

(7) The maximum nominal U-235 enrichment of the fresh fuel assemblies is limited to no greater than five (5.0) percent by weight.

**PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL**

1. The authority citation for 10 CFR Part 70 continues to read as follows:

**Authority:** Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282, 2297f); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246, (42 U.S.C. 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 70.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234).

Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

2. In § 70.24, paragraph (d) is revised to read as follows:

**§ 70.24 Criticality accident requirements.**  
\* \* \* \* \*

(d) The requirements in paragraph (a) through (c) of this section do not apply to holders of a construction permit or operating license for a nuclear power reactor issued pursuant to part 50 of this chapter, or combined licenses issued under part 52 of this chapter, if the holders comply with the requirements of paragraph (b) of 10 CFR 50.68 of this chapter.

Dated at Rockville, Maryland this 14th day of November, 1997.

For the Nuclear Regulatory Commission.

**L. Joseph Callan,**

*Executive Director for Operations.*

[FR Doc. 97-31733 Filed 12-2-97; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 95-CE-99-AD; Amendment 39-10229; AD 96-24-17 R1]

RIN 2120-AA64

**Airworthiness Directives; The Don Luscombe Aviation History Foundation Models 8, 8A, 8B, 8C, 8D, 8E, 8F, T-8F Airplanes; Correction**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** This document clarifies information in airworthiness directive (AD) 96-24-17, which applies to Don Luscombe Aviation History Foundation (Luscombe) Models 8, 8A, 8B, 8C, 8D, 8E, 8F, T-8F airplanes. AD 96-24-17 currently requires installing new inspection holes, modifying the wing tip fairings, and inspecting the wing spars for intergranular corrosion. The actions specified in AD 96-24-17 are intended to prevent wing spar failure from intergranular corrosion, which could result in structural failure of the wings and loss of control of the airplane. The AD was published with an Appendix providing an alternative method of compliance. Since issuance of AD 96-24-17, the FAA has re-examined the Appendix and has determined that clarification of certain inspections procedures is needed. This action clarifies the procedures specified in the Appendix of AD 96-24-17.

**DATES:** Effective January 27, 1997.

The incorporation by reference of the Don Luscombe Aviation History Foundation Recommendation #2, dated December 15, 1993, revised November 21, 1995, as listed in the regulations, was previously approved by the Director of the Federal Register as of January 27, 1997 (61 FR 66900, December 19, 1996).

**FOR FURTHER INFORMATION CONTACT:** Mr. Sol Davis, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5233; facsimile (562) 627-5210.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

On November 25, 1996, the FAA issued AD 96-24-17, Amendment 39-9841 (61 FR 66900, December 19, 1996), which applies to Luscombe Models 8, 8A, 8B, 8C, 8D, 8E, 8F, T-8F airplanes. This AD currently requires 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 required for both metal covered and fabric covered wings on these Luscombe 8 series airplanes in the areas of the front and rear spar extrusions of the wing installations.

**Need for the Correction**

AD 96-24-17 was published with an Appendix that provided an alternative method of compliance. The FAA has received reports that certain portions of the Appendix need clarification. Therefore, the FAA re-examined the procedures specified in the Appendix and has clarified items 2, 4, 6, 7, and 8, as well as clarifying a note regarding additional wing support.

**Correction of Publication**

This document clarifies the Appendix to AD 96-24-17, and adds the AD as an amendment to § 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The AD, as corrected, is being printed in its entirety for the convenience of affected operators. The effective date of the AD remains January 27, 1997, which is the effective date of the AD as originally issued.

Since this action only clarifies the Appendix instructions, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that prior notice and opportunity for public comment are unnecessary.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**Adoption of the Correction**

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, is amended by removing Airworthiness Directive (AD) 96-24-17, Amendment 39-9841 (61 FR

66900, December 19, 1996), and by adding a new AD to read as follows:

**96-24-17 R1. The Don Luscombe Aviation History Foundation (formerly The Luscombe Aircraft Company):**

Amendment 39-10229; Docket No. 95-CE-99-AD. Revises AD 96-24-17, Amendment 39-9841.

*Applicability:* Models 8, 8A, 8B, 8C, 8D, 8E, 8F, and T-8F 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 (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 within the next 12 calendar months after January 27, 1997 (the effective date of AD 96-24-17), unless already accomplished (compliance with AD 96-24-17).

To prevent wing spar failure from intergranular corrosion, which could result in structural failure of the wings and loss of control of the airplane, accomplish the following:

(a) For 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 Don Luscombe Aviation History Foundation Recommendation #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 Don Luscombe Aviation History Foundation Recommendation #2, dated December 15, 1993, revised November 21, 1995.

