

# 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 TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NM-154-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A300 and A300-600 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 all Airbus Model A300 and A300-600 series airplanes. This proposal would require verifying the correct location of the labels of the hydraulic pipes supplying the strut unlocking actuator of the left-hand main landing gear (MLG), and of the pipes of the left- and right-hand cross brace; reidentifying the pipes; and replacing any incorrectly located label with a new label. This action is necessary to prevent cross connection of the hydraulic hoses or pipes that supply the main strut unlocking actuator, and collapse of the MLG under lateral taxiing loads. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by October 10, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-154-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain

“Docket No. 2000-NM-154-AD” in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

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:

Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 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.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

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 2000-NM-154-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. 2000-NM-154-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Airbus Model A300 and A300-600 series airplanes. The DGAC advises that an operator reported the collapse of the left-hand main landing gear (MLG) during taxiing. Such collapse of the MLG resulted in severe damage to the airplane and the engine.

Investigation of the incident indicated that the collapse of the MLG was caused by cross connection of the hydraulic hoses that supply the strut unlocking actuator of the left-hand MLG. In addition, the labeling of the “up” and “down” hydraulic pipes, which are attached to the MLG and connected to the hoses, was inverted. The cross connection of the hoses, in combination with the inverted labeling, caused the MLG to become unlocked, which led to its collapse under lateral taxiing loads. Additional investigations revealed that several other airplanes in the fleet had been delivered with similar inverted labeling of the hydraulic pipes of the left-hand MLG. (This installation on the right-hand MLG was labeled correctly.)

Cross connection of the hydraulic hoses or pipes that supply the main strut unlocking actuator, if not corrected, could lead to collapse of the MLG under lateral taxiing loads.

#### Explanation of Relevant Service Information

Airbus has issued Service Bulletins A300-32A0437 (for Model A300 series airplanes) and A300-32A6080 (for Model A300-600 series airplanes), both dated April 5, 2000. These service

bulletins describe procedures for verifying the correct location of the labels of the hydraulic pipes supplying the strut unlocking actuator of the left-hand main landing gear (MLG), and of the pipes of the left- and right-hand cross brace; reidentifying the pipes; and replacing any incorrectly located label with a new label. The service bulletins reference Airbus Service Bulletins A300-57A0234 and A300-57A6087, as well as Messier-Dowty International Service Bulletin No. 470-32-792, as additional sources of service information for accomplishment of the specified actions.

Accomplishment of the actions specified in Airbus Service Bulletins A300-32A0437 and A300-32A6080 is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 2000-204-309(B), dated May 17, 2000, in order to assure the continued airworthiness of these airplanes in France.

#### FAA's Conclusions

These airplane models are manufactured in France and are 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.

#### 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 bulletin described previously. The actions would be required to be accomplished in accordance with the service bulletins described previously.

#### Cost Impact

The FAA estimates that 87 Model A300 and A300-600 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per

work hour. Required parts would be provided by the vendor at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$5,220, or \$60 per airplane.

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.

#### Regulatory Impact

The regulations proposed herein would not have a substantial direct effect 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, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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 2000-NM-154-AD.

**Applicability:** All Model A300 and A300-600 series airplanes, 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 cross connection of the hydraulic hoses or pipes that supply the main strut unlocking actuator, which could lead to consequent collapse of the MLG under lateral taxiing loads, accomplish the following:

(a) Within 1,000 flight hours or 3 months after the effective date of this AD, whichever occurs first: Verify the correct location of the labels of the hydraulic pipes supplying the strut unlocking actuator of the left-hand main landing gear (MLG), and of the pipes of the left- and right-hand cross brace, and reidentify the pipes, in accordance with Airbus Service Bulletin A300-32A0437 (for Model A300 series airplanes) or A300-32A6080 (for Model A300-600 series airplanes), both dated April 5, 2000, as applicable. If any label is located incorrectly, prior to further flight, replace the label with a new label in accordance with the applicable service bulletin.

**Note 2:** The service bulletins reference Airbus Service Bulletins A300-57A0234 and A300-57A6087, as well as Messier-Dowty International Service Bulletin No. 470-32-792, as additional sources of service information for accomplishment of the specified actions.

#### Alternative Methods of Compliance

(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, International Branch, ANM-116, 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, International Branch, ANM-116.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

#### Special Flight Permits

(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.

**Note 4:** The subject of this AD is addressed in French airworthiness directive 2000-204-309(B), dated May 17, 2000.

Issued in Renton, Washington, on September 1, 2000.

