

surrounding Oyster Creek is of particular concern and requires extensive review and consideration. The petitioner states that traffic congestion is a growing concern in Ocean County as the infrastructure has not kept up with the population growth. Any large scale evacuation would likely be fraught with difficulties that would endanger lives.

The Proposed Amendment

The petitioner requests that the NRC amend its regulations to provide that a renewed license will be issued only if the plant operator demonstrates that the plant meets all criteria and requirements that would be applicable if the plant was being proposed *de novo* for initial construction. The petitioner also requests that § 54.29 be amended to provide that a renewed license may be issued by the Commission if the Commission finds that, upon a *de novo* review, the plant would be entitled to an initial operating license in accordance with all criteria applicable to initial operating licenses, as set out in the Commission's regulations, including 10 CFR parts 2, 19, 20, 21, 26, 30, 40, 50, 51, 54, 55, 71, 100, and the appendices to these regulations. The petitioner requests that corresponding amendments be made to §§ 54.4, 54.19, 54.21, and 54.23, and that § 54.30 be rescinded. The petitioner states that the criteria to be examined as part of a renewal application should include such factors as demographics, siting, emergency evacuation, site security, etc. The petitioner believes that this analysis should be performed in a manner that focuses the NRC's attention on the critical plant-specific factors and conditions that have the greatest potential to affect public safety.

Problems With the Current Process

The petitioner believes that the process and criteria currently established in part 54 is seriously flawed. The petitioner states that the process for license renewal appears to be based on the theory that if the plant was originally licensed at the site, it is satisfactory to renew the license, barring any significant issues having to do with passive systems, structures, and components (SSCs). The petitioner states that the regulations for license renewal should be broadened and sufficiently comprehensive to cover all of the facets (including consideration of a worst-case scenario) that were considered for initial construction. Alternatively, the petitioner states that the license renewal process should examine all issues related to the plant and its original license, and then concentrate on any issues that are new

to that plant or have changed since the original license was issued or that deviate from the original licensing basis.

Key Renewal Issues

The petitioner states that as Oyster Creek approaches the end of its 40 year operating license, it is necessary to answer important questions about the plant. The petitioner states that these questions are specific to the Oyster Creek plant and those who live near the plant deserve to have these questions reviewed. These questions include the following:

- Could a new plant, designed and built to current standards, be licensed on the same site today? With the growth of Ocean County, which continues today, it is not certain that a nuclear plant would be permitted there today.
- The design of Oyster Creek's reactor has been prohibited for nearly four decades. Does that reactor conform to today's standards? Would Oyster Creek receive a license today with that reactor?
 - In light of the terrorist attacks of September 11, 2001, would Oyster Creek's storage system, which is located close to Route 9, be acceptable today?
 - Is the evacuation plan realistic in today's Ocean County? Would the tremendous growth of Ocean County over the past four decades, and the failure of Ocean County's infrastructure to keep pace with this growth, inhibit Oyster Creek's likelihood of receiving an operating license?
 - Would a license be permitted in light of the public opposition to the plant? To date, 21 municipalities in Ocean County, as well as Congressmen Smith, Saxton and Pallone, New Jersey Department of Environmental Protection Commissioner Bradley, and the Ocean County Board of Chosen Freeholders, have expressed either their concern for a thorough review and/or their opposition to the re-licensing.
 - In recent weeks, two studies released by the National Academy of Sciences have raised serious concerns about nuclear plant security and the health effects of low-level radiation upon people who reside near nuclear plants. Should these two scientific studies and other relevant scientific data regarding human health and anti-terrorism be taken into account when considering Oyster Creek's license renewal application?

Conclusion

The petitioner states that many key factors that affect nuclear plant licensing evolve over time: Population grows, local/state Federal regulations evolve, public awareness increases,

technology improves, and plant economic values change. The petitioner believes that all of these factors should be examined and weighed in the formal 10 CFR part 54 relicensing process. Accordingly, the petitioner requests that the NRC amend its regulations related to license renewal as described previously in the section titled, "The Proposed Amendment."

Dated at Rockville, Maryland, this 8th day of September, 2005.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 05-18192 Filed 9-13-05; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2005-22156; Directorate Identifier 2005-CE-43-AD]

RIN 2120-AA64

Airworthiness Directives; Burkhardt Grob Luft-Und Raumfahrt GmbH & CO KG Model G103 TWIN ASTIR Sailplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Burkhardt Grob Luft-Und Raumfahrt GmbH & CO KG (Grob) Model G103 TWIN ASTIR sailplanes. This proposed AD would require you to replace the elevator lever, part number (P/N) 103-3521, with a part of improved design, P/N 103-3523. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. We are issuing this proposed AD to prevent cracks in the elevator lever, which could cause the elevator lever to fail. This failure could result in loss of control of the sailplane.

