

## 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:

McDonnell Douglas: Docket 95–NM–191–AD.

*Applicability:* Model MD–11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11–25A181, dated September 28, 1995; 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 buckling of the floor beams due to insufficient air flow of the cabin sidewall vent box diaphragms during rapid decompression, and subsequent loss of airplane control capabilities; accomplish the following:

(a) Within 90 days after the effective date of this AD, perform an inspection to detect damage of the sidewall vent box diaphragms, in accordance with McDonnell Douglas Alert Service Bulletin MD11–25A181, dated September 28, 1995. Based on the findings of the initial inspection, or any repetitive inspection, accomplish the requirements of paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable:

(1) Condition 1. If no damage is detected: Repeat the inspection at intervals not to exceed 90 days.

(2) Condition 2. If damage is detected, but the number of damaged sidewall vent box assemblies does not exceed the applicable allowable number specified in Table 1 of the alert service bulletin: Repeat the inspection at intervals not to exceed 90 days.

(3) Condition 3. If damage is detected, and the number of damaged vent box assemblies exceeds the applicable number specified in Table 1 of the alert service bulletin: Prior to further flight, install stops on and re-identify as many damaged sidewall vent box assemblies as necessary so that the total number of damaged vent box assemblies does not exceed the applicable allowable number specified in Table 1 of the alert service bulletin. Accomplish the installation of the stops and reidentification of the assemblies

in accordance with the alert service bulletin. The installation of stops on and reidentification of an assembly constitutes terminating action for the repetitive inspections of that assembly only. All other assemblies must continue to be inspected thereafter at intervals not to exceed 90 days.

(b) Within 30 months after the effective date of this AD, install stops on and reidentify all sidewall vent box assemblies that do not already have stops installed and have not been reidentified in accordance with McDonnell Douglas Alert Service Bulletin MD11–25A181, dated September 28, 1995. Accomplishment of this action 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, Los Angeles Aircraft Certification Office (ACO), 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, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(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 February 14, 1996.

Darrell M. Pederson,  
*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 96–3834 Filed 2–20–96; 8:45 am]

BILLING CODE 4910–13–U

## 14 CFR Part 39

[Docket No. 95–CE–18–AD]

### Airworthiness Directives; Jetstream Aircraft Limited Jetstream Models 3101 and 3201 Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to Jetstream Aircraft Limited (JAL) Jetstream Models 3101 and 3201 airplanes. The proposed action would require modifying the automatic airframe de-ice system to allow the wing and tail de-ice boots to automatically operate through one cycle. The present system repeats the wing de-ice boot inflation cycle before starting to inflate the tail de-ice boots. Reports of ice accumulating on the tail faster than the automatic tail de-ice

boots inflate on the affected airplanes prompted the proposed action. The actions specified by the proposed AD are intended to prevent excessive ice accretion on the tail or wings of the affected airplanes, which could result in loss of control of the airplane.

**DATES:** Comments must be received on or before April 22, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–18–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; telephone (44–292) 79888; facsimile (44–292) 79703; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC, 20041–6029, telephone (703) 406–1161; facsimile (703) 406–1469. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Ms. Dorenda Baker, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; telephone (322) 513.3830, facsimile (322) 230.6899; or Mr. Jeffrey Morfitt, Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932, facsimile (816) 426–2169.

### 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 should 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 proposed 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 that summarizes 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 No. 95-CE-18-AD." The postcard will be date stamped and return to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-18-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

#### Discussion

Under the current design of the airframe automatic de-ice system on certain JAL Jetstream Models 3101 and 3201 airplanes, the inflation cycle of the wing de-ice boots repeats before the tail de-ice boots inflate. The FAA has received reports of ice accumulating on the tail faster than the automatic de-ice system inflates the tail de-ice boots. These airplanes are equipped with a manual switch for both the wing and tail de-ice boots. Because the timing of the automatic de-ice system does not keep up with ice accretion, the FAA believes that most airplane operators pilots use the manual system for de-icing.

The problem with the manual switch is that the pilot must press the switch until the de-ice boot is inflated. This diverts the pilot's attention away from other critical duties during flight.

JAL has issued Jetstream Service Bulletin (SB) 30-JK 12033, Revision No. 1, dated October 20, 1995, which specifies procedures for modifying the airframe automatic de-ice system. This modification would allow both the wing and tail de-ice boots to inflate once through before inflation of either one is repeated. The automatic system may then be reset or the manual switch may be utilized.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent excessive ice accretion on the tail or wings of the affected airplanes, which could result in loss of control of the airplane.

Since an unsafe condition has been identified that is likely to exist or develop in other JAL Jetstream Models 3101 and 3201 airplanes of the same type design, the proposed AD would require modifying the automatic airframe de-ice system to allow the wing and tail de-ice boot systems to automatically operate through one cycle. Accomplishment of the proposed modification would be in accordance with Jetstream SB 30-JK 12033, Revision No. 1, dated October 20, 1995.

The FAA estimates that 260 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 5 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$50 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$91,000. This figure is based on the assumption that no owner/operator of the affected airplanes has accomplished the proposed modification.

Jetstream has informed the FAA that parts have distributed to owners/operators to equip approximately 22 of the affected airplanes. Assuming that each set of parts is installed on an affected airplane, the proposed cost impact would be reduced \$7,700 from \$91,000 to \$83,300.

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 Federal Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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 has been placed 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 a new airworthiness directive (AD) to read as follows:

Jetstream Aircraft Limited: Docket No. 95-CE-18-AD.

