

Issued in Renton, Washington, on September 26, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2012-1035; Directorate Identifier 2011-NM-235-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Airplanes

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A318, A319, A320, and A321 series airplanes. This proposed AD was prompted by a report of an uncommanded nose landing gear (NLG) retraction. This proposed AD would require installing a power interruption protection circuit for the landing gear control interface unit (LGCIU). We are proposing this AD to prevent untimely unlocking and/or retraction of the NLG, which, while on the ground, could result in injury to ground personnel and damage to the airplane.

**DATES:** We must receive comments on this proposed AD by November 19, 2012.

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

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

- *Fax:* (202) 493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., 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, Airworthiness Office—EAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email

[account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); Internet <http://www.airbus.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office 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 Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Sanjay Ralhan, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone (425) 227-1405; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2012-1035; Directorate Identifier 2011-NM-235-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

##### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2011-0202, dated October 13, 2011 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

After a push back from the gate, an A320 aeroplane was preparing to initiate taxi,

when an uncommanded nose landing gear (NLG) retraction occurred, causing the nose of the aeroplane to hit the ground. Investigations revealed that the retraction was caused by a combination of a power interruption to LGCIUs [landing gear control interface unit] and an internal hydraulic leak through the landing gear (LG) selector valve 40GA.

Deeper investigations have revealed that LGCIU power interruption appears during engine start at each flight. Even though no incident has been reported in service, it has been determined that a non compliance to the safety objective exists when combined with a dormant single failure of the selector valve seal leaking.

This condition, if not corrected, could lead to further incidents of untimely unlocking and/or retraction of the NLG which, while on the ground, could result in injury to ground personnel and damage to the aeroplane.

To address the possible hydraulic leak of the LG selector valve, EASA issued AD 2007-0065, currently at Revision 2.

For the reasons described above, this [EASA] AD requires installation of a power interruption protection circuit to the LGCIU and the accomplishment of associated modifications [install new seals on nose landing gear (NLG)/main landing gear (MLG) door valve selector and gear valve-selector and for certain airplanes, re-identification of identification plates].

You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

Airbus has issued the following service bulletins:

- Airbus Service Bulletin A320-32-1346, Revision 04, including Appendices 1 and 2, dated April 22, 2011 (for Model A318, A319, A320, and A321 series airplanes).
- Airbus Service Bulletin A320-32-1349, Revision 03, including Appendix 1, dated October 5, 2011 (for Model A319CJ (corporate jet) airplanes).

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

### Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 755 products of U.S. registry. We also estimate that it would take about 48 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost up to \$8,220 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be up to \$9,286,500, or up to \$12,300 per product.

### 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 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 this 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);
3. Will not affect intrastate aviation in Alaska; and

4. 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.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA 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 AD:

**Airbus:** Docket No. FAA-2012-1035; Directorate Identifier 2011-NM-235-AD.

#### (a) Comments Due Date

We must receive comments by November 19, 2012.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Airbus Model A318-111, A318-112, A318-121, A318-122, A319-111, A319-112, A319-113, A319-114, A319-115, A319-131, A319-132, A319-133, A320-111, A320-211, A320-212, A320-214, A320-231, A320-232, A320-233, A321-111, A321-112, A321-131, A321-211, A321-212, A321-213, A321-231, and A321-232 airplanes; certificated in any category; all manufacturer serial numbers, except airplanes on which Airbus modification 37866 has been embodied in production.

#### (d) Subject

Air Transport Association (ATA) of America Code 32: Landing Gear.

#### (e) Reason

This AD was prompted by a report of an uncommanded nose landing gear (NLG) retraction. We are issuing this AD to prevent untimely unlocking and/or retraction of the NLG, which, while on the ground, could result in injury to ground personnel and damage to the airplane.

#### (f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

### (g) Modification

At the applicable compliance time specified in paragraph (g)(1) or (g)(2) of this AD: Install a power interruption protection circuit for the landing gear control interface unit (LGCUI), in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320-32-1346, Revision 04, including Appendices 1 and 2, dated April 22, 2011 (for Model A318, A319, A320, and A321 series airplanes other than the Model A319CJ (corporate jet) airplanes); or Airbus Service Bulletin A320-32-1349, Revision 3, including Appendix 1, dated October 5, 2011 (for Model A319CJ (corporate jet) airplanes).

(1) For airplanes that have embodied Airbus modification 38947 specified in Airbus Service Bulletin A320-32-1348 during production or in service: Within 72 months after the effective date of this AD.

(2) For all airplanes other than those identified in paragraph (g)(1) of this AD: Within 60 months after the effective date of this AD.

### (h) Re-Identification of Identification Plates

For airplanes that have done the installation required by paragraph (g) of this AD before the effective date of this AD using Airbus Service Bulletin A320-32-1346, dated December 4, 2008 (for airplanes other than the Model A319CJ (corporate jet) airplanes): At the applicable times specified in paragraphs (g)(1) and (g)(2) of this AD, re-identify the identification plates, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320-32-1346, Revision 4, including Appendices 1 and 2, dated April 22, 2011 (for airplanes other than the Model A319CJ (corporate jet) airplanes).

### (i) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraphs (i)(1) through (i)(6) of this AD which is not incorporated by reference in this AD:

(1) Airbus Service Bulletin A320-32-1346, Revision 1, dated October 27, 2009 (for Model A318, A319, A320, and A321 series airplanes).

