

storage procedures in 10 CFR Part 53, and the Commission received no requests for interim storage since its promulgation in 1985. Under these circumstances, the Commission believes that public comment is unnecessary. The action will become effective on August 8, 1996.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing requirements, which are being discontinued, were approved by the Office of Management and Budget, approval number 3150-0126.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Regulatory Analysis

A regulatory analysis has not been prepared for this final rule because this final rule is considered a minor, non-substantive amendment and has no economic impact on NRC licensees or the public.

Small Business Regulatory Enforcement 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 of OMB.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109 does not apply to this final rule because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1). Therefore, a backfit analysis is not required for this final rule.

List of Subjects in 10 CFR Part 53

Administrative practice and procedure, High-level waste, Nuclear

materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Spent fuel, Waste treatment and disposal.

PART 53—[REMOVED]

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954 (42 U.S.C. 2201), as amended; the Energy Reorganization Act of 1974 (42 U.S.C. 5841), as amended; and 5 U.S.C. 552 and 553; the NRC is removing 10 CFR Part 53.

Dated at Rockville, Maryland, this 25th day of June 1996.

For the Nuclear Regulatory Commission,
James M. Taylor,
Executive Director for Operations.

[FR Doc. 96-17447 Filed 7-8-96; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-CE-101-AD; Amendment 39-9690; AD 96-09-08 R1]

RIN 2120-AA64

Airworthiness Directives; Aviat Aircraft Inc. Models S-2A, S-2B, and S-2S Airplanes (formerly Pitts Models S-2A, S-2B, and S-2S airplanes)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revises Airworthiness Directive (AD) 96-09-08, which currently requires inspecting the longerons aft of the rear cabane struts for cracks, and if cracked, prior to further flight, repairing the cracks. The current AD is applicable to Aviat Aircraft Inc. (Aviat), Models S-2A, S-2B, and S-2S airplanes (formerly Pitts Models S-2A, S-2B, and S-2S airplanes). This action requires the same action as AD 96-09-08; however, after AD 96-09-08 was issued, the FAA was notified by the manufacturer that the compliance time in the service bulletin was changed, and as a result, the issue date for the service bulletin was changed. This revision will ensure that the owner and operators are using the most up-to-date service bulletin applicable to the required actions in this AD. The actions specified by this AD are intended to prevent cracking and subsequent failure of the longerons resulting in possible loss of control of the airplane.

DATES: Effective July 26, 1996.

The original Aviat Service Bulletin No. 24, dated February 8, 1996 was incorporated by reference and approved by the Director of the Federal Register to become effective May 20, 1996 (61 FR 19540, May 2, 1996). The incorporation by reference of Aviat Service Bulletin No. 24, dated March 20, 1996 that is applicable to this revised AD and listed in the regulations is approved by the Director of the Federal Register as of July 26, 1996.

Comments for inclusion in the Rules Docket must be received on or before August 30, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-101-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Aviat Aircraft Inc., The Airport-Box No. 1240, 672 South Washington Street, Afton, Wyoming, 83110; telephone (307) 886-3151; facsimile (307) 886-9674. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-101-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roger Caldwell, Project Engineer, FAA, Denver Aircraft Certification Office, 5440 Roslyn St., suite 133, Denver, Colorado 80216; telephone (303) 286-5683; facsimile (303) 286-5689.

SUPPLEMENTARY INFORMATION: Airworthiness Directive 96-09-08, Amendment 39-9584, (61 FR 19540, May 2, 1996) is applicable to Aviat Aircraft Inc., Models S-2A, S-2B, and S-2S airplanes (formerly Pitts Models S-2A, S-2B, and S-2S airplanes) and currently requires inspecting the longerons around the rear cabane struts for cracks, and if no cracks are found, continue repetitively inspecting the airplane. If cracks are found during any inspection, prior to further flight, repair any cracks found according to the approved repair scheme provided by the Denver ACO manager.

Accomplishment of the actions of AD 96-09-08 is required in accordance with Aviat Aircraft Inc. Service Bulletin (SB) No. 24, dated February 8, 1996, which has been revised and replaced by Aviat SB No. 24, dated March 20, 1996.

Explanation of the Need for the Revision

The service bulletin incorporated into AD 96-09-08 contains identical requirements as this revised AD, except for the change in the date to March 20, 1996 and the change to the compliance time.

The FAA determined that the revised service bulletin should be incorporated because the previous service bulletin dated February 8, 1996 was not made available to the owners and operators by the manufacturer until after the service bulletin was changed. The FAA cannot determine if some of the owners/operators of the affected airplanes may have already complied with AD 96-09-08 in accordance with Aviat SB No. 24, dated February 8, 1996.

Since the service bulletin must be available in order for the owners/operators to comply with this action, this AD revises AD 96-09-08 by (1) retaining the initial inspection, the repetitive inspection, and repair required by AD 96-09-08; and (2) incorporating the revised service bulletin to require accomplishment of the actions in accordance with Aviat SB No. 24, dated March 20, 1996.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make AD 96-09-08 effective in less than 30 days to all known U.S. operators of Aviat Models S-2A, S-2B, and S-2S airplanes. These conditions still exist, and the AD revision is hereby published in the Federal Register as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons. The actions are to be done in accordance with the instructions in Aviat SB No. 24, dated March 20, 1996.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this 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 will be considered, and this rule may be amended in light of the comments received. Factual information that

supports the commenters ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 AD 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. 95-CE-101-AD." The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation and that must be issued immediately to correct an unsafe condition in aircraft, and is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

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 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13, Amendment 39-9584, (61 FR 19540, May 2, 1996), is revised to read as follows:

96-09-08 R1. Aviat Aircraft Inc.:

Amendment 39-9690; Docket No. 95-CE-101-AD R1. Revises AD 96-09-08, Amendment 39-9584.