*Applicability:* Jetstream Models 3101 and 3201 airplanes (all serial numbers), certificated in any category.

*Note 1:* This AD applies to each airplane identified in the preceding applicability provisions, 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 (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 conditions has not been eliminated, the request should include specific proposed actions to address it.

*Compliance:* Required within the next 1,000 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent excessive ice accretion on the tail or wings of the affected airplanes, which could result in loss of control of the airplane, accomplish the following:

(a) Modify the automatic airframe de-ice system in accordance with the **ACCOMPLISHMENT INSTRUCTIONS** section of Jetstream Service Bulletin No. 30-JK 12033, Revision No. 1, dated October 20, 1995.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office (ACO), Europe, Africa, Middle East office, FAA, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector,

who may add comments and then send it to the Manager, Brussels ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels ACO.

(d) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029; or may examine these documents at the FAA, Central Regional, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on February 12, 1996.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-3885 Filed 2-20-96; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Office of the Secretary

#### 15 CFR Parts 4, 4a, and 4b

[Docket No. 950929241-5241-01]

RIN 0605-XX02

### Public Information, Freedom of Information and Privacy

AGENCY: Department of Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Commerce proposes to amend its Freedom of Information Act and Privacy Act regulations to update and clarify them, and to make certain technical changes. The intent is to make them more helpful to the public.

DATES: Written comments must be received on or before March 22, 1996.

ADDRESSES: Address written comments to Andrew W. McCready, Attorney-Advisor, Office of the Assistant General Counsel for Administration, Rm. H5876, 14th Street & Pennsylvania Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Andrew W. McCready, Telephone: 202-482-8044.

SUPPLEMENTARY INFORMATION: On March 4, 1995, as part of the President's Regulatory Reform Initiative, the President directed agencies to conduct a page-by-page review of all regulations and eliminate or revise those that are outdated or otherwise in need of reform. After conducting a review of the Department's Public Information, Freedom of Information and Privacy Act

regulations, it was determined that the following amendments were necessary.

The proposed amendment to 15 CFR part 4 changes the duplication fee for processing Freedom of Information Act (FOIA) requests to reflect increased costs to the Department, makes technical corrections, makes clear that records responsive to FOIA requests include electronic records, updates telephone numbers and addresses, replaces a list of officials authorized to make initial denials of FOIA requests with a statement that heads of offices are authorized to grant or deny initial FOIA requests, and makes clarifying changes.

The proposed amendment to 15 CFR part 4a eliminates the requirement that the Department's Office of Security coordinate with the Office of the Assistant General Counsel for Administration with respect to declassification and FOIA matters, and changes the official responsible for adjudicating administrative appeals of denials of requests for classified information.

The proposed amendment to 15 CFR part 4b expands the list of Privacy Act Officers, and changes the official responsible for adjudicating Privacy Act appeals of requests for access, correction, and amendment.

It has been determined that this rule is not a significant rule under Executive Order 12866.

This rule does not contain a "collection of information" as defined by the Paperwork Reduction Act.

The Assistant General Counsel for Legislation and Regulation certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities because the regulations are being updated and clarified, and certain technical changes are being made. The duplication fee is being changed to reflect increased costs to the Department. The overall intent is to make the regulations more helpful to the public.

This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

#### List of Subjects

##### 15 CFR Part 4

Freedom of Information, Public information, Privacy.

##### 15 CFR Part 4a

Classified information, Freedom of information, Privacy.

##### 15 CFR Part 4b

##### Privacy.

For the reasons set forth in the preamble, it is proposed that 15 CFR parts 4, 4a, and 4b be amended as follows:

### PART 4—PUBLIC INFORMATION

1. The authority citation for part 4 continues to read as follows:

Authority: 5 U.S.C. 301, 5 U.S.C. 552, 5 U.S.C. 553, Reorganization Plan No. 5 of 1950; 31 U.S.C. 3717.

#### § 4.4 [Amended]

2. In the first sentence of § 4.4(c), remove "H6628" and add, in its place, "H6020"; and in the last sentence of § 4.4(c), remove "(202) 377-3271" and add, in its place, "(202) 482-4115".

3. In the last line of § 4.4(e), remove the word "the" and add, in its place, the word "this".

#### § 4.6 [Amended]

4. In the third sentence of § 4.6(a)(4), remove the word "originating", and add, in its place, the word "originating".

5. In the second sentence of § 4.6(b)(3), remove the word "dilligence" and add, in its place, the word "diligence".

6. Section 4.6 is further amended by revising paragraphs (a)(3), (a)(6), (b)(5), introductory text, and (b)(5)(iv) and removing (b)(6) to read as follows:

#### § 4.6 Initial determinations of availability of records.

(a) \* \* \*

(3) Whether the records no longer exist, or are not in the unit's possession. The unit should, if it knows which unit of the Department may have the records, forward the request to it.

\* \* \* \* \*

(6) In determining records responsive to a request, a unit ordinarily shall include only those records, including electronic records, within a unit's possession and control as of the date of its receipt of the request.

\* \* \* \* \*

(b) \* \* \*

(5) The head of any bureau, office, or division, or his or her superiors, are authorized to grant or deny any request for a record of that bureau, office, or division.

\* \* \* \* \*

(iv) A brief statement of the right of the requester to appeal the determination to the Assistant General Counsel for Administration, or the General Counsel if the Assistant General Counsel for Administration is responsible for the determination, and the address to which the appeal should