

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Ave., SW., Washington, D.C. 20591; telephone (202) 267-3132. Comments may also be sent electronically to the following internet address:

nprmcmts@mail.hq.faa.gov.

**FOR FURTHER INFORMATION CONTACT:** Mr. D. Michael Smith, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-7470.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on July 13, 1995.

**Donald P. Byrne,**

*Assistant Chief Counsel for Regulations.*

### **Petitions for Rulemaking**

*Docket No.:* 28059

*Petitioner:* Ms. Diane R. Groswald

*Sections of the FAR Affected:* 14 CFR parts 121 and 135

*Description of Rulechange Sought:* To ban the carriage of cats and other animals in the cabin section of aircraft operated under parts 121 and 135.

*Petitioner's Reason for the Request:* The petitioner feels that, because many passengers may have allergies, exposure to certain animals carried in the cabin section may exacerbate their condition.

*Docket No.:* 28146

*Petitioner:* DoD Policy Board on Federal Aviations

*Sections of the FAR Affected:* 14 CFR part 99

*Description of Rulechange Sought:* To extend the inner Air Defense Identification Zone (ADIZ) to 12 nautical miles from the current 3 nautical miles, as well as the following:

1. To require activation of a flight plan;
2. To require a continuous listening watch on the aircraft radio;
3. To disallow previous exemptions for nontransponder-equipped aircraft from radar beacon and Mode C requirements, except on an individual real-time basis;
4. To specify the minimum information required on a Defense Visual Flight Rules (DVFR) flight plan;
5. To require reporting of destination airport of first intended landing and estimated time of arrival;
6. To provide a specific transponder code for use if a pilot were unable to

establish communications with Air Traffic Control prior to ADIZ penetration; and

7. To allow deviation for weather.

*Petitioner's Reason for the Request:* The petitioner feels that this change would resolve identification problems and streamline the identification problem, as well as extend the inner ADIZ in accordance with Presidential Proclamation No. 5928, which requires compliance with the applicable provisions of the 1982 United Nations Convention on the Law of the Sea.

*Docket No.:* 28195

*Petitioner:* Kalitta Flying Service, Inc.

*Sections of the FAR Affected:* 14 CFR 11.1(b)

*Description of Rulechange:* To require that the rulemaking procedures of part 11 be applied to changes in the general wording of Air Carrier Operations Specifications.

*Petitioner's Reason for the Request:* The petitioner feels that since SFAR 38-2 makes FAA-generated Operations Specifications (Op Specs) a regulatory document, the wording of these Op Specs should be required to go through the entire rulemaking process specified in part 11.

### **Disposition of Petitions**

*Docket No.:* 26803

*Petitioner:* Richard C. Bartel

*Sections of the FAR Affected:* 14 CFR 91.159

*Description of Rulechange Sought:* To add a compatible hemispherical rule for visual flight rules (VFR) operations at and below 3,000 feet above ground level (AGL).

*Petitioner's Reason for the Request:* The petitioner feels that the proposal makes no change to the traditional hemispherical rule between 3,000 AGL and 18,000 MSL where almost all VFR operations occur, and would address various safety issues involved in operations below 3,000 AGL.

*Denial;* May 9, 1995.

*Docket No.:* 27005

*Petitioner:* John A. Cohan

*Sections of the FAR Affected:* 14 CFR 91.145 (proposed)

*Description of Rulechange Sought:* To provide for the establishment of temporary flight restrictions (TFR) through a Notice to Airmen (NOTAM) over noise-sensitive areas at the request of a bona fide homeowner's association environmental protection group, or other community organization.

*Petitioner's Reason for the Request:* The petitioner feels that the proposed new section will counter the large volume

of complaints received by the FAA concerning aircraft being operated near areas or communities that are noise-sensitive, particularly where alternate visual flight routes are available. *Denial;* April 28, 1995.

*Docket No.:* 27090

*Petitioner:* Terry A. Batemen

*Sections of the FAR Affected:* 14 CFR 43.11

*Description of Rulechange Sought:* To require holders of an Inspection Authorization (IA) to submit an abbreviated annual inspection report to the Mike Monroney Aeronautical Center in Oklahoma City, Oklahoma 73125, when they approve an aircraft for return to service following completion of the annual inspection.

*Petitioner's Reason for the Request:* The petitioner feels that this rulechange is necessary to provide FAA Aviation Safety Inspectors and the aviation public with a current, easily accessed database on the inspection status of all U.S.-registered aircraft that fall within the annual inspection requirements of § 91.409. *Denial;* May 1, 1995.

*Docket No.:* 27736

*Petitioner:* City of Santa Monica

*Sections of the FAR Affected:* 14 CFR 91.119(d)

*Description of Rulechange Sought:* To establish minimum operating altitude and obstacle clearance requirements for helicopters equivalent to those currently required for all aircraft, except when operated over a congested area. Helicopters operated over a congested area would be required to maintain an altitude of 500 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

*Petitioner's Reason for the Request:* The petitioner feels that this change will increase the safety of helicopter operations by raising the altitude that helicopters fly; provide the FAA greater authority to enforce minimum safe altitude regulations similar to the provisions for all other aircraft; not unduly burden helicopter operators with increased costs or lost efficiency; and minimize the intrusion of helicopters in the community and mitigate noise for persons on the ground. *Denial;* May 4, 1995.

