

affecting international trade or the environment?

We are also asking the public to address any other issues that they consider appropriate in connection with the importation of SWPM.

**Authority:** 7 U.S.C. 150dd, 150ee, 150ff, 151-167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 13th day of January 1999.

**Joan M. Arnoldi,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 99-1226 Filed 1-19-99; 8:45 am]

BILLING CODE 3410-34-P

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 31 and 32

RIN 3150-AD82

#### Requirements Concerning the Accessible Air Gap for Generally Licensed Devices

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule: withdrawal.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is withdrawing a proposed rulemaking that would have amended the Commission's regulations to provide additional regulatory control over certain measuring, gauging, and controlling devices to prevent unnecessary radiation exposure to individuals resulting from the use of the devices that contain radioactive sources. This proposed rule would have addressed only generally licensed devices. It did not include devices subject to specific licenses. The NRC is conducting a risk review of the current licensing and inspection programs and licensees' activities for both generally and specifically licensed devices. The risk review will determine the risk associated with licensees' activities by determining and relating the probabilities of the occurrence and consequences of events during use and likely accidents involving radioactive material. The NRC will determine from the results of the risk review the need to develop restructured licensing and inspection programs for material licensees and the associated rulemaking for implementing these programs. Therefore, pending the results of the risk review and the need for a comprehensive rulemaking, and because the proposed rule did not include both generally and specifically licensed devices, the Commission is withdrawing this proposed rule.

**ADDRESSES:** The Commission paper, the staff requirements memoranda (SRM), and associated documents are available for public inspection and/or copying for a fee at the NRC Public Document Room located at 2120 L Street, NW. (Lower Level), Washington, DC 20003-1527, telephone: (202) 634-3273.

**FOR FURTHER INFORMATION CONTACT:** Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6219, e-mail jmm2@nrc.gov.

**SUPPLEMENTARY INFORMATION:** On November 27, 1992 (57 FR 56287), the Commission published a notice of proposed rulemaking in the **Federal Register** entitled "Requirements Concerning the Accessible Air Gap for Generally Licensed Devices." The proposed rule would have amended the Commission's regulations to provide additional regulatory control over certain measuring, gauging, and controlling devices distributed by manufacturers and used by persons under NRC's general license provisions. The rulemaking would have affected devices with an accessible air gap or radiation levels that exceed a specified value. This rulemaking would have made it increasingly difficult for personnel to obtain access to the device's radiation beam, thereby reducing the frequency and likelihood of unnecessary radiation exposure. The rulemaking applied to persons who distribute these special measuring, gauging, and controlling devices under the NRC general license provisions, and to persons who use the devices under the general license.

The NRC received 5 comment letters on the proposed rule. Three comments were received from manufacturers and two comments were received from device users. Development of the final rule was suspended. On July 2, 1996, the NRC/Agreement State Working Group (WG) issued a final report concerning its evaluation of current regulations on generally and specifically licensed devices and provided recommendations to increase licensees' accountability regarding these devices. The staff's evaluation of the WG recommendations was provided to the Commission. The subsequent SRM dated December 31, 1996, requested a response to specific issues raised by the Commission in SECY-96-221. On November 26, 1997, the NRC staff provided for the Commission's consideration SECY-97-273, entitled "Improving NRC's Control Over, and Licensees' Accountability for, Generally and Specifically Licensed Devices."

Included as an attachment to this Commission paper was the SRM, entitled "Responses to Issues Included in the December 31, 1996, Staff Requirement Memorandum." Additional recommendations from the NRC staff that were not addressed in the WG report, such as proceeding with or dropping the air gap rule, were discussed. Subsequently, an SRM dated April 13, 1998, directed the NRC staff to terminate the proposed rulemaking.

This proposed rule addressed only generally licensed devices and has been on hold for the last five years. The NRC's current strategy for both generally and specifically licensed devices, is to perform a comprehensive risk review of the licensing and inspection programs, including licensees' activities. The results will be used to develop new risk-based licensing and inspection programs and will be approved by the Commission before they are implemented. In addition, the risk review will determine whether a similar rulemaking should be developed. Because of these actions, the Commission is withdrawing this proposed rulemaking.

