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NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

[NRC–2011–0072]

RIN 3150–AI95

Regulatory Changes To Implement the United States/Australian Agreement for Peaceful Nuclear Cooperation; Corrections

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correcting amendments.

SUMMARY: On November 8, 2011, the U.S. Nuclear Regulatory Commission (NRC or the Commission) published in the *Federal Register* a final rule (76 FR 69120) that amended the NRC's regulations to implement the 2010 "Agreement between the Government of Australia and the Government of the United States of America Concerning Peaceful Uses of Nuclear Energy." The present NRC action is necessary to relocate a new section added by the final rule, and to make a related conforming change to the final rule. **DATES:** This correction is effective December 20, 2011, and is applicable to November 8, 2011, the date the original rule became effective.

FOR FURTHER INFORMATION CONTACT: Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: (301) 492–3667; email: Cindy.Bladey@nrc.gov.

SUPPLEMENTARY INFORMATION: This action corrects the final rule published on November 8, 2011 (76 FR 69120). Specifically, the new section in Title 10 of the Code of Federal Regulations (10 CFR) Part 40 is added as § 40.56 rather than § 40.52. This change is necessary because 10 CFR 40.52 through 40.55

were proposed to be added by a previous NRC rulemaking (75 FR 43425; July 26, 2010) that the NRC now intends to publish as a final rule. A conforming change is being made to the revised 10 CFR 40.13(c)(5)(v) provision, so that it will contain the proper cross-reference to § 40.56. These amendments are administrative in that they make no substantive changes to requirements, and the NRC accordingly finds that notice and opportunity for public comment on this corrective action is unnecessary.

List of Subjects in 10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Uranium.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; 5 U.S.C. 552 and 553; and the Energy Policy Act of 2005; Public Law 109–58, 119 Stat. 594 (2005); the NRC is adopting the following amendments to 10 CFR part 40.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

■ 1. The authority citation for part 40 continues to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97–415, 96 Stat. 2067 (42 U.S.C. 2022); sec. 193, 104 Stat. 2835, as amended by Pub. L. 104–134, 110 Stat. 1321, 1321–349 (42 U.S.C. 2243), sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note) Energy Policy Act of 2005 Pub. L. No. 109–59, 119 Stat 594 (2205).

Section 40.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486 sec 2902, 106 Stat. 3122 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955. (42 U.S.C. 2237).

§ 40.13 [Amended]

■ 2. In § 40.13, paragraph (c)(5)(v) is amended by removing the reference “§ 40.52” and adding in its place the reference “§ 40.56”.

§ 40.52 [Redesignated as § 40.56]

■ 3. Redesignate § 40.52 as § 40.56.

§§ 40.52 through 40.55 [Added and Reserved]

■ 4. Add and reserve §§ 40.52 through 40.55.

Dated at Rockville, Maryland, this 14th day of December 2011.

For the Nuclear Regulatory Commission.

Leslie Terry,

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

[FR Doc. 2011–32471 Filed 12–19–11; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–0836; Directorate Identifier 2010–NE–38–AD; Amendment 39–16898; AD 2011–26–08]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc (RR) RB211–Trent 800 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Rolls-Royce plc (RR) RB211–Trent 800 Series Turbofan Engines. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as fuel leaks from the engine due to damage to sections of the fan case low-pressure (LP) fuel tubes. We are issuing this AD to prevent engine fuel leaks, which could result in risk to the airplane.

DATES: This AD becomes effective January 24, 2012. The Director of the Federal Register approved the

incorporation by reference of certain publications listed in this AD as of January 24, 2012.

ADDRESSES: The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

FOR FURTHER INFORMATION CONTACT: Alan Strom, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; email: alan.strom@faa.gov; phone: (781) 238-7143; fax: (781) 238-7199.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on August 22, 2011 (76 FR 52288). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Fuel leaks from the engine have occurred in-service due to damage to sections of the fan case Low Pressure (LP) fuel tubes which run between the Low Pressure and the High Pressure (HP) fuel pumps. This damage has been caused by fretting between the securing clips and the tube outer surface, which has caused localised thinning of the tube wall thickness. The thinning of the tube wall causes the tube to fracture and fuel loss to occur.

