accordance with paragraph (b) 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 failure of the diagonal braces that connect the left and right wings to the fuselage, which could result in unstable movement of the wings and adversely affect the aerodynamic characteristics of the wings, accomplish the following:

(a) Within 90 days after the effective date of this AD, perform the actions required by paragraphs (a)(1) and (a)(2) of this AD.

(1) Check the clearance between the diagonal braces that connect the left and right wings to the fuselage and the Z-profile of the frame to which the top fairing is attached, in accordance with Dornier Service Bulletin SB–328–53–051, dated August 16, 1994.

(i) If the clearance meets or exceeds the minimum limits specified in the service bulletin, no further action is required by paragraph (a)(1) of this AD.

(ii) If the clearance is less than the minimum limits specified in the service bulletin, prior to further flight, modify the Z-profile of the frame to which the top fairing is attached, in accordance with the service bulletin.

(2) Check each diagonal brace for damage or wear, in accordance with the service bulletin.

(i) If no damage or wear is detected, no further action is required by paragraph (a)(2) of this AD.

(ii) If any damage or wear is detected, prior to further flight, repair the diagonal brace in accordance with a method approved by the Manager Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(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. 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 December 6, 1996.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–31607 Filed 12–12–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–117–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes Equipped With Burns Aerospace Corporation Commuter Seat Models JB6.8–1–22 and JB6.8–2–42 Passenger Seats

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 Dornier Model 328–100 series airplanes. This proposal would require modification of the restraining systems of certain passenger seats by replacing anchor point fasteners with fasteners that are able to withstand required 16g load conditions. This proposal is prompted by a report indicating that the restraining systems on these seats failed to meet 16g test load requirements during dynamic testing. The actions specified by the proposed AD are intended to prevent the fasteners from failing, which could result in release of the seat restraint and consequent injury to passengers.

DATES: Comments must be received by January 23, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–117–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 Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Connie Beane, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2796; 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 96–NM–117–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–117–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Dornier Model 328–100 series airplanes. The LBA advises that it has received reports indicating that the restraining system on certain passenger seats installed on these airplanes may not meet the 16g test load requirements. The manufacturer of the restraining system, Burns Aerospace Corporation, detected this discrepancy in design during its dynamic testing of commuter seat models JB6.8–1–22 and JB6.8–2–42. These tests showed that the anchor point fasteners for the restraining system failed when subjected to loads that the fasteners were required to carry. Should these fasteners fail, the seat restraint could release and consequently, passengers could be injured. No such occurrences have been reported in service, however.

Explanation of Relevant Service Information

Dornier has issued Service Bulletin SB–328–25–114, dated July 10, 1995, which describes procedures for replacement of the anchor point fasteners on Model 328–100 series airplanes equipped with Burns Aerospace Corporation commuter seat models JB6.8–1–22 and JB6.8–2–42 passenger seats. (This service bulletin references Burns Aerospace Corporation Service Bulletin SB–25–20–989 Revision B, dated June 14, 1995, as an additional source of procedural service information.) The replacement fasteners have been redesigned so that the restraining system is able to withstand the required 16g test load conditions. The LBA classified the Dornier service bulletin as mandatory and issued German airworthiness directive 95–240/2, dated August 10, 1995, in order to assure the continued airworthiness of these airplanes in Germany.

FAA's Conclusions

This airplane model is manufactured in Germany 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 LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, 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.

Explanation of Requirements of Proposed Rule

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 replacement of the anchor point fasteners on Burns Aerospace Corporation commuter seat models JB6.8–1–22 and JB6.8–2–42 passenger seats, with fasteners that will ensure that the restraining system for these seats is able to withstand the required 16g test load conditions. The actions would be required to be accomplished in accordance with the Dornier service bulletin described previously.

Cost Impact

The FAA estimates that 36 Dornier Model 328–100 series airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per seat to accomplish the proposed actions, at an average labor rate of $60 per work hour. There are normally 30 seats per airplane. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $64,800, or $1,800 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:

Dornier: Docket 96–NM–117–AD.

Applicability: Model 328–100 series airplanes equipped with Burns Aerospace Corporation commuter seat models JB6.8–1–22 and JB6.8–2–42 passenger seats; 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 (b) 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 failure of the anchor point fasteners on the seat restraining systems, which could result in release of the seat restraint and consequent injury to passengers, accomplish the following:

(a) Within 60 days after the effective date of this AD, replace each anchor point fastener on the restraining system of each seat with a fastener of improved design, in accordance with Dornier Service Bulletin SB–328–25–114, dated July 10, 1995.

Note 2: The service bulletin references Burns Aerospace Corporation Service Bulletin SB–25–20989, Revision B, dated June 14, 1995, as an additional source of procedural service information for replacement of the anchor point fastener.

(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 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.

