

Board information the party will make during the course of the litigation;

(x) A statement identifying all previous requests or demands for such information or similar information made by the requester to the Board or any other Federal or state agency, and the disposition of each such request; and

(xi) A statement addressing any issue that may bear upon the question of waiver of privilege by the Board.

(2) *All other requests.* Any other person (including any financial institutions supervised and regulated by the Board, but excluding agencies referred to in §§ 261.11 and 261.12, seeking access to exempt information for any other purpose may file a written request with the General Counsel of the Board. The request shall describe the purpose for which such disclosure is sought.

(3) *Notice to supervised financial institution.* Following receipt of a request for exempt information, the Board generally will notify the supervised financial institution that is the subject of the requested information, unless the Board, in its discretion, determines that to do so would unjustly advantage or would prejudice any of the parties in the matter at issue.

(c) *Action on request—(1) Determination of approval.* The General Counsel of the Board may approve a request made under this section provided that he or she determines that:

(i) The person making the request has shown a substantial need for exempt information that outweighs the need to maintain confidentiality;

(ii) Disclosure is consistent with the supervisory and regulatory responsibilities and policies of the Board;

(iii) Approval would not be otherwise inappropriate or contrary to the public interest;

(iv) The requester has made a commitment to pay the costs of production by the Board and/or any Federal Reserve Bank(s) which is deemed satisfactory in the circumstances.

(2) *Factors taken into consideration by the General Counsel.* In determining whether to approve a request for confidential supervisory information under paragraph (c)(1) of this section, the General Counsel shall consider without limitation:

(i) The relevance of the evidence sought to be protected;

(ii) The availability of other evidence;

(iii) The "seriousness" of the litigation and the issues involved;

(iv) The role of the Board in the litigation; and

(v) The possibility that Board employees may be reluctant to be candid for fear that their supervisory opinions and communications may be made available to persons outside of the Board or to persons not involved in the bank supervision and regulation process.

(3) *Conditions or limitations.* The General Counsel of the Board may, in approving a request, impose such conditions or limitations on use of any information disclosed as the General Counsel deems necessary to protect the confidentiality of the Board's information.

(4) *Request for opinion or expert testimony.* The General Counsel will not normally authorize opinion or expert testimony by persons based on information of the Board acquired in the scope and performance of their official duties with the Board or any Federal Reserve Bank, except on behalf of the United States or a party represented by the Department of Justice.

(d) *Exhaustion of administrative remedies for discovery purposes in civil, criminal, or administrative action.* Action by the General Counsel of the Board on a request under this section shall be required to exhaust administrative remedies for discovery purposes in any administrative, civil or criminal proceeding. A request made pursuant to § 261.9 does not exhaust administrative remedies for discovery purposes. Therefore, it is not necessary to file a request pursuant to § 261.9 to exhaust administrative remedies under this section.

(e) *Other disclosure prohibited.* All exempt information made available under this section shall remain the property of the Board. Any person in possession of such information under this section or any provision of subpart C of this part, including any banking organization supervised and regulated by the Board, shall not use or disclose such information for any purpose other than that authorized in writing by the General Counsel of the Board.

11. Section 261.17 is amended by revising paragraphs (a)(1) introductory text, (b) introductory text, and (b)(3) to read as follows:

§ 261.17 Confidential commercial or financial information.

(a) * * * (1) The Secretary shall notify a submitter of any request made pursuant to the Freedom of Information Act under § 261.9 and 5 U.S.C. 552, for access to all or a portion of information provided to the Board by the submitter, if:

* * * * *

(b) * * * The notice given to the submitter upon a request for confidential information pursuant to paragraph (a) of this section shall:

* * * * *

(3) Give the submitter a reasonable opportunity, not to exceed ten working days from the date of oral notice or, if no oral notice is given, ten working days from the date of written notice, to submit written objections to disclosure of the information; and

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By order of the Board of Governors of the Federal Reserve System, February 21, 1996.
William W. Wiles,

Secretary of the Board.

[FR Doc. 96-4341 Filed 2-27-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-161-AD]

Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes, Excluding 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 certain Airbus Model A300 B2 and B4 series airplanes. This proposal would require measurements of the thickness of the inner skin of the longitudinal lap joint from the inside of the fuselage at certain stringers. The proposed AD would also require inspections to detect stress corrosion cracking in the subject area, and repair, if necessary. This proposal is prompted by reports of corrosion cracking found in the skin at the longitudinal lap joint at certain stringers of the fuselage, which was caused by the increased stress level in the subject area when it was reworked beyond certain limits. The actions specified by the proposed AD are intended to prevent such stress corrosion cracking which, if not detected and corrected in a timely manner, could result in rapid depressurization of the airplane.

DATES: Comments must be received by April 8, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport

Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-161-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-161-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-161-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 A300 B2 and B4 series airplanes. The DGAC advises that, during regularly scheduled maintenance of two in-service airplanes, significant skin cracking was found in the longitudinal lap joint at stringer 57 between frames 67 and 68 of the fuselage. One of the airplanes had accumulated 23,893 total flight hours and 22,936 total flight cycles. The other airplane had accumulated 28,957 total flight hours and 23,574 total flight cycles.

