

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 213 and 338

RIN 3206-AG21

Summer Employment

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is proposing to eliminate regulations that refer to "summer employment" as a separate program. The proposed change is part of OPM efforts to eliminate unnecessary appointing authorities. Agencies would use temporary limited appointments or student temporary appointments, as appropriate, to appoint individuals during the "summer months."

DATES: Comments must be received on or before February 12, 1997.

ADDRESSES: Send or deliver written comments to Mary Lou Lindholm, Associate Director for Employment, Office of Personnel Management, Room 6F08, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Karen Jacobs on (202) 606-0830, TDD (202) 606-0023, or FAX (202) 606-2329.

SUPPLEMENTARY INFORMATION: As recommended by the National Performance Review (NPR), OPM abolished the Federal Personnel Manual which contained detailed hiring guidance for the summer employment program. The NPR also recommended OPM reduce the number of Federal hiring authorities and decentralize many personnel decisions. As a result, OPM revised the regulations on temporary employment and streamlined the student employment programs to give more flexibility in the hiring process. Under the proposed elimination of the summer employment program, agencies would fill time-limited appointments that occur during the summer months by using either the

temporary appointing authority in parts 316 and 333 or the student temporary appointment in parts 213 and 302, as appropriate. The proposal would remove the restrictions on the time period during which "summer" appointments can be made.

Individuals appointed, including those appointed during the summer months, under § 316.402 of this chapter may be reappointed under the conditions set forth in § 316.402(b)(3)—noncompetitive temporary limited appointments and § 316.401(d)—exceptions to the general time limits on making temporary appointments. However, students appointed under the student temporary employment program (5 CFR 213.3202) are not subject to the time limits in parts 316 or 213, or the reappointment procedures in part 316. Agencies may reappoint these students at any time, as appropriate.

Eliminating the separate summer program would remove the specific restrictions on the employment of sons and daughters. However, rules prohibiting nepotism in part 310 continue in full force.

Also, the proposal would require applicants to pass any written test required by the competitive service qualification standards. However, students hired under excepted appointments would not be required to pass a written examination.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities (including small businesses, small organizational units, and small governmental jurisdictions) because the regulations apply only to appointment procedures for certain employees in Federal agencies.

List of Subjects in 5 CFR Parts 213 and 338

Government employees, Reporting and recordkeeping requirements.

U.S. Office of Personnel Management.

James B. King,
Director.

Accordingly, OPM proposes to amend 5 CFR parts 213 and 338 as follows:

PART 213—EXCEPTED SERVICE

1. The authority citation for part 213 is revised to read as follows:

Authority: 5 U.S.C. 3301 and 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p. 218; § 213.101 also issued under 5 U.S.C. 2103; § 213.3102 also issued under 5 U.S.C. 3301, 3302, 3307, 8337(h), 8456; E.O. 12364, 47 FR 22931, 3 CFR 1982 Comp., p. 185; and 38 U.S.C. 4301 *et seq.*

§ 213.3101 [Amended]

2. In § 213.3101, paragraphs (b) [Reserved] through (f) are removed and the paragraph designation in paragraph (a) is removed.

PART 338—QUALIFICATION REQUIREMENTS (GENERAL)

3. The authority citation for part 338 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp., p. 218.

Subpart B—[Reserved]

4. In part 338, subpart B consisting of § 338.202, is removed and reserved.

[FR Doc. 97-699 Filed 1-10-97; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-101-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A300 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 series airplanes. This proposal would require repetitive checks and testing of certain equipment that regulates the flow of fuel from wing tank 2A to the number 2 engine. This proposal also would require replacement of this equipment with equipment that has been designed to prevent incorrect installation; this replacement would be terminating action for the repetitive equipment checks and tests. This proposal is prompted by reports indicating that the incorrect installation of this equipment has caused the flight crew to shut off,

rather than open, certain valves that regulate the flow of fuel from between this tank and engine. The actions specified by the proposed AD are intended to detect and rectify incorrect installations, which could result in the flight crew inadvertently shutting off the flow of fuel to the engine, and consequent engine failure during flight.

