

# 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.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 26, 60, 63, 73, and 74

RIN 3150-A106

#### Geologic Repository Operations Area Security and Material Control and Accounting Requirements

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Availability of preliminary draft rule language.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is making available preliminary draft rule language to amend its regulations to revise the security requirements and material control and accounting (MC&A) requirements for a geologic repository operations area (GROA). The goal of this rulemaking is to ensure effective security measures are in place for the protection of high-level radioactive waste given the post-September 11, 2001, threat environment. New requirements for specific training enhancements, improved access authorization, and enhancements to defensive strategies will be incorporated. The proposed rule will reinstate the alcohol and drug provisions of the fitness-for-duty provisions to a GROA. The proposed rule will also impose the fatigue portion of the fitness-for-duty requirements for the security personnel at a GROA. The proposed rule will establish general performance objectives and corresponding system capabilities for the GROA MC&A program, with a focus on strengthening, streamlining, and consolidating all MC&A regulations specific to a GROA. In addition, the proposed rule will require the emergency plan to address radiological emergencies. The availability of the preliminary draft rule language is intended to inform stakeholders of the current status of the NRC's activities, but the NRC is not soliciting formal

public comments on the information at this time.

**DATES:** There will be an opportunity for public comment when the notice of proposed rulemaking is published in the **Federal Register**.

**ADDRESSES:** The preliminary draft rule language can be viewed and downloaded electronically via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>. Along with any publicly available documents related to this rulemaking, the draft information may be viewed electronically on public computers in the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Room O-1 F21, and open to the public on Federal workdays from 7:45 a.m. until 4:15 p.m. The PDR reproduction contractor will make copies of documents for a fee.

**FOR FURTHER INFORMATION CONTACT:** Merri Horn, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-8126, e-mail, [mlh1@nrc.gov](mailto:mlh1@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The NRC is making a preliminary version of the draft proposed rule language available to inform stakeholders of the current status of this proposed rulemaking. This preliminary draft rule language may be subject to significant revisions during the rulemaking process. The NRC is not soliciting early public comments on this preliminary draft rule language. No stakeholder requests for a comment period will be granted at this stage in the rulemaking process. Stakeholders will have an opportunity to comment on the rule language when it is published as a proposed rule.

The NRC's preliminary draft rule language will be posted on the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>. The NRC may post updates to the draft proposed rule language on the rulemaking Web site.

Dated at Rockville, Maryland, this 10th day of May, 2007.

For the Nuclear Regulatory Commission.

**Patrice M. Bubar,**

*Deputy Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. E7-9520 Filed 5-16-07; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2007-27976; Directorate Identifier 2007-CE-042-AD]

RIN 2120-AA64

#### Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Cirrus Design Corporation (CDC) Models SR20 and SR22 airplanes. This proposed AD would require you to replace the pick-up collar support and nylon screws, of the Cirrus Airplane Parachute System (CAPS), with a new design pick-up collar support and custom tension screws. This proposed AD results from a CDC report of an in-flight CAPS activation where the parachute failed to successfully deploy. We are proposing this AD to correct pick-up collar support fasteners of the CAPS, which could result in the premature separation of the collar. This condition, if not corrected, could result in the parachute failing to successfully deploy (CAPS failure).

**DATES:** We must receive comments on this proposed AD by June 18, 2007.

**ADDRESSES:** Use one of the following addresses to comment on this proposed AD:

- **DOT Docket Web site:** Go to <http://dms.dot.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 20590-0001.

- 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.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instruction for submitting comments.

For service information identified in this proposed AD, contact Cirrus Design Corporation, 4515 Taylor Circle, Duluth, Minnesota 55811; telephone (218) 727-2737; internet address: <http://www.cirrusdesign.com>.

**FOR FURTHER INFORMATION CONTACT:**

Wess Rouse, Aerospace Engineer, 2300 East Devon Avenue, Room 107, Des Plaines, Illinois 60018; telephone: (847) 294-8113; fax: (847) 297-7834.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, "FAA-2007-27976; Directorate Identifier 2007-CE-042-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 received 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 we receive concerning this proposed AD.

**Discussion**

We have received a CDC report of an in-flight CAPS activation where the parachute failed to successfully deploy. A CDC airplane in Australia had an engine failure and was making an off airport landing. The pilot activated the CAPS, and evidence indicates that the parachute was not properly extracted from the airplane.

Testing indicates that the force of the CAPS rocket ignition and rocket base may prematurely break the nylon pick up collar/support screws. When functioning properly the screws should not break until impacted by a flange at the rocket base. A prematurely separated collar/support may bind on the rocket as it slides down toward the flange at the base of the rocket. This may alter the direction of the rocket.

