

Independence Avenue, S.W.,
Washington, DC 20585, (202) 586-6116.

SUPPLEMENTARY INFORMATION: In the February 28, 1995, notice of proposed rulemaking, DOE described the statutory provisions of the Act that impose the alternative fueled vehicle acquisition schedules and provide for a starting date of September 1, 1995 (the beginning of model year 1996). Among other things, DOE pointed out that, with respect to the acquisition requirements applicable to alternative fuel providers in model years 1997 and thereafter, section 501(b) of the Act authorizes DOE to reduce the percentage to no less than 20 percent and to extend the deadlines for up to two years. 42 U.S.C. 13251(b). DOE indicated that it did not intend to exercise its discretion under section 501(b), but requested comment on the conditions that should be the basis for such action. DOE also pointed out that, with respect to the statutory vehicle acquisition schedule applicable to State government fleets, section 507(o) does not contain a provision similar to section 501(b), and therefore, does not explicitly authorize DOE to amend the percentages or deadlines in the statutory schedule. 60 FR 10970-1.

DOE received a significant amount of comment on the desirability of a delay of the vehicle acquisition schedules. Some of the comments argue that DOE should delay the acquisition schedules so as to provide the same amount of lead time as the Act contemplates between the statutory deadlines for promulgation of final regulations (January 1, 1994, for alternative fuel providers and April 24, 1994, for State fleets) and the date the vehicle acquisition requirements take effect (September 1, 1995). Others argue for a one or two-year delay of the vehicle acquisition requirements for both alternative fuel providers and State fleets. A one-year delay would shift the starting point for both vehicle acquisition schedules to the beginning of model year 1997 on September 1, 1996. A two-year delay would shift the starting point for both vehicle acquisition schedules to the beginning of model year 1998 on September 1, 1997. In making a case for delay, some comments have argued that a hiatus between the date of promulgation and the date the vehicle acquisition requirements become effective is needed so that those who are subject to the regulations can take necessary actions to comply and suppliers of alternative fuel and alternative fueled vehicles can adjust to the requirements. Moreover, some State officials have argued that a delay is necessary because section

507(o)(2)(A) of the Act provides for a 12-month period after promulgation of final regulations during which the State can submit an Alternative State Plan.

Other commenters argue against any modification of the statutory schedule, claiming that such a delay would be detrimental to those who planned and acted in light of the September 1, 1995, beginning date. They argue that the exemption process is adequate to provide relief to those who cannot comply for good cause.

DOE recognizes that it is appropriate to provide for lead time between the date the final regulations are promulgated and the date the vehicle acquisition requirements are enforced. Lead time could be provided by amending the statutory vehicle acquisition schedule, staying enforcement, or some combination of amending the schedule and staying enforcement. However, DOE must act within the constraints on its delegated authority under the Act to modify the statutory vehicle acquisition schedules. In this connection, DOE invites comment on the legal implications of: (1) The omission from section 501(b) of explicit authority to modify the model year 1996 percentage applicable to alternative fuel providers; and (2) the lack of any explicit authority in section 507(o) to change the scheduled percentages applicable to State government fleets for model year 1996 or any model year thereafter. The Act does not provide any restrictions on DOE's enforcement discretion.

DOE also seeks comment on options for staying enforcement of the vehicle acquisition requirements in order to provide lead time. Relying on its broad enforcement discretion, DOE could modify proposed § 490.605 to provide for a stay of enforcement for both alternative fuel providers and State government fleets. Proposed §§ 490.201 (the requirements for State government fleets) and 490.302 (the requirements for alternative fuel providers) would be modified to be "subject to § 490.605."

DOE seeks comment on several options being considered for redrafting proposed § 490.605. One option would provide in substance that DOE: (1) Shall not enforce during the lead time period; and (2) thereafter shall enforce as if the statutory vehicle acquisition schedules had been amended to begin after the end of the lead time period. For example, if DOE chose to provide for one model year of lead time, this approach would provide for no enforcement in model year 1996 and enforcement of the model year 1996 requirements in model year 1997, and so on. Another option would

only provide that DOE shall not enforce during the lead time period, but would not affect the enforcement requirements for later model years. The difference between these options is that under the latter option, after expiration of the lead time period, enforcement would begin at the applicable percentage set forth in the statutory vehicle acquisition schedule rather than at the percentage applicable for model year 1996.

The options being considered for the duration of the lead time period include one model year, two model years, or the lead time specifically provided by section 501 and 507(o) (20 months and 16 months, respectively). However, DOE is open to other suggestions.

A stay of enforcement would not preclude modifying the alternative fuel providers' vehicle acquisition schedule for model year 1997 and thereafter consistent with section 501(b) of the Act. Neither would it preclude processing of exemption requests under the criteria set forth in sections 501(a)(5) and 507(i) of the Act.

Options involving a stay of enforcement would have the virtue of leaving intact the statutory provision to acquire alternative fueled vehicles in model year 1996 and future years. Those who may have acted in reliance on the dates in the statutory schedule, such as the major domestic automobile manufacturers, could benefit from the stimulus to purchase that the program would still provide. In this connection, it is worth noting that Ford and Chrysler have indicated their plans to accept orders for alternative fuel vehicles during the second half of model year 1995 with delivery starting during the first half of model year 1996. They, as well as the General Motors Corporation, have also indicated that they have model year 1997 plans to broaden their product offerings.