(b) For all affected airplanes, inspect one time for intergranular corrosion in the areas of the front and rear spar extrusions of the wing installations and if corrosion is found, prior to further flight, replace the corroded part in accordance with the Compliance Procedures section, paragraph "1A. Fabric Covered Wings." or paragraph "2. Inspect" of The Don Luscombe Aviation History Foundation Recommendation #2, dated December 15, 1993, revised November 21, 1995, whichever paragraph is applicable to the wing construction of the airplane.

(c) For airplanes with metal covered wings, an alternative method of compliance for the required modification in paragraphs (a)(1)

and (a)(2) of this AD can be accomplished in accordance with the procedures contained in the Appendix to this AD, unless already accomplished (compliance with AD 96-24-17).

**Note 2:** Although not required by this AD, the FAA recommends inspection of the spars for other forms of corrosion which may be a result of nest residue from rodent, bird, or insect infestation within the cavity of the wing. Advisory Circular 43-4A, Corrosion Control for Aircraft, dated July 25, 1991, contains the recommended maintenance procedures for treatment of such corrosion.

(d) Special flight permits may be issued in accordance with §§ 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.

(e) An alternative method of compliance (AMOC) or adjustment of the 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. AMOC's approved in accordance with AD 96-24-17, are considered approved as AMOC's with this AD, including:

(1) DLAHF Service Recommendation #2, dated December 15, 1993, Revised: September 9, 1997, is an AMOC for the wing modifications, wing-tip modifications, corrosion inspection and replacement requirements, and general inspection/modification requirements of paragraphs (a)(1), (a)(2), (b), and (f) of this AD, respectively.

(2) J. Norris Luscombe Service Recommendation #97-1, Revision dated September 10, 1997, is an AMOC for the alternative inspection procedures in the Appendix to this AD.

(3) DLAHF Service Recommendation #7, dated October 23, 1997 (no revision), is an AMOC for the wing modifications, wing-tip modification, corrosion inspection and replacement requirements, and general inspection/modification requirements of paragraphs (a)(1), (a)(2), (b), and (f) of this AD, respectively.

**Note 3:** Information concerning the existence of AMOC's with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(f) The inspections and modifications required by this AD shall be done in accordance with The Don Luscombe Aviation History Foundation Recommendation #2, dated December 15, 1993, REVISED November 21, 1995. This incorporation by reference was previously approved by the Director of the Federal Register as of January 27, 1997 (61 FR 66900, December 19, 1996). Copies may be obtained from The Don Luscombe Aviation History Foundation, P.O. Box 63581, Phoenix, Arizona 85082. Copies may be inspected at the FAA, Central Region, Office of the Regional 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.

(g) This amendment (39-10229) becomes effective on January 27, 1997.

**Appendix to AD 96-24-17 R1**

**I. Alternative Inspection Procedures for luscombe Model 8, 8A, 8B, 8C, 8D, 8E, 8F, T-8F Airplanes That Have Not Accomplished the Inspection in Accordance With the Procedures in the Don Luscombe Aviation History Foundation Recommendation #2, Dated December 15, 1993; Revised November 21, 1995**

1. Remove ALL existing wing root fairings, wing inspection hole covers, and wing strut cover plates on both the right and left wing.

2. Loosen the rear wing spar root attach bolts on both the right and left wings (one each wing) to permit a small wing angulation.

3. Perform a visual inspection of the extruded rear spar aft face of the left and right wing.

4. Inspect the face of the aft rear spar from the root to the spliced sheet metal tip spar at the wing root fairing location.

**Note:** In the location under the forward spars, support both wings at normal height by any stable means, such as a ladder and padded lashed block. This will support the wing as the wing strut is removed. Avoid excess vertical angulation of the wing as this may stress the wing root attach point.

5. To permit removal of the wing strut, unbolt the wing strut and remove the strut carefully.

6. Using suitable light and the access gained by the wing strut hole, visually inspect the front of the rear spar and the rear of the front spar for abnormal bulges or erupted spar surfaces. (See also Note 2 in the body of AD 96-24-17 R1).

7. Remove the wing tip fairing by drilling out the rivets (using a #30 drill or smaller), and inspect the spars for abnormal bulges or erupted spar surfaces in the "U channel attach area" of each spar, and the outer lengths to the splices of the sheet metal spar extrusions. (See Note 2 in the body of AD 96-24-17 R1).

**Note:** Inspection of the front of the front spar may be performed by using the existing inspection holes and a "light trolley" on the upper aileron cable. The light trolley is made from a standard clear 110 volt bathroom night light connected to a candelabra socket lamp extension cord. Attach the light trolley to the upper aileron cable with a tie wrap, connect a wire of suitable length to the tie wrap and use this as a means to move the light along the face of the spar.

8. Replace rivets through the skin and front/rear spars with AN426 flush rivets to secure former, spar and skin. Install at least 6 rivnuts (3 on top/3 on bottom) through the skin and former. Reattach wing tip fairings with #8/32 rivnuts or #8/32 x 1/2 machine screws, through the fairing, skin, and formers.

