

Proposed Rules

Federal Register

Vol. 84, No. 146

Tuesday, July 30, 2019

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.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2019-0021; Product Identifier 2018-NM-038-AD]

RIN 2120-AA64

Airworthiness Directives; AmSafe Inc. Seatbelts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM) that proposed to adopt a new airworthiness directive (AD) that would have applied to all AmSafe Inc. seatbelts, as installed in, but not limited to, various airplanes and rotorcraft. The NPRM was prompted by reports of multiple failed keepers on seatbelt hook assemblies. The NPRM would have required an inspection for affected parts, repetitive general visual inspections of the seatbelt hook assembly for damage, repetitive functional checks, and replacement of all affected parts. Since issuance of the NPRM, the FAA has determined that a significant portion of the affected seatbelt hook assemblies have been replaced. The FAA has also determined that the majority of the affected parts have exceeded their typical replacement cycle and are likely no longer in service. The FAA performed a new risk assessment based on this data and determined there is now an acceptable level of risk. Accordingly, the NPRM is withdrawn.

DATES: The FAA is withdrawing the proposed rule published February 22, 2019 (84 FR 5620), as of July 30, 2019.

ADDRESSES:

Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0021; or in person at Docket Operations

between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD action, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (telephone 800-647-5527) is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Patrick Farina, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5344; fax: 562-627-5210; email: Patrick.Farina@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on February 22, 2019 (84 FR 5620). The NPRM was prompted by reports of multiple failed keepers on seatbelt hook assemblies.

The NPRM proposed to require an inspection for affected parts, repetitive general visual inspections of the seatbelt hook assembly for damage, repetitive functional checks, and replacement of all affected parts. The proposed actions were intended to address failed keepers on seatbelt hook assemblies, and remove the risk of future failures by a timed removal. Failure of keepers on seatbelt hook assemblies, if not addressed, could result in the seatbelt disengaging from and detaching from the seat structure under certain conditions, and could result in injury to passengers or flightcrew.

Actions Since the NPRM Was Issued

Since issuance of the NPRM, the FAA has determined that at least 31 percent of the affected seatbelt hook assemblies have been replaced. The FAA has also determined that the majority of the affected parts have exceeded their typical replacement cycle and are likely no longer in service. The FAA performed a new risk assessment based on this data and determined there is now an acceptable level of risk. The FAA has also determined that the

remaining parts will eventually be replaced as specified in the applicable component maintenance manual (CMM), which will eliminate the risk. Therefore, the FAA has determined that AD action is not appropriate.

Withdrawal of the NPRM constitutes only such action and does not preclude the FAA from further rulemaking on this issue, nor does it commit the FAA to any course of action in the future.

Comments

The FAA gave the public the opportunity to comment on the NPRM. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

The Air Line Pilots Association, International (ALPA), Dominic Savino, and FedEx indicated their support for the NPRM.

Request To Withdraw the NPRM

AmSafe requested that the FAA withdraw the NPRM. The commenter suggested that the proposed AD is overly broad and unnecessary based on the number of affected parts in service. AmSafe stated that it has confirmed the return or replacement of 67,000 affected parts, or 31 percent of the total affected parts. AmSafe further noted that the majority of the affected seatbelts not already collected by AmSafe were placed in service five to eight years ago and are likely no longer in service, based on an industry average three year replacement cycle for seatbelts. AmSafe added that it is in the process of replacing almost 4,500 affected parts for Japan Airlines and it has confirmed that all affected parts on Alaska Airlines and KLM Royal Dutch Airlines aircraft have been replaced. AmSafe further added that American Airlines has reported having only one airplane with affected parts, and none of those parts were observed to be damaged. AmSafe observed that these operators represent the largest users of the affected parts in the industry. AmSafe stated that the failure of a keeper itself will not result in injury to passengers or flightcrew. AmSafe added that the potential for injury exists only under accident conditions where the hook is not properly restrained. AmSafe also suggested that the data used to support the proposed AD incorrectly assumes a higher rate of damaged parts than really

exist, because the damaged parts have been found only in cases where the keeper is located above the seat cushion. AmSafe requested that the FAA perform a new risk analysis based on the data it provided. AmSafe suggested that it could report additional replacements or findings of damaged units to the FAA as they become available. AmSafe concluded that the NPRM was no longer needed and should be withdrawn.

