

Proposed Rules

Federal Register

Vol. 68, No. 113

Thursday, June 12, 2003

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. 2001–NM–302–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; Model A300 B4–600, A300 B4–600R, and A300 F4–600R Series Airplanes (Collectively Called A300–600); Model A310 Series Airplanes; Model A319, A320, and A321 Series Airplanes; Model A330–301, –321, –322, –341, and –342 Series Airplanes; and Model A340 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Airbus Model A300 B2 and B4 series airplanes; Model A300 B4–600, A300 B4–600R, and A300 F4–600R series airplanes (collectively called A300–600); Model A310 series airplanes; Model A319, A320, and A321 series airplanes; Model A330–301, –321, –322, –341, and –342 series airplanes; and Model A340 series airplanes; that would have required, among other actions, replacement of certain pitot probes with certain new pitot probes. This new action would revise the replacement procedures of the proposed AD by requiring enlargement of the holes for the pitot probes. The actions specified by this new proposed AD are intended to prevent loss or fluctuation of indicated airspeed, which could result in seriously misleading information being provided to the flightcrew. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by July 7, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation

Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–302–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain “Docket No. 2001–NM–302–AD” in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

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: 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

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 action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.

- Include justification (e.g., reasons or data) for each request.

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 action must submit a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket Number 2001–NM–302–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–114, Attention: Rules Docket No. 2001–NM–302–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD) applicable to certain Airbus Model A300 B2 and B4 series airplanes; Model A300 B4–600, A300 B4–600R, and A300 F4–600R series airplanes (collectively called A300–600); Model A310 series airplanes; Model A319, A320, and A321 series airplanes; Model A330–301, –321, –322, –341, and –342 series airplanes; and Model A340 series airplanes; was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on December 4, 2002 (67 FR 72115) (hereafter referred to as the “original NPRM”). That original NPRM would have required, among other actions, replacement of certain pitot probes with certain new pitot probes. That original NPRM was prompted by several cases of loss or fluctuation of indicated airspeed when flying through heavy precipitation or freezing weather conditions. The probable cause has been attributed to the presence of ice crystals and/or water exceeding the weather limits for which the pitot probes are currently certified. Loss or fluctuation of

indicated airspeed, if not corrected, could result in inadvertent excursions outside the normal flight envelope.

Actions Since Issuance of Previous Proposal

Since the issuance of the original NPRM, the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has issued a new revision to French airworthiness directive 2001-265(B) R1, dated December 12, 2001, which was one of the French airworthiness directives cited in the original NPRM. This new revision, French airworthiness directive 2001-265(B) R2, dated November 13, 2002, among other things, specifies enlarging the holes for the pitot probes and clarifies the name of a parts manufacturer.

New revisions to two of the service bulletins that were cited in the original NPRM were issued to revise certain procedures to specify the need to enlarge certain holes when replacing the pitot probes. The various revisions to the two service bulletins are described as follows:

- A310-34-2154, Revision 01, dated April 19, 2000, was cited in the original NPRM as an appropriate source of service information. The manufacturer later issued Revision 02, dated November 5, 2001; Revision 03, dated January 25, 2002; Revision 04, dated April 30, 2002; Revision 05, dated July 9, 2002; and Revision 06, dated August 6, 2002. All of these revisions add airplanes in the effectivity of the service bulletin. However, Revision 04 of the service bulletin also includes procedures for enlarging the holes for installing the pitot probes. Revision 07, dated October 8, 2002, which is cited in this supplemental NPRM as the appropriate source of information for Model A310 series airplanes, also adds airplanes to the effectivity of the service bulletin.

- A300-34-6141, dated December 3, 2001, was cited in the original NPRM as an appropriate source of service information. The manufacturer later issued Revision 01, dated February 20, 2002, to add airplanes to the effectivity of the service bulletin. Revision 02, dated April 30, 2002, was issued to provide procedures for enlarging the holes for installing the pitot probes. Revision 03, dated August 27, 2002, which is cited in this supplemental NPRM as the appropriate source of information for Model A300 B4-600R series airplanes, was issued to add airplanes to the effectivity of the service bulletin.

Comments

Due consideration has been given to the comments received in response to the NPRM.

Support for the Proposed NPRM

One commenter, the manufacturer, supports the content of the proposed NPRM.

Request to Correct Name of Parts Supplier

One commenter suggests changing all references throughout the original NPRM from BF Goodrich to Rosemount Aerospace Inc. The commenter states that Rosemount Aerospace is the correct legal name. The FAA concurs with this request and has revised this supplemental NPRM accordingly.

Request To Delay Issuance of Proposal

One commenter states that it has no concerns with the actions required by the original NPRM, and that those actions have been accomplished on all Model A319 and A320 series airplanes. However, since this accomplishment, the commenter has experienced a continuation in airspeed anomalies. For this reason, the commenter states that it will share such data with us, and suggests that we conduct a more extensive review of the experience of additional operators regarding airspeed anomalies before mandating any actions in an AD.

Although we acknowledge the commenter's concern, we do not concur that issuance of this proposed AD should be delayed until we receive additional data regarding airspeed anomalies. However, based on these concerns, we encourage that additional data be submitted to us by the commenter or others. We have determined that to delay this action would be inappropriate since an unsafe condition exists, and that the revised procedure for replacing the pitot probes must be accomplished to ensure continued safety. Additional rulemaking may be considered in the future, if warranted by additional data regarding the identified unsafe condition. No change to this supplemental NPRM is necessary in this regard.

Request To Expand the Applicability of the Proposed NPRM

One commenter is concerned about certain requirements in the original NPRM regarding the pitot probes used on certain airplane models. The commenter asks whether the unsafe condition identified on one manufacturer's product line of pitot probes also exists on the product lines of other manufacturers. The commenter

states that one of the manufacturers issued an alert service bulletin regarding unauthorized repairs on certain pitot static tubes found installed on a number of airplane models. The commenter is concerned that additional airplane models also may have similar discrepant pitot probes installed. In addition, if a serious safety issue exists for pitot probes manufactured per the requirements of Technical Standard Order TSO C-16, dated September 1, 1948, and amended April 16, 1951, the applicability of the original NPRM may need to be expanded.

We acknowledge the commenter's concern and may consider additional rulemaking to address that concern in the future on certain airplanes. While there may be merit to the commenter's suggestions, this supplemental NPRM is not the appropriate context in which to evaluate those suggestions. Since the suggested changes would alter the actions currently required by this supplemental NPRM, additional rulemaking would be required. We find that to delay this action would be inappropriate in light of the identified unsafe condition. We do not concur that we should expand the applicability of this supplemental NPRM. No change to the applicability of this supplemental NPRM is necessary in this regard.

Request to Add a Service Bulletin Reference

One commenter states that a reference to Airbus Service Bulletin A320-34-1170, Revision 05, dated September 11, 2000, should be added to certain paragraphs in the original NPRM, for certain airplanes. That service bulletin describes procedures for replacing certain Thales (formerly Sextant) pitot probes with new Rosemount Aerospace pitot probes.

We do not concur for several reasons. First, the commenter did not specify any justification for adding a reference to Airbus Service Bulletin A320-34-1170. Second, French airworthiness directive 2001-265(B) R2 does not include a reference to that service bulletin. In addition, French airworthiness directive 2001-362(B), dated August 8, 2001, states that airplanes equipped with certain pitot probes per Airbus Service Bulletin A320-34-1170 are not applicable to the requirements of that airworthiness directive. No change to this supplemental NPRM is necessary in this regard.

Conclusion

Since these changes expand the scope of the original NPRM, we have determined that it is necessary to reopen the comment period to provide

additional opportunity for public comment.

Cost Impact

We estimate that 559 Model A300 B2 and B4 series airplanes; Model A300 B4–600, A300 B4–600R, and A300 F4–

600R series airplanes (collectively called A300–600); Model A310 series airplanes; Model A319, A320, and A321 series airplanes; Model A330–301, –321, –322, –341, and –342 series airplanes of U.S. registry would be affected by this

proposed AD. The “Table—Cost Figures” shows the estimated cost impact for certain airplanes affected by this proposed AD. The average labor rate is \$60 per work hour. “Table—Cost Figures” is as follows:

TABLE—COST FIGURES

Model	U.S.-registered airplanes	Work hours (estimated)	Parts cost (estimated)	Total cost (estimated)
A300 B2 and A300 B4	24	Between 3 and 631 ...	Between \$120 and \$56,669 per airplane (depending on airplane configuration).	Between \$300 and \$94,529 per airplane (depending on airplane configuration).
A300 B4–600, A300 B4–600R, and A300 F4–600R (collectively called A300–600).	83	3	\$5,700	\$488,040, or \$5,880 per airplane.
A310	46	3	\$5,700 or \$5,856 (depending on airplane configuration)..	Between \$270,480 and \$277,656; or \$5,880 and \$6,036 per airplane (depending on airplane configuration).
A319, A320, and A321	397	3	\$6,000	\$2,453,460, or \$6,180 per airplane.
A330–301, –321, –322, –341, and –342.	9	3	\$6,000 or \$11,100 (depending on airplane configuration).	Between \$55,620 and 101,520; or \$6,180 and \$11,280 per airplane (depending on airplane configuration).

The cost impact figures in the table 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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Currently, there are no Airbus Model A340 series airplanes on the U.S. Register. However, should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 3 work hours to accomplish the required actions, at an average labor rate of \$60 per work hour. The cost of required parts would be \$6,000 or \$11,100 (depending on airplane configuration). Based on these figures, the cost impact of this AD

would be \$6,180 or \$11,280 per airplane (depending on airplane configuration).

Regulatory Impact

The regulations proposed herein 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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: Docket 2001–NM–302–AD.

Applicability: The series airplanes, certificated in any category, listed in Table—Applicability:

TABLE—APPLICABILITY

Model and series	Excluding airplanes modified per—	Excluding airplanes equipped with—
A300 B2 and A300 B4	Airbus Modification No. 12236 in service (reference Airbus Service Bulletin A300–34–0166, dated March 30, 2001, in service).	None.

TABLE—APPLICABILITY—Continued

Model and series	Excluding airplanes modified per—	Excluding airplanes equipped with—
A300 B4–600, A300 B4–600R, and A300 F4–600R (collectively called A300–600)	Airbus Modification No. 11858 in production (reference Airbus Service Bulletin A300–34–6116, dated June 19, 1998; Revision 01, dated August 7, 1998; or Revision 02, dated May 25, 2000; in service). or Airbus Modification No. 12223 in service (reference Airbus Service Bulletin A300–34–6141, dated December 3, 2001; or Revision 01, dated February 20, 2002); and on which concurrent incorporation of Airbus repair procedures to enlarge the holes for the pitot probes was accomplished; in service; or Airbus Modification No. 12223 in service (reference Airbus Service Bulletin A300–34–6141, Revision 02, dated April 30, 2002; or Revision 03, dated August 27, 2002; in service).	None.
A310	Airbus Modification No. 11858 in production (reference Airbus Service Bulletin A310–34–2137, dated June 19, 1998; Revision 01, dated August 7, 1998; or Revision 02, dated May 25, 2000; in service); or Airbus Modification No. 12223 in service (reference Airbus Service Bulletin A310–32–2154, dated January 13, 2000; Revision 01, dated April 19, 2000; Revision 02, dated November 05, 2001; or Revision 03, dated January 25, 2002); and on which concurrent incorporation of Airbus repair procedures to enlarge the holes for the pitot probes were accomplished; in service; or Airbus Modification 12223 in service (reference Airbus A310–32–2154, Revision 04, dated April 30, 2002; Revision 05, dated July 9, 2002; Revision 06, dated August 6, 2002; or Revision 07, dated October 8, 2002; in service).	None.
A319, A320, and A321	Airbus Modification 25998 in production (reference Airbus Service Bulletin A320–34–1127, dated April 24, 1997, in service);	Rosemount (formerly BF Goodrich or New Rosemount) pitot probes part number 0851HL per Airbus Modification No. 25578 (reference Airbus Service Bulletin A320–34–1170, dated April 12, 1979; Revision 01, dated March 14, 1980; Revision 02, dated April 10, 1980; Revision 03, dated March 23, 1981; Revision 04, dated October 1, 1981; or Revision 05, dated September 11, 2000.)
A330–301, –321, –322, –341, and –342	Airbus Modification No. 44836 in production (reference Airbus Service Bulletin A330–34–3038, dated November 19, 1996, in service); or Airbus Modification No. 45638 in production (reference Airbus Service Bulletin A330–34–3071, dated December 11, 1998, in service).	None.
A340–211, –212, –213, –311, –312, and –313	Airbus Modification 44836 in production (reference Airbus Service Bulletin A340–34–4042, dated November 19, 1996, in service);	None.

TABLE—APPLICABILITY—Continued

Model and series	Excluding airplanes modified per—	Excluding airplanes equipped with—
	Airbus Modification 45638 in production (reference Airbus Service Bulletin A340–34–4079, dated December 11, 1998; Revision 01, dated May 27, 1999; or Revision 02, dated October 6, 1999; in service).	

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 (i) 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 loss or fluctuation of indicated airspeed, which could result in seriously misleading information being provided to the flightcrew, accomplish the following:

For Model A300 B2 and A300 B4 Series Airplanes; Model A300 B4–600, A300 B4–600R, and A300 F4–600R (collectively called A300–600) Series Airplanes; and Model A310 Series Airplanes: Replacement of Pitot Probes With New Pitot Probes

(a) Within 30 months after the effective date of this AD, do the action specified in paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) For Model A300 B2 and A300 B4 series airplanes; Model A300 B4–600, A300 B4–600R, and A300 F4–600R (collectively called A300–600) series airplanes; and Model A310 series airplanes: Replace the Thales (formerly Sextant) pitot probes from the forward fuselage panel between FR6 and FR7 with new Rosemount (formerly BF Goodrich) pitot probes (including O-rings, gaskets, and nuts), per Airbus Service Bulletin A300–34–0166, dated March 30, 2001 (for Model A300 B2 and B4 series airplanes); Airbus Service Bulletin A300–34–6116, Revision 02, dated May 25, 2000 (for Model A300 B4–600, A300 B4–600R, and A300 F4–600R series airplanes); or Airbus Service Bulletin A310–34–2137, Revision 02, dated May 25, 2000 (for Model A310 series airplanes); as applicable.

(2) For Model A300 B4–600R, A310–203, and A310–304 series airplanes: Replace the Thales (formerly Sextant) pitot probes from the forward fuselage panel between FR6 and FR7 with Thales or Sextant pitot probes (including O-rings, gaskets, and nuts) per Airbus Service Bulletin A300–34–6141, Revision 03, dated August 27, 2002 (for Model A300 B4–600R series airplanes); or Airbus Service Bulletin A310–34–2154, Revision 07, dated October 8, 2002 (for Model A310 series airplanes); as applicable.

For Model A300 B2 and A300 B4 Series Airplanes: Before or Concurrent Requirements

(b) For Model A300 B2 and A300 B4 series airplanes: Before or concurrently with the requirements of paragraphs (a)(2) of this AD, as applicable, replace the Captain's, First Officer's, and standby Badin Crouzet pitot probes in zones 121 and 122 between STA881/FR6 and STA904FR7 with new Badin Crouzet pitot probes (including replacement of O-rings, gaskets, and nuts with new parts; and modification of electrical wiring and equipment of electrical wiring); per Airbus Service Bulletin A300–34–069, Revision 05, dated April 8, 1982, as revised by A300 Service Bulletin Change Notice 5A, dated February 16, 1987.

(c) For Model A300 B2 and A300 B4 series airplanes, manufacturer's serial numbers 002, 004 through 028 inclusive, 030 through 051 inclusive: Before or concurrently with the requirements of paragraph (b) of this AD, modify the relay box of the automatic ground depression systems by doing all the actions specified in the Accomplishment Instructions of Airbus Service Bulletin A300–21–053, Revision 2, dated January 3, 1980; per the service bulletin.

(d) For Model A300 B2 and A300 B4 series airplanes, manufacturer's serial numbers 002, 005 through 007 inclusive, 009 through 014 inclusive, 016, and 017: Before or concurrently with the requirements of paragraph (c) of this AD, do the actions specified in paragraphs (d)(1) and (d)(2) of this AD per Airbus Service Bulletin A300–32–052, dated November 15, 1976.

(1) Clean, restore paint coats, and apply mystik tape 7355 to shock strut (barrel) of the main landing gear.

(2) Replace the lower arm link with a new, reidentified lower arm lock link.

(e) For Model A300 B2 and A300 B4 series airplanes, manufacturer's serial numbers 005 through 007 inclusive, 009 through 012 inclusive: Before or concurrently with the requirements of paragraph (b) of this AD, modify the electronic racks, electrical wiring, and cable routing by accomplishing all the actions specified in the Accomplishment Instructions of Airbus Service Bulletin A300–22–031, dated June 25, 1979, per the service bulletin.

For Model A319, A320, and A321 Series Airplanes: Replacement of Thales Pitot Probes

(f) For Model A319, A320, and A321 series airplanes: Within 24 months after the effective date of this AD: Replace the Thales (formerly Sextant) pitot probes in zones 125, 9DA2, and 122 with new Thales pitot probes, per Airbus Service Bulletin A320–34–1127, dated April 24, 1997.

For Model A330–301, –321, –322, –341, and –342 Series Airplanes: Replacement of Rosemount Pitot Probes

(g) Within 30 months after the effective date of this AD, do the action specified in paragraph (g)(1) or (g)(2) of this AD, as applicable.

(1) For Model A330–301, –321, –322, –341, and –342 series airplanes: Replace the Rosemount pitot probes in zones 121 and 122 with new Rosemount (formerly BF Goodrich) pitot probes, per Airbus Service Bulletin A330–34–3038, dated November 19, 1996.

(2) For Model A330–301 series airplanes: Replace the Rosemount pitot probes in zones 121 and 122 with new Thales (formerly Sextant) pitot probes, per Airbus Service Bulletin A330–34–3071, dated December 11, 1998.

For Model A340–211, –212, –213, –311, –312, and –313 Series Airplanes: Replace the Rosemount Pitot Probes

(h) Within 30 months after the effective date of this AD, do the actions specified in paragraph (h)(1) or (h)(2) of this AD, as applicable.

(1) For Model A340–211, –212, –213, –311, –312, and –313 series airplanes: Replace the Rosemount pitot probes in zones 121 and 122 with new Rosemount (formerly BF Goodrich) pitot probes, per Airbus Service Bulletin A340–34–4042, dated November 19, 1996.

(2) For Model A340–211, –212, and –311 series airplanes: Replace the Rosemount pitot probes in zones 121 and 122 with new Thales (formerly Sextant) pitot probes, per Airbus Service Bulletin A340–34–4079, dated December 11, 1998. This replacement must be done before or concurrently with the requirements of paragraph (h)(1) of this AD.

Alternative Methods of Compliance

(i) 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, International Branch, ANM–116, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(j) Special flight permits may be issued in accordance with §§ 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.

Note 3: The subject of this AD is addressed in French airworthiness directives 2001–362(B), dated August 8, 2001; and 2001–265(B) R2, dated November 23, 2002.

Issued in Renton, Washington, on June 6, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–14849 Filed 6–11–03; 8:45 am]

BILLING CODE 4910–13–U

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Public Meeting Concerning Bath Seat Rulemaking

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public meeting.

SUMMARY: The Consumer Product Safety Commission (“CPSC” or “Commission”) will conduct a public meeting on July 28, 2003 (possibly extending to July 29) to receive comments on the CPSC staff briefing package, which recommends that the Commission issue a notice of proposed rulemaking proposing that bath seats meet certain requirements. The Commission invites oral presentations from members of the public with information or comments related to the briefing package. The Commission will consider these presentations in its deliberations on the rulemaking.

DATES: The meeting will begin at 9 a.m. on July 28, 2003 and may continue to July 29 if necessary. Requests to make oral presentations, and 10 copies of the text of the presentation, must be received by the CPSC Office of the Secretary no later than July 21, 2003. Persons making presentations at the meeting should provide an additional 25 copies for dissemination on the date of the meeting.

The Commission reserves the right to limit the number of persons who make presentations and the duration of their presentations. To prevent duplicative presentations, groups will be directed to designate a spokesperson.

Written submissions, in addition to, or instead of, an oral presentation may be sent to the address listed below and will be accepted until August 28, 2003.

ADDRESSES: The meeting will be in room 420 of the East-West Towers Building, 4330 East-West Highway, Bethesda, MD. Requests to make oral presentations,

and texts of oral presentations should be captioned “Bath Seat NPR” and be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda, Maryland 20814. Requests and texts of oral presentations may also be submitted by facsimile to (301) 504–0127 or by e-mail to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: For information about the purpose or subject matter of this meeting contact Patricia L. Hackett, Project Manager, Directorate for Engineering Sciences, U.S. Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–7577; e-mail: phackett@cpsc.gov. For information about the schedule for submission of requests to make oral presentations and submission of texts of oral presentations, contact Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–6833; fax (301) 504–0127; e-mail rhammond@cpsc.gov.

SUPPLEMENTARY INFORMATION:

A. Background

In July 2000, the Commission received a petition from the Consumer Federation of America (“CFA”) and eight other organizations requesting that the Commission issue a rule that would ban bath seats and bath rings (hereafter “bath seats”) under the Federal Hazardous Substances Act (“FHSA”). The Commission evaluated information from the CFA petition, a staff briefing package and public comments on the petition. On May 30, 2001, the Commission voted to grant the CFA petition and begin rulemaking. On August 1, 2001, the Commission published an advance notice of proposed rulemaking (“ANPR”) in the **Federal Register**. 66 FR 39692. The Commission received ten comments from nine individuals in response to the ANPR.

The staff reviewed the comments and relevant information and forwarded a briefing package to the Commission.

The staff recommends that the Commission issue a notice of proposed rulemaking (“NPR”) that would propose three requirements to address the three main hazard scenarios the staff identified from the reported fatalities.

The staff recommends a stability requirement to address the hazard of bath seats tipping over while in use. The staff has identified 30 fatalities and 80 non-fatal incidents or complaints involving bath seats tipping over that

were reported from January 1983 through December 2002. The staff recommends a stability requirement that is essentially the same as the stability requirement in the ASTM voluntary standard but requires testing on a slip-resistant surface.

The staff has identified 3 deaths and 17 non-fatal incidents or complaints involving children who were submerged or entrapped in bath seats that were reported from January 1983 through December 2002. To address this hazard, the staff recommends a performance requirement specifying that the bath seat’s leg openings not allow passage of probes that represent the shoulder and torso of an infant. This requirement is identical to one that ASTM approved in March 2003 for inclusion in its revised standard, ASTM F 1967–03.

The staff has identified 19 fatalities and 13 non-fatal incidents or complaints involving children coming out of bath seats that were reported from January 1983 through December 2002. The staff has not been able to develop performance criteria that could effectively address this hazard. The staff recommends a revised warning label to better alert caregivers to the danger of leaving a child alone in a bath seat.

B. The Public Meeting

The purpose of the public meeting is to provide a forum for oral presentations on the CPSC staff briefing package concerning the bath seat NPR.

Participation in the meeting is open. See the **DATES** section of this notice for information on making requests to give oral presentations at the meeting and on making written submissions.

Dated: June 3, 2003.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 03–14482 Filed 6–11–03; 8:45 am]

BILLING CODE 6355–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[IN156–1b; FRL–7512–5]

Approval and Promulgation of Implementation Plans; Indiana; Plan for Controlling Emissions From Existing Commercial and Industrial Solid Waste Incinerators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve, through direct final procedure,