DATES: Comments must be received by February 24, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-101-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 96-NM-101-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-101-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, has notified the FAA that an unsafe condition may exist on certain Airbus A300 series airplanes. The DGAC advises that it has received reports indicating that the number 2 engine on some airplanes had failed because fuel from wing tank 2A was not reaching this engine. Subsequent investigation detected the presence of a loose control knob for the isolation valve switch that controls the flow of fuel between this wing tank and engine, and it was determined that the knob had been incorrectly installed. Consequently, when the control knob was turned to the "open" position, it was, in fact, closed, thereby cutting off the fuel supply to the engine. This condition, if not corrected, could result in the flight crew inadvertently shutting off the supply of fuel to this engine, and consequent failure of this engine during flight.

Explanation of Relevant Service Information

Airbus has issued A300 All Operator Telex (AOT) 28-03, dated June 6, 1991, which describes procedures for conducting a physical check of the control knobs for the isolation valve and crossfeed valve control unit 5QB, which is located on fuel panel 52 VU in the cockpit; and procedures for testing this control unit to determine if the control knob settings are correct.

The DGAC classified this AOT as mandatory and issued airworthiness directive (C/N) 91-173-126(B) R1, dated February 19, 1992, in order to assure the continued airworthiness of these airplanes in France.

Airbus also has issued Service Bulletin A300-28-055, Revision 3, dated December 19, 1991, as amended by Service Bulletin Change Notice 3.A., dated March 16, 1992. This service bulletin describes procedures for replacing the isolation valve and crossfeed valve control unit 5QB with a

modified control unit. This replacement is intended to make it impossible to incorrectly install this control unit.

Airbus also has issued Service Bulletin A300-28-0061, Revision 1, dated March 14, 1992, which describes procedures for replacing the control knobs on the isolation valve and crossfeed valve control unit 5QB with new knobs. The replacement knobs are designed so that they can only be installed the correct way.

Note: The Airbus service bulletins reference the following service bulletins, issued by L'équipement et La Construction Electrique (ECE), as additional sources of procedural service information for performing these actions:

ECE Service Bulletin Number	Date
28-191	July 26, 1982.
28-195	August 31, 1983.
28-196	August 31, 1983.
28-228	November 1, 1991.

The DGAC classified the Airbus service bulletins as optional; accomplishment of the procedures described in these service bulletins, however, would terminate the repetitive equipment checks and tests, required by French CN 91-173-126(B) R1.

FAA's Conclusions

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.

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 repetitive checks of the control knobs on isolation valve and crossfeed valve control unit 5QB; and repetitive tests of this control unit. As terminating action for these repetitive checks and tests, operators would be required to replace these knobs and this control unit with knobs and a control unit that have been modified. These modified items prevent the knobs and control unit from being

installed incorrectly. The actions would be required to be accomplished in accordance with the service documents described previously.

Differences Between the Proposed Rule and the French CN

Operators should note that, while the proposed AD would require the replacement of the control knobs on the isolation valve and crossfeed valve control unit with modified units, the French DGAC, as iterated in its CN 91-173-126(B) R1, has provided for this replacement only as an optional action. Both the FAA and the DGAC agree, however, that accomplishment of the replacement would terminate the requirements for repetitive checks and tests of this equipment.

In proposing to mandate these replacement actions, the FAA considers that, unless the equipment is replaced with the modified equipment, the possibility of incorrect installation will always exist whenever normal maintenance is performed. The FAA has determined that long-term continued operational safety will be better assured by modifications or design changes to remove the source of the problem, rather than by repetitive checks or tests. Long-term checks or tests may not provide the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous repetitive checks and tests, has led the FAA to consider placing less emphasis on special procedures and more emphasis on design improvements. The proposed replacement requirement is in consonance with these considerations.

Cost Impact

The FAA estimates that 13 Airbus Model A300 series airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish each proposed check and test cycle, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this proposed requirement on U.S. operators is estimated to be \$780, or \$60 per airplane, per check/test cycle.