**Donald L. Riggan,**

*Acting Manager., Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 00-23041 Filed 9-7-00; 8:45 am]

**BILLING CODE 4910-13-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 80

[FRL-6864-9]

#### Establishment of Alternative Compliance Periods Under the Anti-Dumping Program

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Clean Air Act as amended in 1990 ("the Act") directs the Environmental Protection Agency ("EPA" or "we") to issue regulations requiring reformulated gasoline for major metropolitan areas with the worst ozone air pollution problems. Other areas with ozone levels exceeding the public health standards may voluntarily choose to participate in the federal reformulated gasoline program. In order to ensure that the "dirtier" components of reformulated gasoline are not dumped into gasoline sold in areas not participating in the reformulated gasoline program ("conventional gasoline" areas), the Act requires EPA to ensure that the quality of conventional gasoline does not fall below 1990 levels. The Act also mandates that we establish an appropriate compliance period or compliance periods associated with meeting the anti-dumping standards. Under the existing regulations for reformulated gasoline and anti-dumping, the compliance period is one year. However, we believe that in certain limited circumstances a longer conventional gasoline anti-dumping may be appropriate on a temporary basis. Such an alternative compliance period would be only appropriate for a refiner who produces conventional gasoline and who is starting up a refinery and facing significant hardship in complying with the anti-dumping statutory baseline NO<sub>x</sub> standard. Moreover, we believe that it would be appropriate for any refinery subject to an alternative compliance period to meet

additional substantive and administrative requirements to ensure that there is no environmental detriment as a result of the longer averaging period. This notice of proposed rulemaking sets forth proposed procedures for establishing alternative compliance periods under the anti-dumping program and the proposed standards applicable to refineries operating under such compliance periods.

**DATES:** Comments or a request for a public hearing must be received by October 10, 2000.

**ADDRESSES:** If you wish to submit comments or request a public hearing, you should send any written materials to the docket address listed and to Anne Pastorkovich, Attorney/Advisor, Transportation & Regional Programs Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW. (6406J), Washington, DC 20460, (202) 564-8987. Materials relevant to this proposed rule have been placed in docket A-2000-27 located at U.S. Environmental Protection Agency, Air Docket Section, Room M-1500, 401 M Street, SW, Washington, DC 20460. The docket is open for public inspection from 8:00 a.m. until 5:30 p.m., Monday through Friday, except on Federal holidays. You may be charged a reasonable fee for photocopying services.

**FOR FURTHER INFORMATION CONTACT:** If you would like further information about this rule or to request a hearing, contact Anne Pastorkovich, Attorney/Advisor, Transportation & Regional Programs Division, (202) 564-8987.

#### SUPPLEMENTARY INFORMATION:

##### I. Regulated Entities

Entities potentially regulated by the proposed action are parties that produce conventional gasoline. Regulated categories and entities include:

Category	Examples
Industry .....	Gasoline refiners

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this proposed action. This table lists all entities that we are now aware could potentially be regulated by this proposed action. Other types of entities not listed in this table could also be regulated by this proposed action. To determine whether your business would be regulated by this proposed action, you should carefully examine the applicability criteria in part 80 of Title 40 of the Code of Federal

Regulations. If you have any questions regarding the applicability of this proposed action to a particular entity, consult the person listed in the preceding section of this document.

## II. Background

This section summarizes the anti-dumping program. Since refiners who request flexibility under today's proposed rule are likely to elect to use sulfur-reducing technologies early in order to meet production requirements under this proposed rule, a brief overview of the Tier 2 gasoline program is included as well.

### The Anti-Dumping Program

The Clean Air Act required EPA to establish rules for reformulated gasoline (RG) designed to result in significant reductions in vehicle emissions of ozone-forming and toxic air pollutants. Reformulated gasoline is required to be used in specific metropolitan areas with the worst ozone problems. Several other areas with ozone levels exceeding the public health standard have voluntarily chosen to use RFG. Additionally, the Act required us to establish regulations covering all gasoline that is not reformulated. Such gasoline is called conventional gasoline, and the standards governing it are called the anti-dumping standards. We issued final reformulated gasoline and anti-dumping regulations on December 15, 1993<sup>1</sup> and the standards in those regulations became effective in January 1995.

The purpose of anti-dumping standards is to ensure that the quality of a refiner's conventional gasoline does not get worse once the reformulated gasoline program begins. To ensure that this does not happen, the Act requires that each refiner's conventional gasoline be at least as clean as the gasoline produced by that refiner during a specific "baseline" year. The baseline reference year specified in the Act is 1990. The anti-dumping program specifically governs the exhaust toxics and NO<sub>x</sub> emissions of conventional gasoline. These emissions are determined using the Complex Model, a tool which uses the fuel specifications, or parameters, of a gasoline blend to calculate which emissions associated with that gasoline. The fuel parameters included in the Complex Model are aromatics, olefins, benzene, sulfur, oxygen content and oxygenate type, the percent of fuel evaporated at 200°F and 300°F (E200 and E300, respectively) and Reid vapor pressure, or RVP.

<sup>1</sup> "Regulation of Fuels and Fuel Additives: Standards for Reformulated and Conventional Gasoline—Final Rule," 59 FR 7812 (February 16, 1994). See 40 CFR part 80, subparts D, E, and F.