Investigation revealed that the subject area on these airplanes, including the longitudinal lap joint at stringer 52, had been reworked to remove corrosion. However, the rework removed far more material than that allowed by the Structural Repair Manual (SRM). Such reduction in the thickness of the material increases the stress level in the skin. This condition, in conjunction with a corrosive environment, renders the subject area susceptible to stress corrosion cracking. Stress corrosion cracking in the longitudinal lap joints of the fuselage, if not detected and corrected in a timely manner, could result in rapid depressurization of the airplane.

Airbus has issued All Operator Telex (AOT) AOT 53-05, Revision 1, dated August 16, 1993. The AOT describes procedures for measurements of the thickness of the inner skin of the longitudinal lap joint from the inside of the fuselage at stringer 57 between frames 65 and 72, and at stringer 52 (left- and right-hand) between frames 58 and 65. The measurement involves using an ultrasonic thickness measurement method. The AOT also describes procedures for high frequency eddy current (HFEC) inspections to detect cracking in the subject area. The DGAC classified this AOT as mandatory and issued French airworthiness directive 93-150-147(B), dated September 1, 1993, 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 measurements of the thickness of the inner skin of the longitudinal lap joint from the inside of the fuselage at certain stringers using the ultrasonic thickness measurement method. The proposed AD would also require HFEC inspections to detect cracking in the subject area. The actions would be required to be accomplished in accordance with the AOT described previously. If any crack is found or if the thickness of the inner skin is less than or equal to certain limits, it would be required to be repaired in accordance with a method approved by the FAA.

The FAA estimates that 17 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 32 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 \$32,640, or \$1,920 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.

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 USC 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–161–AD.

Applicability: Model A300 B2 and B4 series airplanes, excluding Model A300–600 series airplanes; manufacturer serial numbers 003 through 156 inclusive; on which Airbus Modification 2611 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 (e) 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 stress corrosion cracking in the longitudinal lap joints of the fuselage, which could result in rapid depressurization of the airplane, accomplish the following:

Note 2: Any of the inspections and measurements required by this AD that were performed before the effective date of this AD in accordance with Airbus All Operator Telex (AOT) 53–05 (original issue), dated August 16, 1995, are considered acceptable for compliance with the applicable requirements of this AD.

(a) Within 60 days after the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD in accordance with Airbus All Operator Telex (AOT) 53–05, Revision 1, dated August 16, 1993.

(1) Measure the thickness of the inner skin of the longitudinal lap joint from the inside

of the fuselage at stringer 57 between frames 65 and 72 using the ultrasonic thickness measurement method, in accordance with the AOT. If the thickness is less than or equal to the limits specified in the AOT, prior to further flight, repair the longitudinal lap joint in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(2) Perform a high frequency eddy current (HFEC) inspection to detect cracking of the longitudinal lap joint at stringer 57 between frames 65 and 72, in accordance with the AOT. If any cracking is detected, prior to further flight, repair the longitudinal lap joint in accordance with a method approved by the Manager, Standardization Branch, ANM–113.

(b) Within 6 months after the effective date of this AD, accomplish paragraphs (b)(1) and (b)(2) of this AD in accordance with Airbus AOT 53–05, Revision 1, dated August 16, 1993.

(1) Measure the thickness of the inner skin of the longitudinal lap joint from the inside of the fuselage at stringer 52 (left- and right-hand) between frames 58 and 65 using the ultrasonic thickness measurement method, in accordance with the AOT. If the thickness is less than or equal to the limits specified in the AOT, prior to further flight, repair the longitudinal lap joint in accordance with a method approved by the Manager, Standardization Branch, ANM–113.

(2) Perform a HFEC inspection to detect cracking of the longitudinal lap joint at stringer 52 (left- and right-hand) between frames 58 and 65, in accordance with the AOT. If any cracking is detected, prior to further flight, repair the longitudinal lap joint in accordance with a method approved by the Manager, Standardization Branch, ANM–113.

(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 3: 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 February 22, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–4509 Filed 2–27–96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–113–FOR]

Pennsylvania Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Pennsylvania regulatory program (hereinafter the “Pennsylvania program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Pennsylvania rules pertaining to: Surface and underground mining—definitions, incidental coal extraction, permit approval, permit renewal, coal exploration, and bonding; surfacing mining—ground and surface water permit application information, operation and reclamation plans, and environmental protection performance standards; anthracite coal mining—permit applications, environmental protection performance standards, bank removal and reclamation standards, refuse removal standards, coal preparation facilities, and underground mines; underground mining of coal and coal preparation plants—erosion and sedimentation control standards, information requirements, performance standards, impoundments, subsidence control, and coal preparation; and coal refuse disposal—permit applications and performance standards. The amendment is intended to revise the Pennsylvania program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., E.S.T. March 29, 1996. If requested, a public hearing on the proposed amendment will be held on March 25, 1996. Requests to speak at the hearing must be received by 4 p.m., E.S.T. on March 14, 1996.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Robert J. Biggi, Director, at the address listed below.

Copies of the Pennsylvania program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for