were considered. See also the discussion in the Regulatory Flexibility Certification for this rule.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this final rule will not have a significant impact upon a substantial number of small entities. The rule will potentially affect licensees of approximately 110 nuclear power reactors. Nuclear power plant licensees do not fall within the definition of small businesses as defined in Section 3 of the Small Business Act (15 U.S.C. 632), the Small Business Size Standards of the Small Business Administration (13 CFR Part 121), or the Commission's Size Standards (10 CFR 2.810)

Backfit Analysis

The NRC has determined that this final rule does not require analysis under the backfit rule (10 CFR 50.109(a)(1)) because it is statutorily required and the statute does not confer any discretion on the NRC.

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 of OMB.

List of Subjects in 10 CFR Part 140

Criminal penalty, Extraordinary nuclear occurrence, Insurance, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the AEA, the Energy Reorganization Act of 1974 (as amended), and 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR Part 140:

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

1. The authority citation for Part 140 continues to read as follows:

Authority: Secs. 161, 170, 68 Stat. 948, 71 Stat. 576, as amended (42 U.S.C. 2201, 2210); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

2. In § 140.11 the introductory text of paragraph (a) and paragraph (a)(4) are revised to read as follows:

§ 140.11 Amounts of financial protection for certain reactors.

(a) Each licensee is required to have and maintain financial protection:

* * * * *

(4) In an amount equal to the sum of $200,000,000 and the amount available as secondary financial protection (in the form of private liability insurance available under an industry retrospective rating plan providing for deferred premium charges equal to the pro rata share of the aggregate public liability claims and costs, excluding costs payment of which is not authorized by subsection 170o.(1)(D) of the Act, in excess of that covered by primary financial protection) for each nuclear reactor which is licensed to operate and which is designed for the production of electrical energy and has a rated capacity of 100,000 electrical kilowatts or more: Provided, however, that under such a plan for deferred premium charges for each nuclear reactor which is licensed to operate, no more than $83,900,000 with respect to any nuclear incident (plus any surcharge assessed under subsection 170o.(1)(E) of the Act) and no more than $10,000,000 per incident within one calendar year shall be charged.

* * * * *

Dated at Rockville, Maryland, this 15th day of July, 1998.

For the Nuclear Regulatory Commission.

James L. Blaha,

Acting Executive Director for Operations.

[FR Doc. 98–19362 Filed 7–20–98; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–105–AD; Amendment 39–10666; AD 98–15–15]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9, DC–9–80, and C–9 (Military) Series Airplanes, and Model MD–88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9, DC–9–80, and C–9 (military) series airplanes, and Model MD–88 airplanes, that currently requires an inspection to detect chafing on the FIREX pipe assembly of the number one engine; and either repair of chafed pipe assemblies or replacement of the chafed pipe assemblies with new pipe assemblies; and modification of the FIREX and the pneumatic sense pipe assembly clamp marriage. This amendment revises the applicability of the existing AD to include additional airplanes and remove others. This amendment is prompted by reports of incidents in which the pneumatic sense pipe chafed against the FIREX supply pipe of the number one engine. The actions specified by this AD are intended to prevent chafing of the FIREX supply pipe, which could result in a hole in the pipe and consequently prevent the proper distribution of the fire extinguishing agent within the nacelle in the event of a fire.

DATES: Effective August 25, 1998.

The incorporation by reference of McDonnell Douglas DC–9 Service Bulletin 26–25, dated May 25, 1994; McDonnell Douglas Service Bulletin DC9–26–025, Revision 03, dated July 25, 1996; McDonnell Douglas Service Bulletin DC9–26–025, Revision 04, dated April 30, 1997; and McDonnell Douglas Service Bulletin DC9–26–025, Revision 05, dated May 29, 1998; as listed in the regulations, is approved by the Director of the Federal Register as of August 25, 1998.

The incorporation by reference of McDonnell Douglas DC–9 Service Bulletin 26–25, Revision 1, dated September 30, 1994; and McDonnell Douglas DC–9 Service Bulletin 26–25, Revision 2, dated April 18, 1995; was approved previously by the Director of the Federal Register as of July 24, 1995 (60 FR 32579, June 23, 1995).

