FAA's Conclusions

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. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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.

Explanation of Requirements of Proposed Rule

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 a one-time inspection of the rigging of the autopilot actuators on the pitch and yaw controls to ensure correct rigging, and, if necessary, re-rigging using a new, longer rigging pin. These actions would be required to be accomplished in accordance with the AOT described previously.

Cost Impact

The FAA estimates that 86 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $5,160, or $60 per airplane.

The 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.

Regulatory Impact

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. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

Airbus: Docket 96–NM–33–AD.

Applicability: All Model A300, A310, and A300–600 series airplanes, 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 request approval for an alternative method of compliance in accordance with paragraph (c) 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 uncommanded pitch up or down, or yaw upset of the airplane due to incorrect rigging of the autopilot actuators on the yaw and pitch controls, accomplish the following:

(a) Within 500 flight hours after the effective date of this AD, inspect the rigging of the autopilot actuators on both the pitch and the yaw controls to ensure that the rigging is correct, in accordance with Airbus All Operators Telex (AOT) 27–20, dated December 19, 1994. If the rigging is not correct, prior to further flight, re-rig in accordance with the AOT.

(b) As of the effective date of this AD, no person shall rig the autopilot actuator on the pitch or yaw control on any airplane using a rigging pin having part number (P/N) OU131388.

(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 July 24, 1996.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–19315 Filed 7–29–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–NM–46–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300–600 and Model A310 Series 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 Airbus Model A300–600 and Model A310 series airplanes. This proposal would require testing to verify if the smoke detection system can detect smoke within 60 seconds, and cleaning the installation and duct, if necessary. This proposal is prompted by a report that, during testing of the smoke detection system on in-service airplanes, the system failed to detect smoke within 60 seconds due to dust accumulation in the extraction ducts. The actions specified by the proposed AD are intended to ensure that dust accumulation does not reduce the

effectiveness of the smoke detection system and, consequently, lead to undetected smoke or fire in the lavatory of the airplane.

DATES: Comments must be received by September 10, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–46–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 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: Charles Huber, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2589; 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 96–NM–46–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. 96–NM–46–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Airbus Model A300–600 and Model A310 series airplanes. The DGAC advises that it has received a report indicating that, during functional testing of the smoke detection system on in-service airplanes, the system failed to detect smoke within 60 seconds. As a design goal, the detector is to provide a warning within 60 seconds after a fire has started, as indicated in the Airplane Maintenance Manual. In one of the tests, the airplane had only accumulated 46 days, 167 hours, and 50 landings since the ducts of the lavatory air extraction system had been cleaned. Investigation revealed that dust accumulation in these ducts can reduce the effectiveness of the smoke detection system to detect smoke. This condition, if not corrected, could result in undetected smoke or fire in the lavatory of the airplane.

Explanation of Relevant Service Information

Airbus has issued All Operators Telex AOT 26–16, dated September 12, 1995. This AOT describes procedures for performing an operational and functional test to verify if the smoke detection system can detect smoke with 60 seconds, and cleaning the installation and duct, if necessary. This AOT also describes procedures for submitting a report of the inspection results to Airbus. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 95–243–190(B), dated December 6, 1995, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

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. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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.

Explanation of Requirements of Proposed Rule

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 performing an operational and functional test to verify if the smoke detection system can detect smoke within 60 seconds, and cleaning the installation and duct, if necessary. The proposed rule also would require submitting a report of the inspection results to Airbus. The actions would be required to be accomplished in accordance with the AOT described previously.

Interim Action

This is considered interim action. The intent of the proposed inspection reports is to enable Airbus to develop an appropriate repetitive inspection interval based on findings in the in-service fleet. The FAA may consider further rulemaking once that inspection interval is determined.

Cost Impact

The FAA estimates that 67 Airbus Model A300–600 and Model A310 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $4,020, or $60 per airplane.

The 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.

Regulatory Impact

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. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

Airbus Industrie: Docket 96–NM–46–AD.

Applicability: Model A300–600 and Model A310 series airplanes, on which Airbus Modification 10156 has not been installed; certificated in any category.

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 (c) 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 ensure that dust accumulation in the ducts does not reduce the effectiveness of the smoke detection system to detect smoke and, consequently, lead to undetected smoke or fire in the lavatory of the airplane; accomplish the following:

(a) Within 500 flight hours after the effective date of this AD, perform an operational and functional test to verify if the smoke detection system can detect smoke within 60 seconds, in accordance with Airbus All Operators Telex AOT 26–16, dated September 12, 1995.

(1) If smoke is detected within 60 seconds, no further action is required by this AD.

(2) If smoke is not detected within 60 seconds, prior to further flight, clean the installation/duct in accordance with the AOT. Prior to further flight after accomplishment of the cleaning, repeat the operational and functional test required by paragraph (a) of this AD.

(b) Within 10 days after accomplishing the inspection required by paragraph (a) of this AD, submit a report of the inspection results (both positive and negative findings) to Airbus Industrie Customer Services, Attention Engineering Support, AI/SE–E23, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(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 July 24, 1996.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–19316 Filed 7–29–96; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 92

RIN 1076–AD15

Indian Tribal Justice Support

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is proposing to establish regulations as mandated by the Indian Tribal Justice Act. The Indian Tribal Justice Act requires the Secretary of the Interior to establish a base funding formula for the distribution of appropriations. The BIA will use this rule to determine the funding levels to be awarded to eligible Indian tribes for use in establishing or enhancing traditional or contemporary justice systems.

DATES: Comments must be received on or before September 30, 1996.

ADDRESSES: Mail comments to Bettie Rushing, Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior, 1849 C St. NW, Mail Stop 4603–MIB, Washington, DC 20240; or, hand deliver them to Room 4603 at the above address. Comments will be available for inspection at this address from 9 a.m. to 4 p.m., Monday through Friday beginning approximately 2 weeks after publication of this document in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Bettie Rushing, Office of Tribal Services, Bureau of Indian Affairs at telephone (202) 208–3463.

SUPPLEMENTARY INFORMATION: The Indian Tribal Justice Act (ITJA) was enacted on December 3, 1993. Section 103 of the ITJA requires the BIA to develop a Base Support Funding Formula in consultation with Indian tribes, 25 U.S.C. 3613(c). The BIA will use the Base Support Funding Formula to distribute annual appropriations under Section 201 of the ITJA, 25 U.S.C. 3621.

A Base Funding Support Formula was drafted by Carey Vicenti, former Special Assistant to the Director of the Office of Tribal Services and presented to a group representing the geographical areas served by the BIA, tribal courts, traditional courts, tribal judicial conferences, Indian court clerks, Indian court judges, tribes, national support organizations, and other justice systems, September 21–23, 1994, in Reno, Nevada, at the National Judicial College. The purpose of the September 1994