The corrective action includes inspection of the tubes and replacement of the associated clips. The fretting and thinning of the fuel tubes is caused by relative movement between the tubes and the clips. You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Request To Correct Title in Rolls-Royce Service Bulletin

A commenter, Air New Zealand, requested that we change the service bulletin reference from "RB.211-73-D685" to "RB.211-73-AD685."

We agree. The changed the AD to correct the service bulletin reference.

Request To Change Service Bulletin Revision Number

Three commenters, American Airlines (American), Delta Airlines (Delta), and the Boeing Company (Boeing), suggested that we change compliance from

Revision 5 to Revision 6 of the Rolls-Royce Service Bulletin.

We agree. We changed the AD to use RR SB RB.211-73-AD685, Revision 6, dated February 21, 2011, which is the latest version of the service bulletin.

Request To Allow Compliance to Earlier Revisions of the Service Bulletin

One commenter, Delta, asked that engines previously inspected per Revision 3 of SB RB.211-73-AD685, dated August 18, 2009; or Revision 4 of SB RB.211-73-AD685, dated January 20, 2010 or Revision 5 of SB RB.211-73-AD685, dated August 18, 2010; to have met the initial inspection requirements of the AD.

We agree. We added a new paragraph to the AD called "Previous Inspection Credit" which provides credit for performing the initial inspection according to the requirements of Revisions 3, 4, or 5 of the SB.

Request To Revise Cost of Compliance

A commenter, American Airlines, requested that the cost estimate per engine be increased to \$905. American noted that the AD creates repetitive not one-time expenses due to the need for repetitive inspections. American also asserted that the estimate in the NPRM (76 FR 52288, August 22, 2011) of labor hours to comply with the AD was not accurate. American suggested 8 labor hours per inspection is a realistic figure.

We agree in part. While the AD does require repetitive inspections, we do not agree with including repetitive expenses for inspections in our cost estimate. We only include the cost of one inspection cycle, even if the AD requires repetitive inspections, in our cost estimates. We agree our labor estimate should be increased. We accept that 8 labor hours is a realistic estimate of labor hours and allows us to make a more accurate assessment of labor cost. We changed the estimate of work hours in the AD from 3 to 8. We also corrected the cost of the parts required from \$225 in the NPRM to \$884. We revised the total cost to comply with the AD from \$52,800 to \$172,040.

Request To Revise Initial Inspection Paragraph

A commenter, Boeing, requested that the Initial Inspection paragraph be revised by including the following:

"Inspect the Fuel Oil Heat Exchanged (FOHE) mounting hardware for signs of damage. Use paragraph 3.A.(4) of the Service Bulletin RB.211-73-AD685, Revision 6, dated February 21, 2011." Boeing noted that damage or wear to FOHE mounts may contribute to low pressure (LP) fuel tube cracking. Delta

Airlines commented further that EASA AD 2010-0188 requires this FOHE mount inspection because it requires accomplishment of the entire service bulletin when doing the inspection. For clarity, Delta requested that the final rule include a comment that the inspection requirements do not mandate the FOHE mount inspections.

We do not agree. The requirement of this AD to inspect the fuel tubes is sufficient to ensure safe operation. The repetitive inspection intervals for fuel tubes required by this AD consider observed FOHE mount wear. This AD does not require inspection of the FOHE mounts. We did not change the AD based on this comment.

Request To Add Requirement To Remove Damaged Fuel Tubes

Two commenters, Boeing and Delta, requested clarification regarding when to replace fuel tubes. Boeing requested that under "Actions and Compliance" the following requirement be included: "Removal and replacement of damaged fuel tubes (P/N FK23986) in accordance with paragraph 3.A.(5) of the Service Bulletin RB.211-73-AD685, Revision 6, dated February 21, 2011." Boeing indicated that rejected fuel tubes need to be replaced to avoid fuel leaks. Delta indicated that the On-wing Inspection and In-shop Inspection paragraphs do not include information about replacing tubes when needed as the result of inspections. Delta also noted that the Repetitive Inspection paragraph does discuss replacement of these parts when needed.

We agree in part. Although parts that fail inspection may not be returned to service, we agree that clarifying when fuel tubes are replaced would help. We revised the On-wing Inspection and In-shop Inspection paragraphs to indicate that the tubes should be replaced if they fail inspection.

Request To Clarify Initial Inspection Requirement

One commenter, Delta, noted that under the Initial Inspection paragraph, one of the options for complying with the AD is to do the initial inspection before 3,000 hours since last inspection. Delta requested that we clarify the meaning of "last inspection."