(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 December 6, 1996.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–31606 Filed 12–12–96; 8:45 am]

BILLING CODE 4910–13–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[GA–34–2–9644; FRL–5656–2]

Approval and Promulgation of Air Quality Implementation Plans; Georgia: Enhanced Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed interim rule.

SUMMARY: EPA is proposing a conditional, interim approval of a State Implementation Plan (SIP) revision submitted by the State of Georgia. This revision establishes and requires the implementation of an enhanced inspection and maintenance (I/M) program in Cherokee, Clayton, Cobb, Coweta, Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties. The intended effect of this action is to propose conditional interim approval of an I/M program proposed by the State, based upon the State's good faith estimate, which asserts that the State's network design credits are appropriate and the revision is otherwise in compliance with the Clean Air Act (CAA). This action is being taken under the National Highway System Designation Act of 1995 (NHSDA) and section 110 of the CAA.

If the State commits within 30 days of this proposed conditional interim approval notice to correct the major deficiencies by dates certain as described below, then this proposed conditional approval shall expire pursuant to the NHSDA and section 110 of the CAA on the earlier of 18 months from final interim approval, or on the date of EPA takes final action on the states full I/M SIP. In the event that the State fails to submit a commitment to correct all of the major deficiencies within 30 days after the publication of this proposed conditional interim approval notice, then EPA is proposing in the alternative to dissaprove the SIP revision. If the State does make a timely commitment but the conditions are not met by the specified date within one year, EPA proposes that this proposed conditional interim approval will convert to final disapproval. If the conditional interim approval is converted to a disapproval, EPA will notify the State by letter that the conditions have not been met and that the conditional approval has converted to a disapproval.

DATES: Comments must be received on or before January 13, 1997.

ADDRESSES: Comments may be mailed to Benjamin Franco at the EPA Regional Office listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M St, SW, Washington, D.C. 20460.

Environmental Protection Agency, Region 4, Air Planning Branch, 100 Alabama St., SW, Atlanta, Georgia 30303.

Georgia Environmental Protection Division, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

FOR FURTHER INFORMATION CONTACT: Benjamin Franco, Mobile Source and Community Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 100 Alabama St., SW Atlanta, Georgia 30303. The telephone number is 404/562–9039. Reference file GA 34–2–9644.

SUPPLEMENTARY INFORMATION:

I. Background

A. Impact of the National Highway System Designation Act on the Design and Implementation of Enhanced Inspection and Maintenance Programs Under the Clean Air Act

The National Highway System Designation Act of 1995 (NHSDA) establishes two key changes to the enhanced I/M rule requirements previously developed by EPA. Under the NHSDA, EPA cannot require states to adopt or implement centralized, test-only IM240 enhanced vehicle inspection and maintenance programs as a means of compliance with section 182, 184 or 187 of the CAA. Also under the NHSDA, EPA cannot disapprove a SIP revision, nor apply an automatic discount to a SIP revision under section 182, 184 or 187 of the CAA, because the I/M program in such plan revision is decentralized, or a test-and-repair program. Accordingly, the so-called 50% credit discount that was established by the EPA's I/M Program Requirements Final Rule, (published November 5, 1992, and herein referred to as the I/M Rule) has been effectively replaced with a presumptive equivalency criteria, which places the emission reductions credits for decentralized networks on par with credit assumptions for centralized networks, based upon a state's good faith estimate of reductions as provided by the NHSDA and explained below in this section.

EPA's I/M Rule established many other criteria unrelated to network design or test type for states to use in designing enhanced I/M programs. All other elements of the I/M Rule, and the statutory requirements established in the CAA continue to be required of those states submitting I/M SIP revisions under the NHSDA, and the NHSDA specifically requires that these submittals must otherwise comply in all respects with the I/M Rule and the CAA.

The NHSDA also requires states to swiftly develop, submit, and begin implementation of these enhanced I/M programs, since the anticipated start-up dates developed under the CAA and EPA's rules have already been delayed. In requiring states to submit these plans within 120 days of the NHSDA passage, and in allowing these states to submit proposed regulations for this plan (which can be finalized and submitted to EPA during the interim period) it is clear that Congress intended for states to begin testing vehicles as soon as practicable, now that the decentralized credit issue has been clarified and directly addressed by the NHSDA.

Submission criteria described under the NHSDA allow a state to submit proposed regulations for this interim program, provided that the state has all of the statutory authority necessary to carry out the program. Also, in proposing the interim credits for this program, states are required to make good faith estimates regarding the performance of their enhanced I/M program. Since these estimates are expected to be difficult to quantify, the state need only provide that the proposed credits claimed for the submission have a basis in fact. A good faith estimate of a state's program may be one based on any of the following: the performance of any previous I/M program; the results of remote sensing or other roadside testing techniques; fleet and vehicle miles traveled (VMT) profiles; demographic studies; or other evidence which has relevance to the effectiveness or emissions reducing capabilities of an I/M program.