Dated at Rockville, Maryland, this 12th day of January, 1999.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 99-1196 Filed 1-19-99; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-219-AD]

RIN 2120-AA64

#### Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN-235 Series Airplanes

**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 certain CASA Model CN-235 series airplanes. This proposal would require a one-time visual inspection to detect relative movement or deformation of the joint areas of the rear attaching supports and lower skin of the left and right outer flaps; repetitive borescopic inspections to detect cracking of the spar and of the

rear internal support fittings of the outer flaps; and corrective actions, if necessary. This proposal also provides for optional terminating action for the repetitive inspections. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct fatigue cracking of the rear internal support fittings of the outer flap structure, which could result in failure of the outer flaps, and consequent reduced controllability of the airplane.

**DATES:** Comments must be received by February 19, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-219-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**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:**

**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 shall 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 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 98-NM-219-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, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-219-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

The Dirección General de Aviación Civil (DGAC), which is the airworthiness authority for Spain, notified the FAA that an unsafe condition may exist on certain CASA Model CN-235 series airplanes. The DGAC advises that, during routine maintenance on a Model CN-235 series airplane with a high number of flight cycles, relative displacement between the lower skin of the outer flap and the outer rear fittings of the outer flap was detected. Further inspection revealed that fatigue cracking had developed in the rear internal support fittings of the outer flap, which attaches the flap structure to the outer rear support fittings. Such fatigue cracking, if not detected and corrected, could result in failure of the outer flaps, and consequent reduced controllability of the airplane.

**Explanation of Relevant Service Information**

CASA has issued Maintenance Instructions COM 235-123, Revision 01, dated October 7, 1997, which describes procedures for a one-time detailed visual inspection to detect relative movement or deformation of the joint areas of the rear attaching supports and lower skin of the left and right outer flaps, and repetitive borescopic inspections to detect cracking of the spar and of the rear internal support fittings of the outer flaps.

CASA also has issued Service Bulletin SB-235-57-20, dated December 23, 1997, which describes procedures for replacement of the left and right outer flaps with new, improved outer flaps that have modified rear internal support fittings installed. Accomplishment of this action will eliminate the need for the repetitive borescopic inspections of the replaced outer flap only, as

described in CASA Maintenance Instructions COM 235-123, Revision 01, dated October 7, 1997.

Accomplishment of the actions specified in CASA Maintenance Instructions COM 235-123, Revision 01, and CASA Service Bulletin SB-235-57-20, is intended to adequately address the identified unsafe condition.

The DGAC classified the CASA Maintenance Instructions COM 235-123, Revision 01, as mandatory and issued Spanish airworthiness directive 10/97, dated March 19, 1997, to assure the continued airworthiness of these airplanes in Spain.

**FAA's Conclusions**

This airplane model is manufactured in Spain and is type certificated for operation in the United States under the provisions of section 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.

**Explanation of Requirements of Proposed Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the maintenance instructions and the service bulletin described previously, except as discussed below.

**Differences Between Proposed Rule and Related Service Information**

Operators should note that, although the parallel Spanish airworthiness directive does not mandate the accomplishment of required actions for CASA Model CN-235 series airplanes, serial number C-011, the applicability of this proposed AD would include that airplane. Although that airplane was not certificated for civilian operation by the DGAC, the FAA has certificated it as such. The FAA has determined that the unsafe condition addressed in this AD may also exist or develop on that airplane.

The proposed AD also would differ from the Spanish airworthiness directive in that the latter document requires accomplishing the following actions prior to the accumulation of 4,000 total landings:

- A detailed visual inspection within 24 hours (after the receipt of the Spanish airworthiness directive); and
- A borescopic inspection within 10 days; and
- Repetitive borescopic inspections for any outer flap replaced with a new, improved outer flap within 4,000 landings and thereafter at intervals not to exceed 600 landings.