(2) Airbus Service Bulletin A320-32-1346, Revision 2, dated November 4, 2009 (for Model A318, A319, A320, and A321 series airplanes).

(3) Airbus Service Bulletin A320-32-1346, Revision 3, dated January 7, 2010 (for Model A318, A319, A320, and A321 series airplanes).

(4) Airbus Service Bulletin A320-32-1349, dated December 4, 2008 (for Model A319CJ (corporate jet) airplanes).

(5) Airbus Service Bulletin A320-32-1349, Revision 1, dated August 31, 2009, (for Model A319CJ (corporate jet) airplanes).

(6) Airbus Service Bulletin A320-32-1349, Revision 2, dated June 16, 2010 (for Model A319CJ (corporate jet) airplanes).

### (j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, ANM-116,

International Branch, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone (425) 227-1405; fax (425) 227-1149. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product*: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

#### (k) Related Information

(1) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2011-0202, dated October 13, 2011, and the service information specified in paragraphs (k)(1)(i) and (k)(1)(ii) of this AD, for related information.

(i) Airbus Service Bulletin A320-32-1346, Revision 4, including Appendices 1 and 2, dated April 22, 2011.

(ii) Airbus Service Bulletin A320-32-1349, Revision 03, including Appendix 1, dated October 5, 2011.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—EAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); Internet <http://www.airbus.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on September 26, 2012.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 201

[Docket No. 2012-5]

#### Verification of Statements of Account Submitted by Cable Operators and Satellite Carriers

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice of proposed rulemaking; extension of reply comment period.

**SUMMARY:** The Copyright Office is again extending the deadline for filing reply comments in response to its Notice of Proposed Rulemaking concerning the verification of Statements of Account and royalty payments that are deposited with the Office by cable operators and satellite carriers.

**DATES:** Reply comments on the proposed rule published at 77 FR 35643, June 14, 2012, must be received in the Office of the General Counsel of the Copyright Office no later than 5 p.m. Eastern Daylight Time (EDT) on October 24, 2012.

**ADDRESSES:** The Copyright Office strongly prefers that comments be submitted electronically. A comment submission page is posted on the Copyright Office Web site at <http://www.copyright.gov/docs/soaaudit/>. The Web site interface requires submitters to complete a form specifying name and other required information, and to upload comments as an attachment. To meet accessibility standards, all comments must be uploaded in a single file in either the Adobe Portable Document File (PDF) format that contains searchable, accessible text (not an image); Microsoft Word; WordPerfect; Rich Text Format (RTF); or ASCII text file format (not a scanned document). The maximum file size is 6 megabytes (MB). The name of the submitter and organization should appear on both the form and the face of the comments. All comments will be posted publicly on the Copyright Office Web site exactly as they are received, along with names and organizations if provided. If electronic submission of comments is not feasible, please contact the Copyright Office at (202) 707-8380 for special instructions.

#### FOR FURTHER INFORMATION CONTACT:

Tanya Sandros, Deputy General Counsel, or Erik Bertin, Attorney Advisor, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** On June 14, 2012, the Copyright Office published a notice of proposed rulemaking and request for comments concerning a new regulation that will allow copyright owners to audit the Statements of Account and royalty fees that cable operators and satellite carriers deposit with the Copyright Office under Sections 111 and 119 of the Copyright Act. The Office received comments on the proposed regulation from groups representing copyright owners, cable operators, and satellite carriers, which have been posted on the Copyright Office Web site at <http://www.copyright.gov/docs/soaaudit/comments/index.html>. The notice of proposed rulemaking stated that reply comments would be due on September 12, 2012. See 77 FR 35643, June 14, 2012.

On August 24, 2012, the Office received a joint motion to extend the reply comment period (posted on the Office Web site at: [http://www.copyright.gov/docs/soaaudit/soa\\_audit.html](http://www.copyright.gov/docs/soaaudit/soa_audit.html)), which was filed by the National Cable & Telecommunications Association (“NCTA”),<sup>1</sup> the Joint Sports Claimants, and the Program Suppliers.<sup>2</sup> The moving parties asked the Office to extend the deadline for reply comments until October 3, 2012 in order to determine whether they agree on any aspects of the proposed regulation, which in turn, may narrow the issues that need to be resolved in this rulemaking. The Office granted the moving parties’ request, stating that reply comments would be due by October 3, 2012, as requested. See 77 FR 55783 (Sept. 11, 2012).

On September 26, 2012 the NCTA, the Joint Sports Claimants, and the Program Suppliers filed a second motion to extend the reply comment period for another three weeks (posted on the Office Web site at: [http://www.copyright.gov/docs/soaaudit/soa\\_audit.html](http://www.copyright.gov/docs/soaaudit/soa_audit.html)). Specifically, the moving parties asked the Office to extend the deadline for reply comments until October 24, 2012. In support of their latest motion,

<sup>1</sup> The NCTA is a trade association that represents cable operators. Many of the NCTA’s members file Statements of Account with and pay royalties to the Copyright Office under the statutory license set forth in Section 111 of the Copyright Act, which allows them to retransmit television and radio programs that are embodied in local distant broadcast transmissions.

<sup>2</sup> Both the Joint Sports Claimants and the Program Suppliers represent copyright owners who are the beneficiaries of the royalties that are paid under the Section 111 and 119 statutory licenses. Generally speaking, the Joint Sports Claimants represent copyright owners that produce professional and college sports programming, while the Program Suppliers represent copyright owners that produce and/or syndicate movies, programs, and specials that are broadcast by television stations.