

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF ENERGY

### 10 CFR Part 1021

#### National Environmental Policy Act Implementing Procedures

**AGENCY:** Department of Energy.

**ACTION:** Notice of reopening comment period and notice of public hearing.

**SUMMARY:** The Department of Energy (DOE) reopens the comment period and schedules a public hearing on its notice of proposed rulemaking to amend its implementing procedures under the National Environmental Policy Act (NEPA).

**DATES:** The public hearing will take place on May 6, 1996, from 1:00 pm to 4:00 pm. The comment period is being reopened until May 10, 1996, and comments must be received by that date to ensure consideration. Late comments will be considered to the extent practicable. Persons interested in participating in the hearing by telephone conference must make advance arrangements by contacting the person in the **FOR FURTHER INFORMATION CONTACT** section of this notice by April 29, 1996.

**ADDRESSES:** Comments on the proposed rule should be addressed to Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH-42, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-0119. Comments may be hand-delivered to room 3E-080 at the Forrestal Building on workdays between the hours of 8:00 a.m. and 4:30 p.m. Comments may also be sent by facsimile to (202) 586-7031 or by electronic mail to the following internet address: [neparule@spok.eh.doe.gov](mailto:neparule@spok.eh.doe.gov). The public hearing will take place in Washington, D.C. For information on obtaining a transcript of the hearing, see the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** John Pulliam, Office of NEPA Policy and Assistance, at the above address, or

telephone (202) 586-4600 or leave a message at (800) 472-2756. Persons interested in participating in the hearing by telephone conference must make advance arrangements by calling one of the above numbers for instructions.

**SUPPLEMENTARY INFORMATION:** The notice of proposed rulemaking to amend DOE's NEPA implementing procedures indicated that DOE would hold a public meeting if there were public interest in an opportunity to present oral comments (61 FR 6414, February 20, 1996). The written comment period closed on April 5, 1996. DOE has received comments from 25 individuals and organizations. One commenter requested public hearings in various locations around the Nation. None of the other commenters indicated an interest in amplifying their written comments through an oral presentation. In view of the lack of widespread interest in an opportunity for public hearings at regional locations, DOE has decided to reopen the comment period and schedule a single public hearing in Washington, D.C.

A DOE official will be designated to preside at the hearing. The hearing will not be a judicial or an evidentiary-type hearing, but will be conducted in accordance with the informal rulemaking procedural requirements under the Administrative Procedure Act, 5 U.S.C. 553, and section 501 of the Department of Energy Organization Act, 42 U.S.C. 7191. The length of each presentation will be limited to ten minutes, or as determined by the presiding officer based on the number of persons who request an opportunity to speak at the outset of the hearing. DOE will make arrangements upon request for public participation in the hearing by telephone conference call from various DOE regional offices. If you wish to present comments at the hearing via telephone, you must call one of the numbers listed above by April 29, 1996, to make arrangements for a time to speak. The presiding officer may establish additional procedures governing the conduct of the hearing.

A transcript of the hearing will be prepared and made available for public inspection at the U.S. Department of Energy Freedom of Information Reading Room, room 1E-110 Forrestal Building, 1000 Independence Avenue S.W., Washington, D.C. 20585-0119, phone (202) 586-6020.

Issued in Washington, D.C., April 15, 1996.

Peter Brush,

*Principal Deputy Assistant Secretary,  
Environment, Safety and Health.*

[FR Doc. 96-9565 Filed 4-18-96; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-NM-249-AD]

#### Airworthiness Directives; Airbus Model A320-111, -211, and -231 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 Airbus Model A320-111, -211, and -231 series airplanes. This proposal would require visual inspections to detect cracks of the fittings of the pressurized floor at frame 36, and renewal of the zone protective finish or replacement of fittings with new fittings, if necessary. This proposal is prompted by a report of fatigue cracking found on the pressurized floor fitting at frame 36 under the lower surface panel. The actions specified by the proposed AD are intended to prevent such fatigue cracking, which could result in failure of a floor fitting and subsequent depressurization of the fuselage.

**DATES:** Comments must be received by May 31, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-249-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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane

Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Tim Backman, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2797; fax (206) 227-1149.

**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 95-NM-249-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-103, Attention: Rules Docket No. 95-NM-249-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

**Discussion**

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Airbus Model A320-111, -211, and -231 series airplanes. The DGAC advises that, during a full-scale fatigue test on a center fuselage test article, cracking occurred on the pressurized floor fitting at frame 36 under the lower surface

pane after the accumulation of 102,560 simulated flights. The cracking has been attributed to fatigue. Such fatigue cracking, if not detected and corrected in a timely manner, could result in failure of a fitting and subsequent depressurization of the fuselage.