In developing appropriate compliance times and repetitive intervals for this proposed AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the visual inspection. In light of all of these factors, the FAA finds the following to be warranted prior to the accumulation of 4,000 total landings:

- A one-time detailed visual inspection within 30 days after the effective date of the AD; and
- If no relative movement or deformation is detected, a borescopic inspection within 300 landings after accomplishment of the visual inspection; and
- No repetitive inspections of an outer flap that is replaced with a new, improved outer flap.

Operators should further note that, although CASA Maintenance Instructions COM 235-123, Revision 01, dated October 7, 1997, specify that the manufacturer may be contacted for disposition of certain cracking conditions, this proposed AD would require addressing those conditions by replacement of the outer flap with a new, improved outer flap in accordance with CASA Service Bulletin SB-235-57-20, dated December 23, 1997.

#### Cost Impact

The FAA estimates that 2 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed visual inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the visual inspection proposed by this AD on U.S. operators is estimated to be \$120, or \$60 per airplane.

It would take approximately 4 work hours to accomplish the proposed borescopic inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the borescopic inspection proposed by this AD on U.S. operators is estimated to be \$480, or \$240 per airplane, per inspection cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Should an operator elect to accomplish the terminating action that is provided by this AD action, it would take approximately 30 work hours to accomplish, at an average labor rate of \$60 per work hour. The cost of required parts would be approximately \$123,204 per airplane. Based on these figures, the cost impact of the optional terminating action would be \$125,004 per airplane.

#### 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 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); 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 is contained 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 the following new airworthiness directive:

**Construcciones Aeronauticas, S.A. (CASA):**  
Docket 98-NM-219-AD.

*Applicability:* Model CN-235 series airplanes, as listed in CASA Service Bulletin SB-235-57-20, dated December 23, 1997; and Model CN-235 having serial number C-011; 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 (e) 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 detect and correct fatigue cracking of the rear internal support fittings of the outer flap structure, which could result in failure of the outer flaps, and consequent reduced controllability of the airplane, accomplish the following:

(a) Prior to the accumulation of 4,000 total landings, or within 30 days after the effective date of this AD, whichever occurs later, perform a one-time detailed visual inspection to detect relative movement or deformation of the joint areas of the rear attaching supports and lower skin of the left and right outer flaps, in accordance with CASA Maintenance Instructions COM 235-123, Revision 01, dated October 7, 1997.

(1) If no relative movement or deformation is detected: Within 300 landings, perform the requirements of paragraph (b) of this AD.

(2) If any relative movement or deformation is detected: Prior to further flight, perform the requirements of paragraph (b) of this AD.

(b) Remove the rear support attach bolts, one at a time, and perform a borescopic inspection to detect cracking of the spar and of the rear internal support fittings of the outer flaps, in accordance with CASA Maintenance Instructions COM 235-123, Revision 01, dated October 7, 1997.

(1) If no crack is detected, repeat the borescopic inspection thereafter at intervals not to exceed 600 landings until the replacement specified in paragraph (c) of this AD is accomplished.

(2) If any crack is detected, prior to further flight, replace the cracked outer flap with a new outer flap on which modified rear internal support fittings are installed, in accordance with CASA Service Bulletin SB-235-57-20, dated December 23, 1997. Such replacement constitutes terminating action for the repetitive borescopic inspection required by paragraph (b) of this AD for the replaced outer flap only.

(c) Accomplishment of the replacement specified in CASA Service Bulletin SB-235-57-20, dated December 23, 1997, constitutes terminating action for the repetitive borescopic inspections required by paragraph (b) of this AD.

(d) As of the effective date of this AD, no person shall install on any airplane an outer flap having part number 35-15501-00.

(e) 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.

(f) 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.

**Note 3:** The subject of this AD is addressed in Spanish airworthiness directive 01/97, dated March 19, 1997.

Issued in Renton, Washington, on January 12, 1999.

**Darrell M. Pederson,**

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

[FR Doc. 99-1182 Filed 1-19-99; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 93

[Docket No. FAA-1999-4971, Notice No. 99-1]

RIN 2120-AG50

#### High Density Airports; Allocation of Slots; Correction

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

**ACTION:** Notice of proposed rulemaking; correction.

**SUMMARY:** This document contains a correction to the notice of proposed rulemaking published in the **Federal Register** on January 12, 1999 (64 FR 2086). That document proposed rulemaking regarding takeoff and landing slots and slot allocation procedures at certain High Density Traffic Airports.

**FOR FURTHER INFORMATION CONTACT:** Lorelei D. Peter, (202) 267-3073.

#### Correction of Publication

In proposed rule FR Doc. 99-621 beginning on page 2086 in the **Federal Register** issue of January 12, 1999, make the following corrections:

1. On page 2086, in column 1, in the heading, beginning in the fourth line from the top, correct "Notice No. 99-20" to read "Notice No. 99-1".

2. On page 2086, in column 1, in the **ADDRESSES** section, beginning in line 9, correct the internet address "9-NPRM-CMTS@faa.dot.gov" to read "9-NPRM-CMTS@faa.gov".

3. On page 2093, in column 3, correct the issuance date "January 6, 1998" to read "January 6, 1999".

Issued in Washington, DC on January 12, 1999.

**Donald P. Byrne,**

*Assistant Chief Counsel, Regulations Division.*

[FR Doc. 99-1232 Filed 1-19-99; 8:45 am]

BILLING CODE 4910-13-M

## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 251

[Docket No. 98-3A CARP]

#### Copyright Arbitration Royalty Panels; Rules and Regulations

**ACTION:** Extension of comment period.

**SUMMARY:** The Copyright Office of the Library of Congress is extending the comment period on proposed amendments to the regulations governing the conduct of royalty distribution and rate adjustment proceedings prescribed by the Copyright Royalty Tribunal Reform Act of 1993.

**DATES:** Written comments are due March 22, 1999. Reply comments are due April 5, 1999.

**ADDRESSES:** If sent by mail, an original and 10 copies of written comments should be addressed to Office of the General Counsel, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024. If delivered by hand, an original and 10 copies should be brought to: Office of the General Counsel, Copyright Office, Room LM-403, James Madison Memorial Building, 101 Independence Avenue, S.E., Washington, D.C. 20559-6000.

**FOR FURTHER INFORMATION CONTACT:** Contact David O. Carson, General

Counsel, or Tanya Sandros, Attorney-Advisor. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:** On December 18, 1998, the Copyright Office published a notice of proposed rulemaking seeking comments on proposed amendments to the regulations governing the conduct of royalty distribution and rate adjustment proceedings prescribed by the Copyright Royalty Tribunal Reform Act of 1993 (the Act), Public Law 103-198, 17 Stat. 2304. 63 FR 70080 (December 18, 1998). Comments to the proposed changes were due to be filed on January 19, 1999; reply comments were due to be filed on February 16, 1999.

The Office, however, has decided to extend the deadline for filing comments by a period of 45 days beginning from the date of publication of this notice. The Office takes this action in response to a motion to extend the comment period by 45 days until March 5, 1999. The moving parties argue that additional time is needed in order to address adequately the specific proposals in the December 18 notice as well the Office's invitation to provide comment on procedural and substantive issues not covered by those proposals. It is further argued that since several of the moving parties are actively involved in ongoing Office proceedings, the moving parties have been unable to devote the time necessary to provide the Office with useful and comprehensive comments. After considering the arguments set forth in the motion, the Office grants the motion to extend the comment period. The Office sets the extended deadline for filing comments 45 days from publication of this notice in the **Federal Register** in order to afford all interested parties sufficient time in which to file their comments. Consequently, the extended deadline for filing reply comments is set for 75 days from publication of this notice in the **Federal Register**. Parties who have previously filed comments may supplement those comments or withdraw those comments and resubmit them in accordance with the extended deadline for filing comments, if they desire.

Dated: January 14, 1999.

**David O. Carson,**

*General Counsel.*

[FR Doc. 99-1239 Filed 1-19-99; 8:45 am]

BILLING CODE 1410-33-P