

associated with onsite disposal of low-level waste radioactive material, the NRC reevaluated the merits of the proposed rule. In the 7 years since this rulemaking was originally proposed, there have been a number of approvals granted by Agreement States for onsite disposal of low-level waste material under the equivalent of 10 CFR 20.2002 (successor to 20.302). The NRC staff is not aware of any problems with the Agreement States' approvals of any onsite burials of low-level waste material.

Based on the comments received, the relatively low hazards associated with onsite disposal of this type of radioactive material, and current experience with disposals, the NRC has reevaluated the issues and concluded that it is not necessary to reassert its regulatory jurisdiction over onsite disposal at reactor sites in the Agreement States.

Therefore, the proposed rule is not required and is being withdrawn. Withdrawal of the proposed rule does not affect the current NRC jurisdiction over disposal of special nuclear material by reactor or fuel cycle licensees. With the withdrawal of the proposed rule, the Agreement States will maintain jurisdiction over the disposal of low-level radioactive waste on nuclear reactor sites.

Dated at Rockville, Md, this 22nd day of May, 1996.

For the Nuclear Regulatory Commission,  
John C. Hoyle,

*Secretary of the Commission.*

[FR Doc. 96-13384 Filed 5-28-96; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-CE-99-AD]

RIN 2120-AA64

#### **Airworthiness Directives; The Don Luscombe Aviation History Foundation Model 8 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 The Don Luscombe Aviation History Foundation (referred to as Luscombe from hereon) Model 8 series airplanes. The proposed action would require installing new

inspection holes, modifying the wing tip fairings, and inspecting the wing spars for intergranular corrosion. Reports of intergranular corrosion occurring in the wings prompted the proposed action. The actions specified by the proposed AD are intended to prevent wing spar failure resulting from intergranular corrosion, which, if not detected and corrected, could result in structural failure of the wings and loss of control of the airplane.

**DATES:** Comments must be received on or before July 31, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-99-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 The Don Luscombe Aviation History Foundation, P.O. Box 63581, Phoenix, Arizona 85082; telephone (602) 917-0969 and facsimile (602) 917-4719. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lirio L. Liu, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California, 90712; telephone (310) 627-5229; facsimile (310) 627-5210.

#### **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. 95-CE-99-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 Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-99-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

##### **Discussion**

The FAA has received reports of corrosion occurring on both the metal covered wing spars and the fabric-covered wing spars of the Luscombe Model 8 series airplanes. The service history of these airplanes indicates there is a problem of limited access holes to the interior of the metal covered wings to look for any corrosion, which inhibits inspecting the area around the wing spar extrusions. The fabric covered wings on the Luscomb Model 8 airplanes have adequate access holes for inspecting purposes. Routine maintenance inspections have reported intergranular corrosion in the front and rear spar extrusion in the wings of these airplanes.

The Don Luscombe Aviation History Foundation has issued Service Recommendation No. 2, dated December 15, 1993, Revised November 21, 1995, which specifies installing new inspection holes, modifying the wing tip fairings, and inspecting the wing spars for intergranular corrosion.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to detect intergranular corrosion in the wing spars, which, if not detected and corrected, could result in structural failure of the wings and loss of control of the airplane.

Since an unsafe condition has been identified that is likely to exist or develop in other Luscombe Model 8 series airplanes of the same type design, the proposed AD would require installing a total of four additional wing inspection holes in the metal covered wings to assist in conducting a more thorough examination of the wing spars, modifying the wing tip fairing so that it is removable, and providing easier access to the interior of the wings. A one

time inspection for intergranular corrosion is proposed for both metal covered and fabric covered wings on the Luscombe Model 8 airplanes in the areas of the front and rear spar extrusions of the wing installations.

The FAA estimates that 2,029 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 7 hours per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. The Luscombe Installation kit #8007 cost approximately \$125 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$1,105,805. This figure includes the cost of the installation, modification, and inspection. This figure applies to Model 8 airplanes that have metal covered wings. For airplanes that have fabric covered wings, the cost will only be for the one-time inspection, which is estimated to take approximately 1 hour per airplane.

Luscombe has informed the FAA that these Installation Kits have been distributed to equip approximately 150 airplanes. Assuming that these distributed kits are incorporated on the affected airplanes, the cost of the proposed AD would be reduced by \$18,750 from \$1,105,805 to \$1,087,055.

The compliance time of this AD is presented in calendar time instead of hours time-in-service (TIS). The FAA has determined that a calendar time compliance is the most desirable method because the unsafe condition described by this AD is caused by corrosion. Corrosion initiates as a result of airplane operation, but can continue to develop regardless of whether the airplane is in service or in storage. Therefore, to ensure that the above-referenced condition is detected and corrected on all airplanes within a reasonable period of time without inadvertently grounding any airplanes, a compliance schedule based upon calendar time instead of hours TIS is required.

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 USC 106(g), 40113, 44701.

##### **§ 39.13 [Amended]**

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

The Don Luscombe Aviation History Foundation (formerly The Luscombe Aircraft Company): Docket No. 95-CE-99-AD.

*Applicability:* Model 8 series 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 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 12 calendar months after the effective date of this AD, unless already accomplished.

To prevent wing spar failure resulting from intergranular corrosion, which, if not detected and corrected, could result in structural failure of the wings and loss of control of the airplane, accomplish the following:

(a) For Luscombe Model 8 series airplanes with metal covered wings,

(1) Install two additional wing inspection holes (left wing and right wing) using the Don Luscombe Aviation History Foundation (DLAHF) Kit #8007, Wing Access and Inspection Kit, in accordance with the Compliance Procedures section, paragraphs "1B Metal Covered Wings.", (a), (a1.) through (a9.), and (b.) of the Luscombe Service Bulletin (SB) #2, dated December 15, 1993, REVISED November 21, 1995, and

(2) Modify the wing tip fairing using the DLAHF Kit #8007, Wing Access and Inspection Kit, in accordance with the Compliance Procedures section, paragraphs "1B Metal Covered Wings.", (c), and (c1.) through (c5.) of the Luscombe SB #2, dated December 15, 1993, REVISED November 21, 1995.

(b) For all affected Luscombe Model 8 series airplanes, inspect one time for intergranular corrosion in the areas of the front and rear spar extrusions of the wing installations in accordance with the Compliance Procedures: section, paragraph "1A. Fabric Covered Wings." or paragraph "2. Inspect" of the Luscombe SB #2, dated December 15, 1993, REVISED November 21, 1995, whichever paragraph is applicable to the wing construction of the airplane.

(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 initial compliance time that provides an equivalent level of safety may be approved by the Manager, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California, 90712. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles 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 Los Angeles Aircraft Certification Office.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to The Don Luscombe Aviation History Foundation, P. O. Box 63581, Phoenix, Arizona 85082; telephone (602) 917-0969 and fax (602) 917-4719; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on May 21, 1996.

Bobby Sexton,

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

[FR Doc. 96-13390 Filed 5-28-96; 8:45 am]

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