[FR Doc. 95-17585 Filed 7-17-95; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 39**

[Docket No. 95-NM-92-AD]

**Airworthiness Directives; Airbus Model 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 A300-600 series airplanes. This proposal would require repetitive replacement of the universal joints and steady bearings of the flap transmission system with new parts at regular intervals. This proposal is prompted by a report of a malfunction of a universal joint in the flap transmission system on one wing due to fatigue failure. The actions specified by the proposed AD are intended to ensure replacement of universal joints and bearings of the transmission system when they have reached their maximum life limit; failure of universal joints and bearings could lead to an asymmetric condition of the flaps, which could adversely affect controllability of the airplane.

**DATES:** Comments must be received by August 28, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-92-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:** Stephen Slotte, 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-92-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-92-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, recently notified the FAA that an unsafe condition may exist on all Airbus Model A300-600 series airplanes. The DGAC advises that an operator has reported a malfunction of a universal joint in the flap transmission system. The cause of this malfunction has been attributed to fatigue. The malfunction resulted in a disconnection of the flap transmission system on the right-hand wing. The disconnection triggered a flap system asymmetry warning and, as designed, the Power Control Unit (PCU) of the flap was inhibited. This prevented further movement of the transmission system on both wings. Fatigue failure of the universal joints and bearings, if not detected and corrected in a timely manner, could lead to an asymmetric condition of the flaps, which could adversely affect controllability of the airplane.

Airbus has issued All Operator Telex (AOT) 27-17, Revision 1, dated July 11, 1994, and Service Bulletin A300-27-

6028, dated December 19, 1994, which establish a fatigue life limitation of 16,000 landings for certain universal joints fitted to the tee and forward bevel gearboxes of the flap transmission, and for certain steady bearings fitted to the flap transmission system. The AOT and the service bulletin describe procedures for performing an inspection to ensure the integrity of the affected bearings and bevel/tee gearboxes, and replacement of parts with new parts. The AOT and the service bulletin also describe procedures for repetitively replacing the universal joints fitted to the tee and forward bevel gearboxes of the flap transmission and the steady bearings of the flap transmission system with new universal joints and steady bearings at regular intervals. The DGAC classified the AOT and the service bulletin as mandatory and issued French airworthiness directive 94-206-167(B) R1, dated March 15, 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 registered in the United States, the proposed AD would require repetitive replacement of the universal joints and steady bearings with new parts at regular intervals. The actions would be required to be accomplished in accordance with either the AOT or the service bulletin described previously.

The French AD requires an inspection to ensure the integrity of the affected bearings and bevel/tee gearboxes at 500 landings after the effective date of the French AD and replacement with new parts at 600 landings after the effective date of the French AD. The time delay between issuance of this proposed AD and the French AD will have already accounted for a number of accumulated landings; therefore, this proposal will only require replacement with new parts within 16,000 total landings on the universal joints and bearings of the flap transmission system, or within 500

landings after the effective date of the AD, whichever occurs later.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

The FAA estimates that 50 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 11 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$5,000 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$283,000, or \$5,660 per airplane.

The total 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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

##### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**Airbus Industrie:** Docket 95-NM-92-AD.

**Applicability:** All Model 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 use the authority provided in paragraph (b) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To ensure replacement of certain universal joints and bearings of the flap transmission that have reached their maximum life limit, accomplish the following:

(a) Prior to the accumulation of 16,000 total landings on the universal joints and bearings of the flap transmission system, or within 500 landings after the effective date of this AD, whichever occurs later: Replace the universal joints and bearings of the flap transmission system with new parts, in accordance with Airbus All Operator Telex (AOT) 27-17, Revision 1, dated July 11, 1994, or Airbus Service Bulletin A300-27-6028, dated December 19, 1994. Thereafter, prior to the accumulation of 16,000 landings on the

universal joints and bearings, replace them with new parts, in accordance with the AOT or the service bulletin.

(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, 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.

(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. Issued in Renton, Washington, on July 12, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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#### 14 CFR Part 39

[Docket No. 95-NM-48-AD]

#### Airworthiness Directives; McDonnell Douglas Model DC-10-10, -15, -30, and -40 Series Airplanes, and KC-10A (Military) 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 DC-10 series airplanes and KC-10A (military) airplanes. This proposal would require visual inspections to detect failure of the attachments located in the banjo No. 4 fitting of the vertical stabilizer. This proposal also would require an eddy current inspection to detect cracking of the flanges and bolt holes of that fitting, and repair or replacement of attachments. This proposal is prompted by reports of failed attachments of the vertical stabilizer; the failures are attributed to stress corrosion fatigue. The actions specified by the proposed AD are intended to prevent loss of the fail safe capability of the vertical stabilizer due to cracking of its attachments.

**DATES:** Comments must be received by September 11, 1995.