DOE urges interested members of the public to comment on the important issue discussed in this notice.

Issued in Washington, DC on June 2, 1995.

Brian T. Castelli,

Chief-of-Staff, Energy Efficiency and Renewable Energy.

[FR Doc. 95-14236 Filed 6-9-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 94-NM-242-AD]

Airworthiness Directives; Jetstream Model ATP Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Jetstream Model ATP airplanes. This proposal would require an inspection to ensure that various components of the retraction actuator of the nose landing gear (NLG) are secure, and an inspection of the bearing cap mounting holes for correct hole and thread length. The proposed AD would also require a later inspection for certain discrepancies of the retraction actuator; installation of revised tolerance bushings; and correction of any discrepancy found. This proposal is prompted by reports of failure of the attachment bolts of the bearing cap of the retraction actuator of the NLG. The actions specified by the proposed AD are intended to prevent the inability to raise or lower the NLG, or possible collapse of the NLG, due to failure of the attachment bolts of the bearing cap.

DATES: Comments must be received by July 24, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-242-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 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 notice may be changed in light of the comments received.

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 notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94-NM-242-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-103, Attention: Rules Docket No. 94-NM-242-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Jetstream Model ATP airplanes. The CAA advises that there have been reports indicating that the attachment bolts of the bearing cap of the retraction actuator of the nose landing gear (NLG) have failed. This has been determined to be the result of mismatches between the bearing cap and bush, or inadequate counterboring of the bearing cap. This condition, if not corrected, could result in the inability to raise or lower the NLG, or possible collapse of the NLG.

Jetstream has issued Service Bulletin ATP-53-30-10372A, dated November 3, 1994, which describes procedures for an inspection to ensure that the bearing

caps, bolts, and special washers are secure. The service bulletin also describes procedures for inspecting the bearing cap mounting holes for correct hole and thread length. Additionally, the service bulletin describes a later inspection for discrepancies of the retraction actuator; installation of revised tolerance bushings; and alignment of the outboard support bracket, if necessary. The service bulletin also describes corrective actions for any discrepancy that is found during the inspections. The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in the United Kingdom 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. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require, first, an inspection to ensure that the bearing caps, bolts, and special washers are secure; and inspection of the bearing cap mounting holes for correct hole and thread length. The proposed AD also would require a later inspection for discrepancies of the retraction actuator; installation of revised tolerance bushings; and alignment of the outboard support bracket, if necessary. This proposed AD would require corrective actions for any discrepancy found. The actions would be required to be accomplished in accordance with the Jetstream Service Bulletin ATP-76-16, dated October 14, 1994, described previously.

Unlike the procedures recommended in that Jetstream service bulletin, however, this proposed rule would not permit further flight after detection of any cable that is found with one wire broken in any strand. Instead, this proposed rule would require, prior to further flight, repair of the cable in accordance with the service bulletin. The FAA finds that an adequate level of safety for the affected fleet requires that damaged cables must be replaced prior to further flight. The FAA has

determined that, in cases where certain known unsafe conditions exist, and where actions to detect and correct that unsafe condition can be readily accomplished, those actions must be required.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

The FAA estimates that 10 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 17 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would be provided by the manufacturer at no cost to the operator. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$10,200, or \$1,020 per airplane.

The total cost impact figure discussed above is 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 regulations proposed herein would not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Jetstream Aircraft Limited (Formerly, British Aerospace Commercial Aircraft Limited): Docket 94-NM-242-AD.

Applicability: Model ATP airplanes, constructor's numbers 2002 through 2056 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been 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 use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent the inability to raise or lower the nose landing gear (NLG), or a possible collapse of the NLG, accomplish the following:

(a) Within 300 hours time-in-service or 90 days after the effective date of this AD, whichever occurs first: Perform an inspection to ensure that the components of the bracket attachment assembly of the retraction

actuator of the NLG are secure, and to ensure that the inboard and outboard support brackets of the mounting holes of the bearing cap have correct hole and thread lengths, in accordance with paragraph 2.A. of the Accomplishment Instructions of Jetstream Service Bulletin ATP-53-30-10372A, dated November 3, 1994. If any discrepancy is found, prior to further flight, correct the discrepancy in accordance with the service bulletin.

(b) Within 3,000 landings, or 12 months after the effective date of this AD, whichever occurs first: Install revised tolerance bushings in the bearing cap/bracket attachment assemblies of the NLG retraction actuator, test the actuator for freedom of movement, and inspect for any discrepancy of the actuator, in accordance with paragraph 2.B. of the Accomplishment Instructions of Jetstream Service Bulletin ATP-53-30-10372A, dated November 3, 1994.

(1) If no discrepancy is found no further action is required by this AD.

(2) If any discrepancy is found, prior to further flight, correct the discrepancy in accordance with the service bulletin.

(c) 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, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(d) Special flight permits may be issued in accordance with sections 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. Issued in Renton, Washington, on June 6, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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14 CFR Part 39

[Docket No. 94-NM-173-AD]

Airworthiness Directives; Jetstream Model ATP Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Jetstream Model ATP airplanes, that currently requires daily and/or pre-