We agree. We added a definition paragraph to indicate that our reference to 3,000 hours since last inspection refers to the inspection of the fan case LP fuel tubes for fretting between the securing clips and the tube outer surface part numbers FK22617, FK19213, and FK23986.

Request To Clarify Handling of Clips for Fuel Tubes

One commenter, Delta, asked that the final rule clarify how to handle the clips that hold the fuel tubes in place. Delta noted that paragraphs 3.A.(2) and 3.A.(3) (on-wing) and 3.B.(2) and 3.B.(3) of RR SB RB.211-73-AD685, which are referenced in the NPRM (76 FR 52288), do not include inspection criteria for the clips. Delta requested that we either require inspection or replacement of the clips with a new or serviceable part per the note in Paragraph 3.A. of the RR SB RB.211-73-AD685, which says that “clips should be removed and replaced one at a time to prevent pre-loading of the clip position.”

We agree. The fretting and thinning of the fuel tubes is caused by relative movement between the tubes and the clips. Worn or fretted clips cause increased relative movement between the tubes and the clips and thus more tube wear and fretting. Clip wear is not repairable and so the clips cannot be reused. We, therefore, revised the AD by changing the On-wing Inspection and In-shop Inspection paragraphs to indicate that the clips must be replaced during the initial inspection and during every repeat inspection.

Request To Clarify Repeat Inspections Paragraph

One commenter, Delta, requested clarification of the Repeat Inspections paragraph. Delta noted that this paragraph might be misinterpreted to mean inspection and tube replacement should be accomplished per paragraphs 3.A.(2), 3.A.(3), 3.B.(2), and 3.B.(3) of RR SB RB.211-73-AD685. Since these paragraphs only apply to replacement of the tubes, Delta believes the language should be clarified.

We agree. We revised the Repeat Inspections paragraph to clarify that paragraphs 3.A.(1) through 3.A.(3) (On-wing) or 3.B.(1) through 3.B.(3) (In-shop) of RR SB RB.211-78-AD685 apply to the inspection.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

We estimate that this AD affects about 110 products of U.S. registry. We also estimate that it will take about 8 work-hours per product to comply with this

AD. The average labor rate is \$85 per work-hour. Required parts cost about \$884 per product. Based on these figures, we estimate the cost of the AD on U.S. operators to be \$172,040.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. “Subtitle VII: Aviation Programs,” describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701: General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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.

For the reasons discussed above, I certify this AD:

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. 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.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (phone: (800) 647-5527) is provided in the

ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2011-26-08 Rolls-Royce plc: Amendment 39-16898; Docket No. FAA-2011-0836; Directorate Identifier 2010-NE-38-AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective January 24, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce plc (RR) RB211-Trent 875-17, 877-17, 884-17, 884B-17, 892-17, 892B-17, and 895-17 turbofan engines. These engines are installed on, but not limited to, Boeing 777 series airplanes.

(d) Reason

This AD was prompted by fuel leaks from the engine that occurred in-service due to damage to sections of the fan case low-pressure (LP) fuel tubes, which run between the LP and the high-pressure (HP) fuel pumps. This damage was caused by fretting between the securing clips and the tube outer surface, which caused localized thinning of the tube wall thickness. The thinning of the tube wall causes the tube to fracture and leak fuel. We are issuing this AD to prevent engine fuel leaks, which could result in risk to the airplane.

(e) Actions and Compliance

Unless already done, do the following actions.

(f) Initial Inspection and Clip replacement

Within 2,000 hours in service after the effective date of this AD, or before accumulating 3,000 hours-since-new or 3,000 hours-since-last-inspection, whichever is latest, do one of the following:

(1) On-Wing Inspection and Clip Replacement

Inspect the fan case LP fuel tubes, part numbers (P/Ns) FK22617, FK19213, and

FK23986. Replace the clips that hold the fuel tubes in place. Use paragraphs 3.A.(1) through 3.A.(3) (on-wing) of RR Non-modification Alert Service Bulletin (ASB) RB.211-73-AD685, Revision 6, dated February 21, 2011 to do the inspection. Replace any fan case LP fuel tubes that fail inspection.