Applicability: Models S-2A, S-2B, and S-2S Airplanes (formerly Pitts Models S-2A, S-2B, and S-2S airplanes), all serial numbers, 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 use the authority provided in paragraph (d) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required at the accumulation of 300 hours total time-in-service (TIS), or within the next 25 hours TIS, whichever occurs later, and thereafter at intervals not to exceed 25 hours TIS, unless already accomplished in accordance with AD 96-09-08, effective date May 20, 1996 and corresponding Aviat Service Bulletin (SB) No. 24, dated February 8, 1996.

Note 2: The compliance time of this revised AD takes precedence over the compliance time stated in Aviat SB No. 24, dated March 20, 1996.

To prevent cracking and subsequent failure of the longerons resulting in possible loss of control of the airplane, accomplish the following:

(a) Inspect (using a 10x magnifying glass) the longerons aft of the rear cabane struts for cracks in accordance with paragraphs 1.) through 5.) in the Aviat Service Bulletin (SB) No. 24, dated March 20, 1996. If cracks are found during any inspection required by this AD, prior to further flight, contact the Manager of the Denver Aircraft Certification Office (ACO) for an approved repair scheme.

(b) Prior to further flight, repair any cracks found in accordance with the approved

repair scheme provided by the Denver ACO Manager.

(c) Report the results of the initial inspection to the Manager of the Denver Aircraft Certification Office (ACO), FAA, Denver Aircraft Certification Office, 5440 Roslyn St., suite 133, Denver, Colorado, 80216, within 10 days of the inspection. The information provided should include airplane model number, serial number, registration number, location of cracks found, number of cracks, and total TIS. Reporting requirements have been approved by the Office of Management and Budget and assigned OMB control number 2120-0056.

(d) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety, may be approved by the Manager, Roger Caldwell, Project Engineer, FAA, Denver Aircraft Certification Office, 5440 Roslyn St., suite 133, Denver, Colorado, 80216. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Denver Aircraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Denver Aircraft Certification Office.

(e) The inspections and repairs required by this AD shall be done in accordance with Aviat Aircraft Inc. Service Bulletin No. 24, dated March 20, 1996, or in accordance with Aviat Aircraft Inc. Service Bulletin No. 24, dated February 8, 1996, previously incorporated by reference in the Federal Register (61 FR 19540, May 2, 1996) and applicable to AD 96-09-08. 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 Aviat Aircraft Inc., The Airport-Box No. 1240, 672 South Washington Street, Afton, Wyoming, 83110. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment (39-9690) revises AD 96-09-08, Amendment 39-9584.

(g) This amendment (39-9690) becomes effective on July 26, 1996.

Issued in Kansas City, Missouri, on June 25, 1996.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-17294 Filed 7-8-96; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 95-NM-124-AD; Amendment 39-9687; AD 96-14-05]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that currently requires an inspection of the control rods of the outboard leading edge slat, and follow-on actions (including repetitive ultrasonic inspections), if necessary. For certain airplanes, that AD also requires replacement of the control rod ends and attach bolts. It also provides for an optional terminating action for follow-on repetitive inspections. That AD was prompted by reports of cracks and worn attach bolts of the control rods of the leading edge outboards slats of the wings due to the high breakout torque in the joint of the control rod end. This amendment requires the installation of the previously optional terminating action. The actions specified by this AD are intended to prevent reduced controllability of the airplane and damage in the slat structure or fixed leading edge of the wing, as a result of cracks and worn attach bolts.

DATES: Effective August 13, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 13, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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: Kristin Larson, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227-1760; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 90-20-16,

amendment 39-6726 (55 FR 37858, September 14, 1990), which is applicable to certain Boeing Model 767 series airplanes, was published in the Federal Register on December 13, 1995 (60 FR 63990). The action proposed to continue to require a one-time visual inspection to determine the date of manufacture of the control rods of the outboard leading edge slat, and follow-on actions (i.e., repetitive ultrasonic inspection), if necessary. The action also proposed to continue to require replacement of the control rod ends and attach bolts, for certain airplanes. For operators accomplishing the (follow-on) repetitive ultrasonic inspections, that action proposed to require replacement of the control rod with a new control rod manufactured after June 1983; this replacement would constitute terminating action for the repetitive inspections.

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

Request To Add a Visual Inspection

One commenter requests that the FAA revise paragraph (a)(2)(i) of the proposal to require a visual inspection to detect cracks of the control rods, prior to further flight, rather than the proposed ultrasonic inspection. The commenter suggests that the proposed ultrasonic inspection be accomplished within 300 flight hours following accomplishment of the visual inspection. The commenter points out that the control rods currently are being inspected ultrasonically at 2,000 flight cycles/15-month intervals in accordance with AD 90-20-16. Since the ultrasonic inspections will identify cracks prior to rod failure, the commenter states that it is unnecessary to accomplish an additional ultrasonic inspection.

The FAA finds that clarification is necessary. Paragraph (a)(2)(i) of this AD merely restates the existing requirements of paragraph A.2. of AD 90-20-16. Therefore, for operators who have previously accomplished at least the initial ultrasonic inspection in accordance with AD 90-20-16, paragraph (a)(2)(i) of this AD requires that the next scheduled inspection be performed within 2,000 landings or 15 months, whichever occurs first, after the last inspection performed in accordance with paragraph A.2. of AD 90-20-16. In light of this, the FAA finds that the addition of a visual inspection, as suggested by the commenter, is unnecessary. NOTE 2 has been added to this final rule to clarify the restatement