ADDRESSES: The service information referenced in this AD may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). 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, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert Baitoo, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard,

Lakewood, California 90712; telephone (562) 627–5245; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 95–12–25, amendment 39–9278 (60 FR 32579, June 23, 1995), which is applicable to certain McDonnell Douglas Model DC–9, DC–9–80, and C–9 (military) series airplanes, and Model MD–88 airplanes, was published in the **Federal Register** on January 5, 1998 (63 FR 174). The action proposed to continue to require an inspection to detect chafing on the FIREX pipe assembly of the number one engine; and either repair of chafed pipe assemblies or replacement of the chafed pipe assemblies with new pipe assemblies; and modification of the FIREX and the pneumatic sense pipe assembly clamp marriage.

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.

Explanation of Changes to This Final Rule

Since the issuance of the proposal, the FAA has reviewed and approved McDonnell Douglas Service Bulletin DC9–26–025, Revision 05, dated May 29, 1998. This revision is essentially the same as McDonnell Douglas Service Bulletin DC9–26–025, Revision 04, dated April 30, 1997; however, minor edits have been incorporated. The FAA has revised this final rule to reference Revision 05 as an additional source of service information for accomplishment of the required actions.

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 with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 1,691 McDonnell Douglas Model DC–9, DC–9–80, and C–9 (military) series airplanes, and Model MD–88 airplanes of the affected design in the worldwide fleet. The FAA estimates that 834 airplanes of U.S. registry will be affected by this AD.

The actions that are currently required by AD 95–12–25, and retained in this AD, take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. The cost of required parts will be nominal. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $50,040, or $60 per airplane.

The cost impact figure discussed above is 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 removing amendment 39–9278 (60 FR 32579, June 23, 1995), and by adding a new airworthiness directive (AD), amendment 39–10666, to read as follows:

98–15–15 McDonnell Douglas: Amendment 39–10666. Docket 97–NM–105–AD. Supersedes AD 95–12–25, Amendment 39–9278.

Applicability: Model DC–9–30, –40, and –50 series airplanes; Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) series airplanes; Model MD–88 airplanes; and C–9 (military) series airplanes; as listed in McDonnell Douglas Service Bulletin DC9–26–025, Revision 04, dated April 30, 1997; 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 (b) 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 chafing of the FIREX supply pipe, which could result in a hole in the pipe and consequently prevent the proper distribution of the fire extinguishing agent within the nacelle in the event of a fire, accomplish the following:

(a) Within 8 months after the effective date of this AD, perform an inspection to detect chafing of the FIREX pipe assembly of the number one engine, in accordance with McDonnell Douglas DC–9 Service Bulletin 26–25, dated May 25, 1994; McDonnell Douglas DC–9 Service Bulletin 26–25, Revision 1, dated September 30, 1994; McDonnell Douglas DC–9 Service Bulletin 26–25, Revision 2, dated April 18, 1995; McDonnell Douglas Service Bulletin DC9–26–025, Revision 03, dated July 25, 1996; McDonnell Douglas Service Bulletin DC9–26–025, Revision 04, dated April 30, 1997; or McDonnell Douglas Service Bulletin DC9–26–025, Revision 05, dated May 29, 1998.

(1) If any chafing is detected, prior to further flight, accomplish paragraphs (a)(1)(i) and (a)(1)(ii) of this AD in accordance with the service bulletin. Where there are differences between the requirements of this AD and the procedures specified in the service bulletin, the AD prevails.

(i) Either repair chafed pipe assemblies or replace chafed pipe assemblies with new or serviceable pipe assemblies. And

(ii) Modify the FIREX and the pneumatic sense pipe assembly clamp marriage.

(2) If no chafing is detected, prior to further flight, modify the FIREX and the pneumatic

sense pipe assembly clamp marriage in accordance with the service bulletin.