This condition, if not corrected, could result in the parachute failing to successfully deploy (CAPS failure).

**Relevant Service Information**

We have reviewed CDC's Alert Service Bulletin No. SB A2X-95-10 R2, Issued April 2, 2007, Revised: April 24, 2007.

The service information describes procedures for replacing the pick-up collar support of the CAPS with a new design pick-up collar support and replacing the nylon screws with custom aluminum tension screws.

**FAA's Determination and Requirements of the Proposed AD**

We are proposing this AD because we evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This proposed AD would require you to do a replacement of the pick-up collar support and associated fastening screws of the CAPS.

**Costs of Compliance**

We estimate that this proposed AD would affect 2,677 airplanes in the U.S. registry.

We estimate the following costs to do the proposed replacement of the pick-up collar support of the CAPS:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
2 work-hours × \$80 per hour = \$160 .....	\$17	\$177	\$473,829

**Note:** CDC will provide warranty credit to the extent noted in Cirrus Alert Service Bulletin No. SB A2X-95-10 R2, Issued April 2, 2007, Revised: April 24, 2007.

**Authority for This Rulemaking**

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 rulemaking action.

**Regulatory Findings**

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.

For the reasons discussed above, I certify that the 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. 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 regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

**Examining the AD Docket**

You may examine the AD docket that contains the proposed AD, the regulatory evaluation, any comments received, and other information on the Internet at <http://dms.dot.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647-5227) is located at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**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 FAA proposed 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 AD:

**Cirrus Design Corporation:** Docket No. FAA–2007–27976; Directorate Identifier 2007–CE–042–AD.

**Comments Due Date**

(a) We must receive comments on this airworthiness directive (AD) action by June 18, 2007.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Model SR20 airplanes, serial numbers (SN) 1005 through 1798, and Model SR22 airplanes, SN 0002 through 2437, that are certificated in any category.

**Unsafe Condition**

(d) This AD results from a Cirrus Design Corporation (CDC) report of an in-flight Cirrus Airplane Parachute System (CAPS) activation where the parachute failed to successfully deploy. We are issuing this AD to correct pick-up collar support fasteners of the CAPS, which could result in the premature separation of the collar. This condition, if not corrected, could result in the parachute failing to successfully deploy (CAPS failure).

**Compliance**

(e) To address this problem, you must do the following, unless already done:

Actions	Compliance	Procedures
Replace the pick-up collar support of the CAPS with the new design pick-up collar support and the two nylon collar support screws with new custom aluminum tension screws. One of the following must do the replacement: (1) A CDC trained and authorized parachute system technician who also holds an Airframe and Powerplant (A&P) mechanic license; or (2) a CDC trained and authorized parachute system technician who is supervised by an A&P mechanic.	Within the next 25 hours time-in-service (TIS), or within 60 days, whichever occurs first after the effective date of this AD.	Follow Cirrus Alert Service Bulletin No. SB A2X–95–10 R2, Issued April 2, 2007, Revised: April 24, 2007.

**Alternative Methods of Compliance (AMOCs)**

(f) The Manager, Chicago Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Wess Rouse, Aerospace Engineer, FAA, 2300 East Devon Avenue, Room 107, Des Plaines, Illinois 60018; telephone: (847) 294–8113; fax: (847) 297–7834. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

**Related Information**

(g) To get copies of the service information referenced in this AD, contact Cirrus Design Corporation, 4515 Taylor Circle, Duluth, Minnesota 55811; telephone: (218) 727–2737; internet address: [www.cirrusdesign.com](http://www.cirrusdesign.com). 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>. The docket number is Docket No. FAA–2007–27976; Directorate Identifier 2007–CE–042–AD.

Issued in Kansas City, Missouri, on May 11, 2007.

**David R. Showers,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 07–2438 Filed 5–16–07; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA–2007–27974; Directorate Identifier 2007–CE–040–AD]

**RIN 2120–AA64**

**Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 and DA 40F Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

A nose landing gear leg failed in area of the nose gear leg pivot axle. This airplane was mostly operated on grass runways and training operations. This failure was based on a fatigue crack developed in the pivot axle. Material inspections figured out that this cracks may also develop on other serial No. pending the type of operation.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by June 18, 2007.

**ADDRESSES:** You may send comments by any of the following methods:

- *DOT Docket Web Site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.
- *Fax:* (202) 493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
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**Examining the AD Docket**

You may examine the AD docket on the Internet at <http://dms.dot.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–