DATES: We must receive any comments on this proposed AD by October 14, 2005.

ADDRESSES: Use one of the following to submit comments on this proposed AD:

- *DOT Docket Web site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

• *Fax:* 1-202-493-2251.

• *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

To get the service information identified in this proposed AD, contact Burkhardt Grob Luft-Und Raumfahrt GmbH & CO KG, Letenbachstrasse 9, D-86874 Tussenhausen-Mattsies, Germany; telephone: 011 49 8268 998139; facsimile: 011 49 8268 998200.

To view the comments to this proposed AD, go to <http://dms.dot.gov>. This is docket number FAA-2005-22156; Directorate Identifier 2005-CE-43-AD.

FOR FURTHER INFORMATION CONTACT: Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; facsimile: (816) 329-4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on this proposed AD? We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include the docket number, "FAA-2005-22156; Directorate Identifier 2005-CE-43-AD" at the beginning of your comments. We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed rulemaking. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). This is docket number FAA-2005-22156; Directorate Identifier 2005-CE-43-AD. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://dms.dot.gov>.

Are there any specific portions of this proposed AD I should pay attention to? We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. If you contact us

through a nonwritten communication and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend this proposed AD in light of those comments and contacts.

Docket Information

Where can I go to view the docket information? You may view the AD docket that contains the proposal, any comments received, and any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m. (eastern time), Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5227) is located on the plaza level of the Department of Transportation NASSIF Building at the street address stated in **ADDRESSES**. You may also view the AD docket on the Internet at <http://dms.dot.gov>. The comments will be available in the AD docket shortly after the DMS receives them.

Discussion

What events have caused this proposed AD? The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified FAA that an unsafe condition may exist on all Grob Model G103 TWIN ASTIR sailplanes. The LBA reports an instance of elevator level failure on one of the affected sailplanes. Cracks in the elevator lever caused the elevator lever to fail.

The cracks are a result of inadequate design in the structural strength and durability.

The elevator lever, part number (P/N) 103-3521, is made from the same cast alloy as the airbrake over-center levers, P/Ns 103-4123 (left) and 103-4124 (right), used on Grob Model G103 TWIN ASTIR sailplanes. Cracks found on these parts caused us to issue AD 97-24-10, which requires replacing P/Ns 103-4123 and 103-4124 with parts of improved design, P/N 103B-4123 and 103B-4124.

What is the potential impact if FAA took no action? If not prevented, cracks in the elevator lever could cause the elevator lever to fail. This failure could result in loss of control of the sailplane.

Is there service information that applies to this subject? Grob has issued Service Bulletin No. MSB 315-67/1, dated December 20, 2004.

What are the provisions of this service information? The service bulletin specifies replacing elevator lever, P/N 103-3521 made of aluminum cast alloy, with P/N 103-3523 made from sheet aluminum.

What action did the LBA take? The LBA classified this service bulletin as mandatory and issued German AD Number D-2004-292R1, dated February 28, 2005, to ensure the continued airworthiness of these sailplanes in Germany.

Did the LBA inform the United States under the bilateral airworthiness agreement? These Grob Model G103 TWIN ASTIR sailplanes are manufactured in Germany and are 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.

Under this bilateral airworthiness agreement, the LBA has kept us informed of the situation described above.

FAA's Determination and Requirements of This Proposed AD

What has FAA decided? We have examined the LBA's findings, 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 the unsafe condition described previously is likely to exist or develop on other Grob Model G103 TWIN ASTIR sailplanes of the same type design that are registered in the United States, we are proposing AD action to prevent cracks in the elevator lever, which could cause the elevator lever to fail. This failure could result in loss of control of the sailplane.

What would this proposed AD require? This proposed AD would require you to replace P/N 103-3521, aluminum cast alloy elevator lever, with P/N 103-3523, sheet aluminum elevator lever.

How does the revision to 14 CFR part 39 affect this proposed AD? On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance

How many sailplanes would this proposed AD impact? We estimate that this proposed AD affects 60 sailplanes in the U.S. registry.

What would be the cost impact of this proposed AD on owners/operators of the

affected sailplanes? We estimate the following costs to do this proposed replacement:

Labor cost	Parts cost	Total cost per sailplane	Total cost on U.S. operators
20 × \$65 per hour = \$1,300	\$715	\$2,015	\$120,900

Authority for This Rulemaking

What authority does FAA have for issuing this rulemaking action? Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this AD.

Regulatory Findings

Would this proposed AD impact various entities? We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect 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.