(2) In-Shop Inspection and Clip Replacement

Inspect the fan case LP fuel tubes, P/N FK22617, FK19213, and FK23986. Replace the clips that hold the fuel tubes in place with new or serviceable clips. Use paragraphs 3.B.(1) through 3.B.(3) (in-shop) of RR Non-modification ASB RB.211-73-AD685, Revision 6, dated February 21, 2011 to do the inspection. Replace any fan case LP fuel tubes that fail inspection.

(g) Repetitive Inspection and Clip Replacement

Repeat the inspection required by paragraphs (f)(1) and (f)(2) of this AD and replace the clips at intervals not exceeding every 3,000 hours time-since-last-inspection.

(h) Re-Installation Prohibition

Do not re-install any clips replaced in accordance with paragraphs (f)(1) and (f)(2) of this AD.

(i) Previous Inspection Credit

If you previously performed the inspection required by Revision 3 of SB RB.211-73-D685, dated August 18, 2009, or Revision 4 of SB RB.211-73-D685, dated January 20, 2010, or Revision 5 of ASB RB.211-73-AD685, dated August 18, 2010, you met the initial inspection requirements of this AD.

(j) Definition

"Last inspection" means the last inspection of the fan case LP fuel tubes, P/Ns FK22617, FK19213, and FK23986, for fretting between the securing clips and the tube outer surface.

(k) FAA AD Differences

None.

(l) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information European Aviation Safety Agency (EASA) Airworthiness Directive 2010-0188, dated September 20, 2010, and Rolls-Royce plc Alert Service Bulletin RB.211-73-AD685, Revision 6, dated February 21, 2011, for related information. Contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE248BJ; phone: 011-44-1332-242424; fax: 011-44-1332-245418; or email: http://www.rolls-royce.com/contact/civil_team.jsp, for a copy of this service information.

(2) Contact Alan Strom, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA

01803; email: alan.strom@faa.gov; phone: (781) 238-7143; fax: (781) 238-7199, for more information about this AD.

(n) Material Incorporated by Reference

(1) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference (IBR) under 5 U.S.C. 552(a) and 1 CFR part 51 of the following service information on the date specified.

(2) Rolls-Royce plc Alert Service Bulletin RB.211-73-AD685, Revision 6, dated February 21, 2011, approved for IBR January 24, 2012.

(3) For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE248BJ; phone: 011-44-1332-242424; fax: 011-44-1332-245418 or email: http://www.rolls-royce.com/contact/civil_team.jsp.

(4) You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call (781) 238-7125.

(5) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at an NARA facility, call (202) 741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Issued in Burlington, Massachusetts, on December 12, 2011.

Thomas A. Boudreau,

Acting Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2011-32490 Filed 12-19-11; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2011-0085; Directorate Identifier 2000-NE-19-AD; Amendment 39-16897; AD 2011-26-07]

RIN 2120-AA64

Airworthiness Directives; Teledyne Continental Motors (TCM) and Rolls-Royce Motors Ltd. (R-RM) Series Reciprocating Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding an existing airworthiness directive (AD) for certain TCM and R-RM series reciprocating engines. That AD currently requires replacement of certain magnetos if they fall within the

specified serial number (S/N) range, inspection of the removed magneto to verify that the stop pin is still in place, and, if the stop pin is not in place, inspection of the engine gear train, crankcase, and accessory case. This new AD corrects the range of S/Ns affected, requires the same replacement and inspections, and adds R-RM C-125, C-145, O-300, IO-360, TSIO-360, and LTSIO-520-AE series reciprocating engines to the applicability. This AD was prompted by our awareness of an error in the previous AD applicability in the range of magneto S/Ns affected and of the need to include certain engines made by R-RM, under license of TCM. We are issuing this AD to prevent engine failure and loss of control of the airplane due to migration of the magneto impulse coupling stop pin out of the magneto frame and into the gear train of the engine.

DATES: This AD is effective January 24, 2012.

ADDRESSES: For service information identified in this AD, contact Teledyne Continental Motors, Inc., PO Box 90, Mobile, AL 36601; phone: 251-438-3411, or go to <http://tcmlink.com/servicebulletins.cfm>. You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238-7125.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: (800) 647-5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Juanita Craft, Aerospace Engineer, Atlanta Certification Office, FAA, Small Airplane Directorate, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474-5584; fax: (404) 474-5606; email: juanita.craft@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR