The Energy Policy Act of 1992 (EPACT) further amended EPCA to expand the coverage of the standards program to include certain commercial and industrial equipment, including commercial heating and air-conditioning equipment, water heaters, certain incandescent and fluorescent lamps, distribution transformers, and electric motors. Energy Policy Act of 1992, Pub. L. 102–486 (1992). EPACT also established maximum water flow-rate requirements for certain plumbing products and provided for voluntary testing and consumer information programs for office equipment, luminaires, and windows.

EPCA also provides for DOE to establish test procedures to be used in determining compliance with efficiency standards. These test procedures are revised periodically to reflect new product designs or technologies.

As prescribed by EPCA, energy efficiency standards are established by a three-phase public process: Advance Notice of Proposed Rulemaking (ANOPR), Notice of Proposed Rulemaking (NOPR), and Final Rule. The process to develop test procedures is similar, except that an Advance Notice is not required.

On July 15, 1996, the Department published a final rule that outlines the procedures, and policies that will guide DOE as it works with stakeholders to establish new or revised energy efficiency standards for consumer products. The new process provides for greater public input, improved analytical approaches and encourages consensus-based standards that streamline the regulatory process and reduce the time and cost of developing standards. A key element of the new process is the involvement of stakeholders in the priority setting of the products to increase the predictability of the rulemaking timetable.

A workshop was held on June 14, 1996, to discuss the criteria to be used in planning and prioritizing future rules, and review of the draft product data sheets to be used to develop a priority ranking for the products. To assist in the development of the priorities, DOE developed data sheets for each product. Once DOE has received input from stakeholders, the priorities and schedule for the appliance standards program will be determined. The schedule will then be published in the Administration's Regulatory Agenda in October 1996.

Based on the comments from the workshop and written comments received, DOE has revised the draft product data sheets and is making available a copy of said sheets for standards rulemakings priority setting. DOE will use the revised data sheets to determine the priority of various rulemakings in the next year. These revised sheets provide a priority, schedule and rationale for each product. The Department would like your further input on the priorities before preparing the Administration's Regulatory Agenda. The Regulatory Agenda will provide stakeholders with the actions and a schedule for those actions that DOE plans to accomplish in the next year.

The priority levels will provide DOE with guidance on which products to focus and allocate resources towards. For the high priority products, DOE plans to pursue actively (meetings and workshops) and publish notices (Determinations, Advance Notices of Proposed Rules, Notices of Proposed Rules and/or Final Rules) in the next year. For the medium priority products, DOE plans to initiate work in support of rulemakings in the next year, for example, conducting a screening workshop for a standards rulemakings. For the low priority products, DOE does not plan to actively pursue rulemakings in the next two years. Work would be limited to basic technology investigation and monitoring of voluntary programs.

Issued in Washington, DC, on August 21, 1996.

Joseph Romm,

Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 96–21785 Filed 8–26–96; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–53–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 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–9–80 series airplanes and Model MD–88 airplanes. This proposal would require visual/dye penetrant and ultrasonic inspections to detect cracks in the vertical leg of the rear spar lower cap of the wings, and various follow-on actions. This proposal is prompted by reports that, due to improper torque tightening of the attach studs of the flap hinge fitting, fatigue cracks were found in the vertical leg of the rear spar lower cap of the wing. The actions specified by the proposed AD are intended to prevent such fatigue cracking, which, if not detected and corrected in a timely manner, could result in loss of the spar cap, and consequent damage to the spar cap web and adjacent wing skin structure; this condition could lead to reduced structural integrity of the wing.

DATES: Comments must be received by October 7, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–53–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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Brent Bandley, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5237; fax (310) 627–5210.

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 96–NM–53–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. 96–NM–53–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports of fatigue cracks found in the vertical leg of the rear spar lower cap of the wing on two McDonnell Douglas Model MD–81 airplanes. One of the airplanes had accumulated 17,354 total landings, and the other airplane had accumulated approximately 24,000 total landings. These fatigue cracks ran out of the lower inboard attach stud hole for the inboard flap hinge fitting of the outboard flap at station Xrs=164.000 on the left or right wings. This fatigue cracking apparently is the result of applying less than the required torque on the attach studs of the flap hinge fitting, during production of these airplanes. Fatigue cracking in the vertical leg of the rear spar lower cap of the wings, if not detected and corrected in a timely manner, could result in loss of the spar cap, and consequent damage to the spar cap web and adjacent wing skin structure; this condition could lead to reduced structural integrity of the wing.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994. The service bulletin describes procedures for performing visual/dye penetrant and ultrasonic inspections to detect cracks in the vertical leg of the rear spar lower cap of the wings below and in the adjacent area of the two lower attaching stud holes for the inboard hinge fitting of the outboard flap at station Xrs=164.000. For cases where no cracks are detected during inspection, the service bulletin describes procedures for either tightening the four mounting studs of the flap hinge fitting in the rear spar caps (two studs in the upper cap and two studs in the lower cap) to applicable torque value, or conducting repetitive visual/dye penetrant and ultrasonic inspections. For cases where any crack is detected during the inspection, the service bulletin describes procedures for performing a high frequency eddy current inspection to confirm existence of cracking, and various follow-on actions. (These follow-on actions include, among other actions, replacement of the entire spar cap, permanent splice repair of the spar cap, temporary repair of the spar cap, and repetitive inspections.)

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require visual/dye penetrant and ultrasonic inspections to detect cracks in the vertical leg of the rear spar lower cap of the wings below and in the adjacent area of the two lower attaching stud holes for the inboard hinge fitting of the outboard flap at station Xrs=164.000, and various follow-on actions. The actions would be required to be accomplished in accordance with the service bulletin described previously. If any crack progression is found during any repetitive eddy current inspection, the repair/replacement would be required to be accomplished in accordance with a method approved by the FAA.

Cost Impact

There are approximately 489 McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes of the affected design in the worldwide fleet. The FAA estimates that 306 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 26 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 $477,360, or $1,560 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 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. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 96–NM–53–AD.

Applicability: Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87) series airplanes and Model MD–88 airplanes, as listed in McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994; 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 (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 fatigue cracking in the vertical leg of the rear spar lower cap of the wing, which could lead to reduced structural integrity of the wing, accomplish the following:

(a) Perform visual/dye penetrant and ultrasonic inspections to detect cracks in the vertical leg of the rear spar lower cap of the wings below and in the adjacent area of the two lower attaching stud holes for the inboard hinge fitting of the outboard flap at station Xrs=164.000, in accordance with McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994; at the time specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD, as applicable.

(1) For airplanes that have accumulated less than 8,000 total landings as of the effective date of this AD: Perform the inspection prior to the accumulation of 10,000 landings or within 3,000 landings after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated 8,000 or more total landings but less than 10,000 total landings as of the effective date of this AD: Perform the inspection within 3,000 landings after the effective date of this AD.

(3) For airplanes that have accumulated 10,000 or more total landings but less than 15,000 total landings as of the effective date of this AD: Perform the inspection within 2,400 landings after the effective date of this AD.

(4) For airplanes that have accumulated 15,000 or more total landings as of the effective date of this AD: Perform the inspection within 1,800 landings after the effective date of this AD.

(b) Condition 1. If no crack is detected during any inspection required by paragraph (a) of this AD, accomplish the requirements of either paragraph (b)(1) or (b)(2) of this AD, in accordance with McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994.

(1) *Condition 1, Option 1.* Prior to further flight, tighten the four mounting studs of the flap hinge fitting in the rear spar caps (2 studs in the upper cap and 2 studs in the lower cap) to the applicable torque value, in accordance with the service bulletin. Accomplishment of this tightening of the mounting studs of the flap hinge fitting constitutes terminating action for the repetitive inspection requirements of paragraph (b)(2) of this AD.

(2) *Condition 1, Option 2.* Repeat the visual/dye penetrant and ultrasonic inspections required by paragraph (a) of this AD thereafter at intervals not to exceed 3,000 landings until paragraph (b)(1) of this AD is accomplished.

(c) Condition 2. If any crack is detected during any inspection required by paragraph (a) or (b)(2) of this AD, prior to further flight, perform a high frequency eddy current inspection to confirm the existence of cracking, in accordance with McDonnell Douglas MD–80 Service Bulletin 57–184, Revision 1, dated December 22, 1994. After this inspection, accomplish the requirements of either paragraph (c)(1), (c)(2), or (c)(3) of this AD, as applicable.

(1) If no cracking is confirmed, accomplish the requirements of either paragraph (b)(1) [''Condition 1, Option 1''] or (b)(2) [''Condition 1, Option 2''] of this AD.

(2) *Condition 2, Option 1.* If any cracking is confirmed, prior to further flight, replace the entire spar cap or accomplish the permanent splice repair of the spar cap, and tighten the four mounting studs of the flap hinge fitting in the rear spar caps (2 studs in the upper cap and 2 studs in the lower cap) to the applicable torque value, in accordance with the service bulletin. Accomplishment of this tightening of the mounting studs constitutes terminating action for the repetitive inspection requirements of paragraph (c)(3) of this AD.

(3) *Condition 2, Option 2.* If cracking is confirmed and it does not extend beyond the location limits and does not exceed the maximum permissible crack length of 2 inches, prior to further flight, accomplish the temporary repair modification of the spar cap in accordance with the service bulletin. Thereafter, repeat the eddy current inspection at intervals not to exceed 3,000 landings until paragraph (c)(2) of this AD is accomplished.

(i) If any crack progression is found during any repetitive eddy current inspection following accomplishment of the temporary repair, prior to further flight, contact the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, telephone (310) 627–5237, fax (310) 627–5210, to establish the appropriate repair or replacement interval.

Note 2: Operators should note that, unlike the recommended compliance time of ''within 3,000 landings after discovery of cracking,'' which is specified in the service bulletin as the time for accomplishing the permanent splice repair or replacement of the spar cap, this AD requires that operators contact the FAA prior to further flight. The FAA finds that the repair/replacement interval should be established based on the crack progression. Where there are differences between the AD and the service bulletin in this regard, the AD prevails.

(ii) If any new crack is found during any repetitive eddy current inspection following accomplishment of the temporary repair, prior to further flight, accomplish the permanent repair in accordance with the service bulletin.

(d) Within 10 days after accomplishing the initial visual/dye penetrant and ultrasonic inspections required by paragraph (a) of this AD, submit a report of the inspection results (both positive and negative findings) to the Manager, Los Angeles ACO, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (310) 627–5237; fax (310) 627–5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(e) 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(f) 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 August 20, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–21743 Filed 8–26–96; 8:45 am]

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14 CFR Part 39

[Docket No. 96–NM–80–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 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 Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes. This proposal would require replacement of certain rudder horn assemblies with a new assembly. For certain airplanes, the proposed AD also would require replacement of certain rudder control rods with a new rod. This proposal is prompted by reports of cracked rudder horns and a cracked rudder control rod, caused by impact overload. The actions specified by the proposed AD are intended to prevent such an overload and consequent cracking of the subject parts, which could result in reduced structural integrity of the rudder horn assembly or loss of rudder control; this condition could lead to reduced controllability of the airplane.