Would this proposed AD involve a significant rule or regulatory action? For

the reasons discussed above, I certify that this proposed AD:

- 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. 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.

We prepared a summary of the costs to comply with this proposed AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under ADDRESSES. Include “AD Docket FAA–2005–22156; Directorate Identifier 2005–CE–43–AD” in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Burkhardt Grob Luft-Und Raumfahrt GmbH & CO KG: Docket No. FAA–2005–22156; Directorate Identifier 2005–CE–43–AD.

When Is the Last Date I Can Submit Comments on This Proposed AD?

- (a) We must receive comments on this proposed airworthiness directive (AD) by October 14, 2005.

What Other ADs Are Affected By This Action?

- (b) None.

What Sailplanes Are Affected By This AD?

- (c) This AD affects Model G103 TWIN ASTIR sailplanes, all serial numbers, that are certificated in any category.

What Is the Unsafe Condition Presented in This AD?

- (d) This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified in this AD are intended to prevent cracks in the elevator lever, which could cause the elevator lever to fail. This failure could result in loss of control of the sailplane.

What Must I Do To Address This Problem?

- (e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Check the sailplane service history records to determine if part number (P/N) 103–3521, aluminum cast alloy elevator lever, has been replaced with P/N 103–3523, sheet aluminum elevator lever.	Within the next 25 hours time-in-service (TIS) after the effective date of this AD.	The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may check the sailplane service history records as specified in paragraph (e)(1) of this AD. Make an entry into the aircraft records showing compliance with this portion of the AD following section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).
(2) If you can positively determine by checking the sailplane service history records that the replacement specified in paragraph (e)(1) of this AD has been done, no further action is required.	Not applicable	Not applicable.

Actions	Compliance	Procedures
(3) If you cannot positively determined by checking the sailplane service history records that the replacement specified in paragraph (e)(1) of this AD has been done, replace P/N 103-3521 with P/N 103-3523.	Within the next 25 hours TIS after the effective date of this AD.	Following GROB Luft-und Raumfahrt Service Bulletin MSB 315-67/1 dated December 20, 2004.
(4) Do not install any P/N 103-3521, aluminum cast alloy elevator lever.	As of the effective date of this AD	Not applicable.

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; facsimile: (816) 329-4090.

Is There Other Information That Relates to This Subject?

(g) German AD Number D-2004-292R1, dated February 28, 2005, also addresses the subject of this AD.

May I Get Copies of the Documents Referenced in This AD?

(h) To get copies of the documents referenced in this AD, contact Burkhardt Grob Luft-Und Raumfahrt GmbH & CO KG, Letenbachstrasse 9, D-86874 Tussenhausen-Mattsies, Germany; telephone: 011 49 8268 998139; facsimile: 011 49 8268 998200. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC, or on the Internet at <http://dms.dot.gov>. This is docket number FAA-2005-22156; Directorate Identifier 2005-CE-43-AD.

Issued in Kansas City, Missouri, on September 8, 2005.

David R. Showers,
Acting Manager, Small Airplane Directorate,
Aircraft Certification Service.

[FR Doc. 05-18205 Filed 9-13-05; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2005-22401; Directorate Identifier 2004-NM-93-AD]

RIN 2120-AA64

Airworthiness Directives; Hamburger Flugzeugbau G.m.b.H. Model HFB 320 HANSA Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Hamburger Flugzeugbau G.m.b.H. Model HFB 320 HANSA airplanes. This proposed AD would require revising the Limitations Section of the Airplane Flight Manual to prohibit operation of the airplane past its designed life limit for the primary structure, which is 15,000 flight hours or 15,000 flight cycles, whichever occurs first; and to require contacting the FAA for approval of analysis that the airplane is safe to continue operation beyond the designed life limit. This proposed AD is prompted by a report that all airplanes in operation might have met or exceeded the designed life limit for the primary structure. We are proposing this AD to prevent continued operation of an airplane beyond its designed life limit for the primary structure, which could result in reduced structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by October 14, 2005.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD.

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.
- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- Mail: Docket Management Facility, U.S. Department of Transportation, 400

Seventh Street SW., Nassif Building, Room PL-401, Washington, DC 20590.

- By fax: (202) 493-2251.
- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus Deutschland G.m.b.H, Customer Service HFB 320, Postfach 95 01 09, D-21111 Hamburg, Germany.

You can examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, on the plaza level of the Nassif Building, Washington, DC. This docket number is FAA-2005-22401; the directorate identifier for this docket is 2004-NM-93-AD.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2005-22401; Directorate Identifier 2004-NM-93-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments submitted by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of our docket Web site, anyone can find and read the comments in any of our dockets,