9. Reassemble the wing strut on inspected wing, protecting the root joint by avoiding excess vertical deflection. Check the lock nuts for wear and replace as necessary.

Torque the strut ends and wing root bolts using adequate torque (do not over torque the attach fittings).

10. If evidence of intergranular corrosion is detected, remove and replace the corroded part with an airworthy part.

11. Upon completion of the inspection, replace the wing root fairings, wing inspection hole covers and wing strut covers.

Issued in Kansas City, Missouri on November 25, 1997.

**Michael Gallagher,**

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

[FR Doc. 97-31680 Filed 12-2-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-CE-22-AD; Amendment 39-10225; AD 97-25-02]

RIN 2120-AA64

#### **Airworthiness Directives; Mitsubishi Heavy Industries MU-2B Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to all Mitsubishi Heavy Industry (Mitsubishi) MU-2B series airplanes. This AD requires amending the Limitations Section of the airplane flight manual (AFM) to prohibit the positioning of the power levers below the flight idle stop while the airplane is in flight. This AFM amendment will include a statement of consequences if the limitation is not followed. This AD results from numerous incidents and five documented accidents involving airplanes equipped with turboprop engines where the propeller beta was improperly utilized during flight. The actions specified by this AD are intended to prevent loss of airplane control or engine overspeed with consequent loss of engine power caused by the power levers being positioned below the flight idle stop while the airplane is in flight.

**EFFECTIVE DATE:** January 21, 1998.

**ADDRESSES:** Information related to this AD may be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-22-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** William Schinstock, Aerospace

Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Wichita, Kansas 67209; telephone (316) 946-4162; facsimile (316) 946-4407.

#### **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 include an AD that would apply to all Mitsubishi Heavy Industry (Mitsubishi) MU-2B series airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on July 2, 1997 (62 FR 35696).

The NPRM proposed to require amending the Limitations Section of the AFM to prohibit the positioning of the power levers below the flight idle stop while the airplane is in flight, including a statement of consequences if the limitation is not followed. This AFM amendment shall consist of the following language:

Positioning of power levers below the flight idle stop while the airplane is in flight is prohibited. Such positioning may lead to loss of airplane control or may result in an overspeed condition and consequent loss of engine power.

The NPRM was the result of numerous incidents and five documented accidents involving airplanes equipped with turboprop engines where the propeller beta was improperly utilized during flight.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received from the manufacturer, Mitsubishi Heavy Industries, Inc.

#### **Comment Issue No. 1: Change the "Explanation of the Provisions of the Proposed AD" Section of the NPRM**

Mitsubishi explains that the statement "Since an unsafe condition has been identified that could exist or develop on other Mitsubishi MU-2B airplanes of the same type design," is misleading in that it leads the reader to believe that there is a design flaw with the MU-2B series airplanes. Mitsubishi includes proposed language to replace this phrase.

The FAA concurs that this statement could be misleading. This language is not repeated in the final rule so therefore no change is needed at this time. The FAA will keep Mitsubishi's comments in mind while drafting future AD's. No changes have been made to the final rule as a result of this comment.

#### **Comment Issue No. 2: The Model MU-2B-26A Excluded From the NPRM**

Mitsubishi states that the Model MU-2B-26A airplanes are excluded from the NPRM, and asks if this was an oversight on the FAA's part. Mitsubishi feels that these airplanes should be included in the AD.

Mitsubishi is correct in assuming that excluding the Model MU-2B-26A airplanes from the NPRM was an oversight. To add these airplanes in this rulemaking action would require the FAA to reopen the comment period and delay final rule action for all of the MU-2B series airplanes. The FAA will address the Model MU-2B-26A airplanes in a future rulemaking action. No changes have been made to the final rule as a result of this comment.

#### **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 editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

#### **Compliance Time of This AD**

The FAA has determined that the compliance time of this AD should be specified in calendar time instead of hours time-in-service. While the condition addressed by this AD is unsafe while the airplane is in flight, the condition is not a result of repetitive airplane operation; the potential of the unsafe condition occurring is the same on the first flight as it is for subsequent flights. The compliance time of "30 days after the effective date of this AD" will not inadvertently ground airplanes and would assure that all owners/operators of the affected airplanes accomplish this AD in a reasonable time period.

#### **Cost Impact**

The FAA estimates that 437 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to incorporate the required AFM amendment, and that the average labor rate is approximately \$60 an hour. Since an owner/operator who holds at least a private pilot's certificate can accomplish this AD, as authorized by sections 43.7 and 43.9 of the Federal Aviation Regulations (14 CFR 43.7 and 43.9), the only cost impact upon the public is the time it will take the affected airplane owner/operators to amend the AFM.