

**NUCLEAR REGULATORY  
COMMISSION**

**10 CFR Parts 140 and 171**

RIN 3150-AF83

**Revision of Fee Schedules; 100% Fee  
Recovery, FY 1998; Correction**

**AGENCY:** Nuclear Regulatory  
Commission.

**ACTION:** Proposed rule; Correction.

**SUMMARY:** The Nuclear Regulatory Commission published in the **Federal Register** of April 1, 1998, a document concerning the licensing, inspection, and annual fees charged to its applicants and licensees in compliance with the Omnibus Budget Reconciliation Act of 1990. This document adds paragraph (a)(1)(v) to § 140.7 and corrects a footnote number.

**FOR FURTHER INFORMATION CONTACT:** Glenda Jackson, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone 301-415-6057.

**SUPPLEMENTARY INFORMATION:** In proposed rule document 98-8279, beginning on page 16046 in the issue of Wednesday, April 1, 1998, make the following corrections.

**§ 140.7 [Corrected]**

1. On page 16054, in the second column, add paragraph (a)(1)(v) to read as follows:

(v) For indemnification from \$99 million to \$1 million inclusive, a fee of \$6 per year per thousand kilowatts of thermal capacity authorized in the license;

**§ 171.16 [Corrected]**

2. In § 171.16, in the table on page 16063, the footnote reference in the Annual Fees column for item "16 Reciprocity" reading "6" should be corrected to read "8."

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

For the Nuclear Regulatory Commission.  
**Alzonía Shepard,**

*Acting Chief, Rules and Directives Branch,  
Division of Administrative Services, Office  
of Administration.*

[FR Doc. 98-9196 Filed 4-7-98; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 98-NM-41-AD]

RIN 2120-AA64

**Airworthiness Directives; Empresa  
Brasileira de Aeronautica S.A.  
(EMBRAER) Model EMB-145 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 EMBRAER Model EMB-145 series airplanes. This proposal would require a one-time inspection to detect bulging or cracking of the pitot 1 and pitot 2 drain tubes in the forward electronic compartment; and cleaning the tubes or replacing drain tubes with new tubes, if necessary. This proposal also requires modification of the pitot/static system. 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 bulging and cracking of the pitot 1 and pitot 2 drain tubes in the forward electronic compartment caused by cycles of water freezing and expanding inside the tubes, which could result in erroneous airspeed indications to the flight crew and reduced operational safety in all phases of flight.

**DATES:** Comments must be received by May 8, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-41-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 Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center,

1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

**FOR FURTHER INFORMATION CONTACT:** Neil Berryman, Aerospace Engineer, Systems and Flight Test Branch, ACE-116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30337-2748; telephone (770) 703-6066; fax (770) 703-6097.

**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-41-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-41-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

The Departamento de Aviação Civil (DAC), which is the airworthiness authority for Brazil, notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB-145 series airplanes. The DAC advises that it has received reports indicating that the pitot 1 and pitot 2 drain tubes in the forward electronic compartment had cracked. The cause of the cracking was

attributed to a poor drainage system that allowed water to freeze and expand inside the pitot tubes over a number of flight cycles of the airplane. This condition, if not corrected, could result in erroneous airspeed indications to the flight crew and reduced operational safety in all phases of flight.

#### Explanation of Relevant Service Information

EMBRAER has issued Service Bulletin 145-34-0010, Change 01, dated September 25, 1997, which describes procedures for a one-time visual inspection to detect bulging or cracking of the pitot 1 and pitot 2 drain tubes in the forward electronic compartment. This service bulletin also describes procedures for cleaning the pitot tubes, or replacing the drain tubes with new tubes, if necessary.

In addition, EMBRAER has issued Service Bulletin 145-34-0008, dated September 10, 1997, which describes procedures for a modification of the pitot/static system, which involves installing improved piping and a new drainage system.

Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The DAC classified these service bulletins as mandatory and issued Brazilian airworthiness directive 97-07-12R1, dated November 3, 1997, in order to assure the continued airworthiness of these airplanes in Brazil.

#### FAA's Conclusions

This airplane model is manufactured in Brazil 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 DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, 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 service bulletins described previously.

#### Cost Impact

The FAA estimates that 15 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 2 work hours per airplane to accomplish the inspection proposed by this AD, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be \$1,800, or \$120 per airplane.

In addition, it would take approximately 2 work hours per airplane to accomplish the modification proposed by this AD, at an average labor rate of \$60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be \$1,800, or \$120 per airplane.

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.

#### 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:

#### Empresa Brasileira De Aeronautica, S.A. (Embraer): Docket 98-NM-41-AD.

*Applicability:* Model EMB-145 series airplanes, serial numbers 145004 through 145028 inclusive; 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 as indicated, unless accomplished previously.

To detect and correct bulging and cracking of the pitot 1 and pitot 2 drain tubes in the forward electronic compartment, which could result in erroneous airspeed indications to the flight crew and reduced operational safety in all phases of flight, accomplish the following:

(a) Within 50 hours time-in-service after the effective date of this AD: Perform a one-time visual inspection to detect bulging or cracking of the pitot 1 and pitot 2 drain tubes in the forward electronic compartment, in accordance with EMBRAER Service Bulletin 145-34-0010, Change 01, dated September 25, 1997.

(1) If no bulging or cracking is detected, prior to further flight, clean the pitot tubes in accordance with the service bulletin.

(2) If any bulging or cracking is detected in any drain tube, prior to further flight, replace the pitot drain tube with a new tube in accordance with the service bulletin.

**Note 2:** Accomplishment of the visual inspection, cleaning, or replacement of the pitot 1 and pitot 2 drain tubes prior to the effective date of this AD in accordance with EMBRAER Service Bulletin 145-34-0010, dated July 25, 1997, is considered acceptable for compliance with the applicable action specified in paragraph (a) of this AD.

(b) Within 400 hours time-in-service after the effective date of this AD: Modify the pitot/static system in accordance with EMBRAER Service Bulletin 145-34-0008, dated September 10, 1997.

(c) As of the effective date of this AD, no person shall install a pitot/static system on any airplane, unless it has been modified in accordance with EMBRAER Service Bulletin 145-34-0008, dated September 10, 1997.

(d) 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, Atlanta Aircraft Certification Office (ACO), FAA, Small 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, Atlanta ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(e) 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 4:** The subject of this AD is addressed in Brazilian airworthiness directive 97-07-12R1, dated November 3, 1997.

Issued in Renton, Washington, on April 1, 1998.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 98-9120 Filed 4-7-98; 8:45 am]

BILLING CODE 4910-13-U

## FEDERAL TRADE COMMISSION

### 16 CFR Part 20

#### Guides for the Rebuilt, Reconditioned, and Other Used Automobile Parts Industry

**AGENCY:** Federal Trade Commission.

**ACTION:** Request for public comments.

**SUMMARY:** The Federal Trade Commission ("Commission") requests public comments about the overall costs and benefits and the continuing need for its Guides for the Rebuilt, Reconditioned and Other Used Automobile Parts Industry ("the Used Auto Parts Guides" or "the Guides"), as part of the Commission's systematic review of all current Commission regulations and guides.

**DATES:** Written comments will be accepted until August 6, 1998.

**ADDRESSES:** Mailed comments should be directed to: Secretary, Federal Trade Commission, Room H-159, Sixth Street and Pennsylvania Ave., N.W., Washington, DC 20580. Mailed

comments should be identified as "Used Auto Parts Guide, 16 CFR part 20—Comment." E-mail comments will be accepted at [autopart@ftc.gov]. Those who comment by e-mail should give a mailing address to which an acknowledgment can be sent.

**FOR FURTHER INFORMATION CONTACT:** David Plottner, Investigator, Federal Trade Commission, 1111 Superior Avenue, Suite 200, Cleveland, Ohio 44114, telephone number (216) 263-3409, E-mail [dplottner@ftc.gov].

#### SUPPLEMENTARY INFORMATION:

##### I. Used Auto Parts Guides

The Commission first promulgated its Trade Practice Rules For The Rebuilt, Reconditioned and Other Used Automotive Parts Industry on June 30, 1962, under Section 5 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. 45.<sup>1</sup> In 1977, the Commission published its intent to rescind many of its Trade Practice Rules, including this one, barring a showing of continued use in the public interest, 42 FR 31457. In 1979, the Commission issued the Guides in their present form, with only minor changes from the original Trade Practice Rule ("TPR").

The Guides, and the predecessor to Guides, Trade Practice Rules, constitute administrative interpretations of Commission law administered by the Commission for the guidance of the public in conducting its affairs in conformity with legal requirements. Conduct inconsistent with the Guides may result in corrective action by the Commission under applicable statutory provisions.

The Used Auto Parts Guides define industry products broadly to include not only automobile parts, but all truck, tractor, motorcycle and other self-propelled vehicle parts and assemblies containing used parts. Besides automobile parts themselves, large diesel engines, clutches and transmissions found in the heavy equipment industry are covered by the Guides, for example, as well as used parts and assemblies for snow mobiles, jet skies, motorbikes, and golf carts. Industry members are those who sell or distribute industry product. This would include the rebuilders and remanufacturers themselves, assuming such rebuilders/remanufacturers were also involved in product sales and distribution. The Used Auto Parts Guides suggest, among other things, that industry members not misrepresent that their products are new, not misrepresent

<sup>1</sup> Section 5 of the FTC Act declares unfair methods of competition and unfair or deceptive acts or practices to be unlawful.

the condition of the product or the extent of rebuilding, not misrepresent that the rebuilder was the original manufacturer, and that they conspicuously disclose, for example, in advertising and packaging, that the products include used parts.

Specifically, the Guides suggest that industry members not engage in:

- (1) Deception as to the previous use of products;
- (2) Deception as to the identity of the rebuilder, remanufacturer, reconstructor or reliner;
- (3) Misrepresentation as to the condition of products and misuse of the terms "rebuilt," "factory rebuilt," "remanufactured," or other similar terms.

##### II. Regulatory Review Program

The Commission has determined, as part of its oversight responsibilities, to review rules and guides periodically. These reviews seek information about the costs and benefits of the Commission's rules and guides and their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission. The Commission solicits comments on, among other things, the economic impact of and the continuing need for the Used Auto Parts Guides; possible conflict between the Guides and state, local, or other federal laws; and the effect on the Guides of any technological, economic, or other industry changes.

##### III. Request for Comment

The Commission solicits written public comments on the following questions:

(1) Is there a continuing need for the Used Auto Parts Guides?

(a) What benefits have the Guides provided to purchasers of the products affected by the Guides?

(b) Have the Guides imposed costs on purchasers?

(2) What changes, if any, should be made to the Guides to increase the benefits of the Guides to purchasers?

(a) How would these changes affect the costs the Guides impose on firms following their suggestions? How would these changes affect the benefits to purchasers?

(3) What significant burdens or costs, including costs of compliance, have the Guides imposed on firms following their suggestions?

(a) Have the Guides provided benefits to such firms? If so, what benefits?

(4) What changes, if any, should be made to the Guides to reduce the burdens or costs imposed on firms following their suggestions?