90 and W.S. 110 in accordance with Part A of the Accomplishment Instructions of Air Research Technology, Inc. (ART) Service Bulletin (SB) No. SB-1-96, Issue 1, dated April 11, 1996.

(b) If an angle stiffener is not installed, prior to further flight, install a stainless steel reinforcement strap on the underside of each wing, along the spar at W.S. 100.50 in accordance with Part B of the Accomplishment Instructions of ART SB No. SB-1-96, Issue 1, dated April 11, 1996.

(c) 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.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, New York Aircraft Certification Office, 10 Fifth Street, 3rd Floor, Valley Stream, New York, 11581-1200. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York Aircraft Certification Office.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York Aircraft Certification Office.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to Air Research Technology, Inc., 3440 McCarthy, Montreal, Quebec, Canada H4K 2P5; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 11, 1998.

**Michael Gallagher,**

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

[FR Doc. 98-7089 Filed 3-18-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-CE-13-AD]

RIN 2120-AA64

#### Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-400 Gliders

**AGENCY:** Federal Aviation Administration, DOT.

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

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Glaser-Dirks Flugzeugbau GmbH (Glaser-Dirks) Model DG-400 gliders. The proposed AD would require replacing the bungees that secure the left engine restraining cable and the bowden cable of the rear engine door. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by the proposed AD are intended to prevent the engine from locking in flight and not extending because of the left restraining cable or bowden cable of the rear door making contact with the engine, which could result in loss of glider power and potential loss of control.

**DATES:** Comments must be received on or before April 24, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-13-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from DG Flugzeugbau GmbH, Postfach 4120, D-76625 Bruchsal 4, Germany; telephone: +49 7257-89-0; facsimile: +49 7257-8922. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mike Kiesov, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6934; facsimile: (816) 426-2169.

**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 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 that summarizes 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 No. 98-CE-13-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, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-13-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

### Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Glaser-Dirks Model DG-400 gliders. The LBA reports that the left restraining cable and the bowden cable of the rear door may contact the engine and block the engine extension while in flight. The right engine restraining cable cannot contact the engine because it is wrapped together with the choke, throttle, propeller brake, and bowden cables.

This condition, if not corrected in a timely manner, could result in the engine locking in flight and not extending, which could result in loss of glider power and potential loss of control.