Airbus has issued Service Bulletin A320-57-1028, dated August 12, 1991, which describes procedures for visual inspections to detect cracks of the six fittings of the pressurized floor at frame 36 under the lower surface panel, and renewal of the zone protective finish, if necessary. For cases where the length of the cracking is outside certain limits, the service bulletin describes procedures for replacement of all cracked fittings with new fittings. However, the service bulletin permits further flight, under certain conditions, with a fitting(s) that is cracked and the length of the cracking within certain limits. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 95-099-067(B), dated May 24, 1995, in order to assure the continued airworthiness of these airplanes in France.

This airplane model is manufactured in France 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 DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, the proposed AD would require visual inspection(s) to detect cracks of the six fittings of the pressurized floor at frame 36 under the lower surface panel, and renewing the zone protective finish or replacement of the fittings with new fittings, if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Operators should note that, unlike the procedures described in the referenced service bulletin, this proposed AD would not permit further flight with cracking detected in any fitting. The FAA has determined that, due to safety implications and consequences associated with such cracking, the subject fittings that are found to be cracked must be replaced. Therefore, for

cases where one fitting is cracked and the length of the cracking is outside certain limits, or where two or more fittings are cracked, the proposed AD would require replacement of all six fittings with new fittings. For cases where one fitting is cracked and the length of the cracking is within certain limits, the proposed AD would require replacement of that fitting prior to further flight, and eventual replacement of the remaining five fittings. The replacement procedures are provided in the service bulletin described previously.

The FAA estimates that 22 Airbus Model A320-111, -211, and -231 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$3,960, or \$180 per airplane, per inspection cycle.

The cost impact figure discussed above is 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.

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:

Airbus Industrie: Docket 95–NM–249–AD.

**Applicability:** Model A320–111, –211, and –231 series airplanes; manufacturer's serial numbers 002 through 008 inclusive, 010 through 014 inclusive, 016 through 078 inclusive, and 080 through 104 inclusive; on which Airbus Modification 21282P01497 (reference Airbus Service Bulletin A320–57–1029) has not been installed; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 (c) 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 fatigue cracking on the pressurized floor fitting at frame 36 under the lower surface panel, which could result in failure of a fitting and subsequent depressurization of the fuselage, accomplish the following:

(a) Prior to the accumulation of 16,000 total landings, or within 6 months after the effective date of this AD, whichever occurs later, perform a visual inspection to detect cracks of the 6 fittings of the pressurized floor at frame 36 under the lower surface panel, in accordance with Airbus Service Bulletin A320–57–1028, dated August 12, 1991.

(1) If no cracking is found, prior to further flight, renew the zone protective finish in accordance with the service bulletin. Repeat the visual inspection thereafter at intervals not to exceed 12,000 landings.

(2) If only 1 of the 6 fittings is found to be cracked and that crack is less than or equal to 0.59 inch (15 mm) in length, prior to further flight, replace the cracked fitting with a new fitting in accordance with the service

bulletin. Thereafter, prior to the accumulation of 500 landings following accomplishment of this replacement, replace the remaining 5 fittings with new fittings in accordance with the service bulletin.

(3) If only 1 of the 6 fittings is found to be cracked and that crack is greater than 0.59 inch (15 mm) in length, prior to further flight, replace all six fittings with new fittings in accordance with the service bulletin.

(4) If 2 or more fittings are found to be cracked, prior to further flight, replace all 6 fittings with new fittings in accordance with the service bulletin.

(b) Replacement of all 6 fittings with new fittings in accordance with Airbus Service Bulletin A320–57–1028, dated August 12, 1991, constitutes terminating action for the inspection requirements of this AD.

(c) 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, Standardization Branch, ANM–113, 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, Standardization Branch, ANM–113.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(d) 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.

Issued in Renton, Washington, on April 15, 1996.

S.R. Miller,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 96–9692 Filed 4–18–96; 8:45 am]

**BILLING CODE 4910–13–U**

## 14 CFR Part 39

[Docket No. 95–NM–211–AD]

### Airworthiness Directives; McDonnell Douglas Model MD–11 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 McDonnell Douglas Model MD–11 series airplanes. This proposal would require either replacement or modification of the inboard and outboard flap actuators. This proposal is prompted by a report of failure of the piston rod of the inboard flap actuator

due a manufacturing process error. The actions specified by the proposed AD are intended to prevent failure of the piston rod, which could result in uncommanded flap extension and could lead to an asymmetric flap configuration, which could reduce controllability of the airplane.

**DATES:** Comments must be received by May 31, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–211–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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Andrew Gfrerer, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5338; fax (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 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