The FAA agrees with the commenter's request. Based on the data AmSafe provided, the FAA performed a new risk assessment. This new assessment has allowed the agency to determine that the unsafe condition has been reduced to represent an acceptable risk. The FAA also expects the remaining risk to be eliminated as the affected parts are replaced.

FAA's Conclusions

Upon further consideration, the FAA has determined that the NPRM is unnecessary. Accordingly, the NPRM is withdrawn.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule. This action therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

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

The Withdrawal

■ Accordingly, the notice of proposed rulemaking, Docket No. FAA-2019-0021, which was published in the **Federal Register** on February 22, 2019 (84 FR 5620), is withdrawn.

Issued in Des Moines, Washington, on July 23, 2019.

Dionne Palermo,

*Acting Director, System Oversight Division,
Aircraft Certification Service.*

[FR Doc. 2019-16127 Filed 7-29-19; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 34

RIN 1291-AA39

Rescission of Regulations Implementing the Nondiscrimination and Equal Opportunity Provisions of the Job Training Partnership Act of 1982

AGENCY: Office of the Assistant Secretary for Administration and Management, Department of Labor.

ACTION: Proposed rule; withdrawal.

SUMMARY: The U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management (OASAM) is withdrawing the proposed rule to rescind its regulations implementing Section 167 of the Job Training Partnership Act of 1982, as amended (JTPA). On September 26, 2018, OASAM simultaneously published in the **Federal Register** a notice of proposed rulemaking and a direct final rule to rescind its regulations implementing Section 167 of the JTPA. The comment period for the proposed rule and the direct final rule ended on October 26, 2018, and no adverse comments were received on either rule. The direct final rule is effective November 26, 2018.

DATES: The proposed rule published on September 26, 2018 (83 FR 48576), is withdrawn as of July 30, 2019.

ADDRESSES: Electronic copies of this **Federal Register** notice are available at <http://www.regulation.gov>.

FOR FURTHER INFORMATION CONTACT:

Naomi Barry-Perez, Director, Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210, telephone (202) 693-6500 (VOICE) or (800) 877-8339 (Federal Relay Service—for TTY), or by email at CRC-WIOA@dol.gov.

SUPPLEMENTARY INFORMATION: On September 26, 2018, OASAM simultaneously published in the **Federal Register** a notice of proposed rulemaking (83 FR 48576) and a direct final rule (83 FR 48542) to rescind its regulations implementing Section 167 of the JTPA. Section 167 contained the nondiscrimination and equal-opportunity provisions of the JTPA. In 1998, Congress passed the Workforce Investment Act (WIA), which repealed the JTPA and required the Secretary of Labor to transition any authority under the JTPA to the system that WIA created. WIA, in turn, was subsequently altered by the Workforce Innovation and

Opportunity Act (WIOA). The JTPA's nondiscrimination and equal opportunity requirements were superseded by similar provisions in WIA, and more recently, WIOA. The current WIOA regulations governing nondiscrimination and equal opportunity are at 29 CFR part 38. In sum, the rule removes regulations for an inoperative program, but has no impact on existing non-discrimination rules.

OASAM explained that if no significant adverse comments were received during the comment period, then the direct final rule would become effective and OASAM would withdraw the proposed rule. The comment period for the proposed rule and the direct final rule ended on October 26, 2018. No adverse comments were received on either rule. The direct final rule is effective November 26, 2018. As such, the proposed rule is unnecessary and OASAM withdraws it.

Signed at Washington, DC, on July 19, 2019.

Bryan Slater,

Assistant Secretary, Office of the Assistant Secretary for Administration and Management, Department of Labor.

[FR Doc. 2019-16071 Filed 7-29-19; 8:45 am]

BILLING CODE 4510-FR-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 816, 817, 850

[Docket ID: OSM-2014-0003; S1D1S SS08011000 SX064A000 190S180110 S2D2S SS08011000 SX064A00 19XS501520]

Closure of Petition for Rulemaking; Use of Explosives on Surface Coal Mining Operations

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), withdraw our decision to initiate rulemaking related to the release of emissions generated by blasting on surface coal mining operations. After granting a petition to initiate rulemaking in 2015 without stating the content of the rule we planned to propose, OSMRE has since determined that it lacks statutory authority to establish an air quality standard as urged by petitioners, and that in the rare instances where injury might occur, the Surface Mining Control and Reclamation Act of 1977 (SMCRA), provides adequate mechanisms for enforcement.