It would take approximately 1 work hour per airplane to accomplish the proposed replacement of the control knobs and control unit, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$1,043 per airplane. Based on these figures, the cost impact of the proposed replacement action on U.S. operators is estimated to be \$14,339, or \$1,103 per airplane.

The cost impact figures discussed above are 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:

Airbus Industrie: Docket 96-NM-101-AD.

Applicability: Model A300 series airplanes, as listed in the Airbus service documents referenced in paragraphs (a), (b), and (c) of this AD; 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 the flight crew from inadvertently shutting off the flow of fuel from wing tank 2A to the number 2 engine, due to the incorrect installation of the isolation valve and crossfeed valve control unit 5QB, and the consequent failure of the engine, accomplish the following:

(a) *For airplanes listed in Airbus A300 All Operator Telex (AOT) 28-03, dated June 6, 1991:* Within 30 days after the effective date of this AD, perform a check and functional test of the control knob configurations for the isolation valve and crossfeed valve control unit 5QB, in accordance with Airbus AOT 28-03, dated June 6, 1991.

(1) Repeat the check and test thereafter at intervals not to exceed 500 hours time-in-service, and prior to further flight after any maintenance action is performed on the control unit.

(2) Any unit that does not successfully pass the check/functional test, must be repaired or otherwise rectified prior to further flight, in accordance with the AOT.

(b) *For airplanes listed in Airbus Service Bulletin A300-28-055, Revision 3, dated December 19, 1991, as amended by Service Bulletin Change Notice 3.A., dated March 16, 1992:* Within 2 years after the effective date of this AD, replace the crossfeed and isolation valve control unit 5QB with a modified unit, in accordance Airbus Service Bulletin A300-28-055, Revision 3, dated December 19, 1991, as amended by Service Bulletin Change Notice 3.A.

Note 2: Airbus Service Bulletin A300-28-055, Revision 3, references L'équipement et La Construction Electrique (ECE) Service Bulletins 28-195 and 28-196, both dated August 31, 1983, as additional sources of procedural information for replacement of the control unit.

(c) *For airplanes listed in Airbus Service Bulletin A300-28-0061, Revision 1, dated March 14, 1992:* Within 2 years after the effective date of this AD, replace the control knobs on the crossfeed and isolation valve control unit 5QB with new knobs, in accordance with Airbus Service Bulletin A300-28-0061, Revision 1, dated March 14, 1992.

Note 3: Airbus Service Bulletin A300-28-0061, Revision 1, references ECE Service Bulletins 28-191, dated July 26, 1982, and 28-228, dated November 1, 1991, as additional sources of procedural information for replacement of the control knobs.

(d) Accomplishment of both of the replacements specified in paragraphs (b) and

(c) of this AD constitutes terminating action for the repetitive checks and tests required by paragraph (a) of this AD.

(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, 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 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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 January 6, 1997.

S. R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 97-682 Filed 1-10-97; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 71

[Airspace Docket No. 96-ASO-40]

Proposed Amendment to Class D and E2 Airspace; Orlando, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Class D and E2 surface area airspace at Orlando, FL. A GPS RWY 7 and a GPS RWY 25 Standard Instrument Approach Procedures (SIAP's) have been developed for the Orlando Executive Airport. Additional controlled airspace extending upward from the surface is needed to accommodate these SIAP's and for instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before February 16, 1997.

ADDRESSES: Send comments on the proposed in triplicate to: Federal Aviation Administration, Docket No. 96-ASO-40, Manager, Operations Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305-5586.

FOR FURTHER INFORMATION CONTACT:

Benny L. McGlamery, Operations Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5570.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 96-ASO-40." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Operations Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend Class D and E2 surface area airspace at Orlando, FL. to accommodate a GPS RWY 7 and a GPS RWY 25 SIAP's for the Orlando Executive Airport. Additional controlled airspace extending upward from the surface is needed to accommodate these SIAP's and for IFR operations at the airport. Class D airspace designations and Class E airspace designations for airspace areas designated as a surface area for an airport are published in Paragraphs 5000 and 6002, respectively, of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which are incorporated by reference in 14 CFR 71.1 The Class D and E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation