

# Proposed Rules

Federal Register

Vol. 71, No. 241

Friday, December 15, 2006

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-2006-26595; Directorate Identifier 2006-NM-208-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A320 Series 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 certain Airbus Model A320 series airplanes. This proposed AD would require replacing the carbon fiber reinforced plastic (CFRP) actuator fittings of the rudder with aluminum actuator fittings and doing related investigative and corrective actions. This proposed AD results from rupture of a CFRP actuator fitting during maintenance. We are proposing this AD to prevent rupture of a rudder actuator fitting, which could result in reduced controllability of the airplane.

**DATES:** We must receive comments on this proposed AD by January 16, 2007.

**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.

- *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.

Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for service information identified in this proposed AD.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; 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 in the **ADDRESSES** section. Include the docket number "FAA-2006-26595; Directorate Identifier 2006-NM-208-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 with FAA personnel concerning this proposed AD. Using the search function of that Web site, anyone can find and read the comments in 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.). 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>.

##### Examining the Docket

You may examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES**

section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

##### Discussion

The European Aviation Safety Agency (EASA), which is the airworthiness authority for the European Union, notified us that an unsafe condition may exist on certain Airbus Model A320 series airplanes. The EASA advises that a carbon fiber plastic reinforced (CFRP) actuator fitting of the rudder ruptured during incorrect accomplishment of airplane maintenance task 27-21-00-710-001. Investigation revealed that the CFRP actuator fittings cannot sustain limit loads resulting from ground gust conditions due to design of the fitting. Rupture of a rudder actuator fitting, if not corrected, could result in reduced controllability of the airplane.

##### Relevant Service Information

Airbus has issued Service Bulletin A320-55-1030, dated March 6, 2006. The service bulletin describes procedures for replacing all three of the CFRP actuator fittings of the rudder with aluminum actuator fittings and doing related investigative and corrective actions. The related investigative action is an inspection of the bushings to ensure that they are not elongated or out of measurement. The corrective action is to replace any damaged bushing with a new bushing. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The EASA mandated the service information and issued airworthiness directive 2006-0262, dated August 25, 2006, to ensure the continued airworthiness of these airplanes in the European Union.

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

This airplane model is manufactured in France and is 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. As described in FAA Order 8100.14A, "Interim Procedures for Working with the European Community on Airworthiness Certification and Continued Airworthiness," dated August 12, 2005, the EASA has kept the FAA informed of the situation described above. We have

examined the EASA's findings, evaluated all pertinent information, and determined that we need to issue an AD for airplanes of this type design that are certificated for operation in the United States.

Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

#### Costs of Compliance

This proposed AD would affect about 38 airplanes of U.S. registry. The proposed action would take about 100 work hours per airplane, at an average labor rate of \$80 per work hour. Required parts would cost about \$6,310 per airplane. Based on these figures, the estimated cost of the proposed AD for U.S. operators is \$543,780, or \$14,310 per airplane.

#### 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. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

#### 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 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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

**Airbus:** Docket No. FAA-2006-26595; Directorate Identifier 2006-NM-208-AD.

##### Comments Due Date

(a) The FAA must receive comments on this AD action by January 16, 2007.

##### Affected ADs

(b) None.

##### Applicability

(c) This AD applies to Airbus Model A320 series airplanes, certificated in any category; except those on which Airbus Modification 21733 or 21999 has been incorporated in production.

##### Unsafe Condition

(d) This AD results from rupture of a carbon fiber reinforced plastic (CFRP) actuator fitting during maintenance. We are issuing this AD to prevent rupture of a rudder actuator fitting, which could result in reduced controllability of the airplane.

##### Compliance

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

##### Replacement of Rudder Actuator Fittings

(f) Within 9,000 flight cycles or 12,000 flight hours, or 60 months after the effective date of this AD, whichever occurs first: Replace all of the CFRP actuator fittings of the rudder with aluminum actuator fittings and do all the related investigative actions, by accomplishing all of the actions specified in Airbus Service Bulletin A320-55-1030, dated March 6, 2006. Do any applicable corrective actions before further flight in

accordance with the Accomplishment Instructions of the service bulletin.

#### Alternative Methods of Compliance (AMOCs)

(g)(1) The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

#### Related Information

(h) European Aviation Safety Agency (EASA) airworthiness directive 2006-0262, dated August 25, 2006, also addresses the subject of this AD.

Issued in Renton, Washington, on November 27, 2006.

**Ali Bahrami,**

*Manager Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E6-21354 Filed 12-14-06; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 387

[Docket No. FMCSA-2006-26262]

**RIN 2126-AB05**

#### Minimum Levels of Financial Responsibility for Motor Carriers; Petitions for Rulemaking

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Advance notice of proposed rulemaking (ANPRM); request for comments.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) announces it is considering whether to amend its financial responsibility requirements for motor carriers in response to two petitions for rulemaking. The Government of Canada (Canada) petitioned FMCSA to amend these requirements to permit, as acceptable evidence of financial responsibility, a policy of insurance issued by a Canadian insurance company legally authorized to issue such policies in the Province or Territory of Canada where the motor carrier has its principal place of business. Canada believes the FMCSA's current regulations place Canada-domiciled motor carriers operating in the United States at a competitive