(b) 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, Los Angeles Aircraft Certification Office (ACO), 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, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(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) The actions shall be done in accordance with McDonnell Douglas DC–9 Service Bulletin 26–25, dated May 25, 1994; McDonnell Douglas DC–9 Service Bulletin 26–25, Revision 1, dated September 30, 1994; McDonnell Douglas DC–9 Service Bulletin 26–25, Revision 2, dated April 18, 1995; McDonnell Douglas Service Bulletin DC9–26–025, Revision 03, dated July 25, 1996; McDonnell Douglas Service Bulletin DC9–26–025, Revision 04, dated April 30, 1997; or McDonnell Douglas Service Bulletin DC9–26–025, Revision 05, dated May 29, 1998.

(1) The incorporation by reference of McDonnell Douglas DC–9 Service Bulletin 26–25, dated May 25, 1994; McDonnell Douglas Service Bulletin DC9–26–025, Revision 03, dated July 25, 1996; and McDonnell Douglas Service Bulletin DC9–26–025, Revision 04, dated April 30, 1997; and McDonnell Douglas Service Bulletin DC9–26–025, Revision 05, dated May 29, 1998; is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of McDonnell Douglas DC–9 Service Bulletin 26–25, Revision 1, dated September 30, 1994; and McDonnell Douglas DC–9 Service Bulletin 26–25, Revision 2, dated April 18, 1995; was approved previously by the Director of the Federal Register as of July 24, 1995 (60 FR 32579, June 23, 1995).

(3) Copies may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 25, 1998.

Issued in Renton, Washington, on July 10, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–19045 Filed 7–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–01–AD; Amendment 39–10669; AD 98–15–18]

RIN 2120–AA64

Airworthiness Directives; Maule Aerospace Technology Corp. M–4, M–5, M–6, M–7, MX–7, and MXT–7 Series Airplanes and Models MT–7–235 and M–8–235 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 95–26–18, which currently requires inspecting (one-time) certain wing lift struts for internal corrosion on certain Maule Aerospace Technology Corp. (Maule) M–4, M–5, M–6, M–7, MX–7, and MXT–7 series airplanes and Models MT–7–235 and M–8–235 airplanes, and replacing any wing lift strut where corrosion is found. That AD was the result of an accident where the wing separated from one of the affected airplanes. This AD retains the initial inspection and possible replacement requirements of AD 95–26–18, requires the inspections to be repetitive, and provides the option of using ultrasonic procedures to accomplish the inspection requirements. The actions specified by this AD are intended to prevent failure of the wing lift struts caused by corrosion damage, which could eventually result in the wing separating from the airplane.

DATES: Effective September 9, 1998.

The incorporation by reference of Maule Service Bulletin No. 11, dated October 30, 1995, as listed in the regulations was previously approved by the Director of the Federal Register as of January 26, 1996 (61 FR 623, January 9, 1996).

ADDRESSES: Service information that applies to this AD may be obtained from Maule Aerospace Technology Inc., 2099 GA. Hwy. 133 South, Moultrie, Georgia 31768; telephone: (912) 985–2045; facsimile: (912) 890–2402. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–01–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: Cindy Lorenzen, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone: (770) 703–6078; facsimile: (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to supersede AD 95–26–18, Amendment 39–9476 (61 FR 623, January 9, 1996), that applies to certain Maule M–4, M–5, M–6, M–7, MX–7, and MXT–7 series airplanes and Models MT–7–235 and M–8–235 airplanes that are equipped with part number (P/N) 2079E rear wing lift struts and P/N 2080E front wing lift struts, was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 24, 1998 (63 FR 14051). AD 95–26–18 currently requires inspecting (one-time) the wing lift struts for internal corrosion, and replacing any wing lift strut where corrosion is found. The proposed AD would supersede AD 95–26–18 with a new AD that would:

- Retain the initial inspection and possible replacement requirements of AD 95–26–18;
- Require the inspections to be repetitive; and
- Provide the option of using ultrasonic procedures to accomplish the inspection requirements.

Accomplishment of the actions required by AD 95–26–18 is in accordance with Maule Service Bulletin (SB) No. 11, dated October 30, 1995.

The NPRM was the result of a report of an accident where the wing separated from one of the affected airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor