a subject of this contract by or for the Government in research, development, and demonstration work only.

(ii) that, upon written application by DOE, it will grant to responsible parties for purposes of practicing a subject of this contract, nonexclusive licenses under any Background Patent on terms that are reasonable under the circumstances. If, however, the Contractor believes that exclusive or partially exclusive rights are necessary to achieve expeditious commercial development or utilization, then a request may be made to DOE for DOE approval of such licensing by the Contractor.

(2) Notwithstanding paragraph (k)(1)(ii), the Contractor shall not be obligated to license any Background Patent if the Contractor demonstrates to the satisfaction of the Secretary or his designee that:

(i) a competitive alternative to the subject matter covered by said Background Patent is commercially available from one or more other sources; or

(ii) the Contractor or its licensees are supplying the subject matter covered by said Background Patent in sufficient quantity and at reasonable prices to satisfy market needs, or have taken effective steps or within a reasonable time are expected to take effective steps to so supply the subject matter.

(13) Add new paragraph (l) Communications as follows:

All reports and notifications required by this clause shall be submitted to the Patent Counsel unless otherwise instructed.

(14) In paragraph (m) add to end of sentence: '', except with respect to Background Patents, above.''

(15) In paragraph (n)(4) substitute ''conducted in such a manner as'' for ''subject to appropriate conditions.''

(16) In paragraph (o) add at the end of the parenthetical phrase in the heading to the paragraph: ''or grants''.

(17) In paragraph (o) add paragraph (o)(1)(v) as follows:

(v) Convey to the Government, using a DOE-approved form, the title and/or rights of the Government in each subject invention as required by this clause.

(18) In paragraph (o), substitute the following for (o)(3):

(3) Final payment under this contract shall not be made before the Contractor delivers to the Patent Counsel all disclosures of subject inventions required by paragraph (c)(1) of this clause, an acceptable final report pursuant to paragraph (f)(7)(ii) of this clause, and all past due confirmatory instruments, and the Patent Counsel has issued a patent clearance certification to the Contracting Officer.

(19) Add paragraphs (p), (q), (r), and (s) as follows:

(p) Waiver Terminations.

Any waiver granted to the Contractor authorizing the use of this clause (including any retention of rights pursuant thereto by the Contractor under paragraph (b) of this clause) may be terminated at the discretion of the Secretary or his designee in whole or in part, if the request for waiver by the Contractor is found to contain false material statements or nondisclosure of material facts, and such were specifically relied upon by DOE in reaching the waiver determination. Prior to any such termination, the Contractor will be given written notice stating the extent of such proposed termination and the reasons therefor, and a period of 30 days, or such longer period as the Secretary or his designee shall determine for good cause shown in writing, to show cause why the waiver of rights should not be so terminated. Any waiver termination shall be subject to the Contractor's minimum license as provided in paragraph (e) of this clause.

(q) Atomic Energy.

No claim for pecuniary award or compensation under the provisions of the Atomic Energy Act of 1954, as amended, shall be asserted by the Contractor or its employees with respect to any invention or discovery made or conceived in the course of or under this contract.

(r) Publication.

It is recognized that during the course of work under this contract, the Contractor or its employees may from time to time desire to release or publish information regarding scientific or technical developments conceived or first actually reduced to practice in the course of or under this contract. In order that public disclosure of such information will not adversely affect the patent interests of DOE or the Contractor, approval for release of publication shall be secured from Patent Counsel prior to any such release or publication. In appropriate circumstances, and after consultation with the Contractor, Patent Counsel may waive the right of prepublication review.

(s) Forfeiture of rights in unreported subject inventions.

(1) The Contractor shall forfeit and assign to the Government, at the request of the Secretary of Energy or designee, all rights in any subject invention which the Contractor fails to report to Patent Counsel within six months after the time the Contractor:

(i) Files or causes to be filed a United States or foreign patent application thereon; or

(ii) Submits the final report required by paragraph (e)(2)(ii) of this clause, whichever is later.

(2) However, the Contractor shall not forfeit rights in a subject invention if, within the time specified in paragraph (m)(1) of this clause, the Contractor:

(i) Prepares a written decision based upon a review of the record that the invention was neither conceived nor first actually reduced to practice in the course of or under the contract and delivers the decision to Patent Counsel, with a copy to the Contracting Officer; or

(ii) Contending that the subject invention is not a subject invention, the Contractor nevertheless discloses the subject invention and all facts pertinent to this contention to the Patent Counsel, with a copy to the Contracting Officer, or

(iii) Establishes that the failure to disclose did not result from the Contractor's fault or negligence.

(3) Pending written assignment of the patent application and patents on a subject invention determined by the Contracting Officer to be forfeited (such determination to be a Final Decision under the Disputes clause of this contract), the Contractor shall be deemed to hold the invention and the patent applications and patents pertaining thereto in trust for the Government. The forfeiture provision of this paragraph shall be in addition to and shall not supersede any other rights and remedies which the Government may have with respect to subject inventions.

§ 784.13 Effective dates.

Waivers shall be effective on the following dates:

(a) For advance waivers of identified inventions, i.e., inventions conceived prior to the effective date of the contract, on the effective date of the contract, even though the advance waiver may have been requested after that date;

(b) For identified inventions under advance waivers, i.e., inventions conceived or first actually reduced to practice after the effective date of the contract, on the date the invention is reported with the election to retain rights as to that invention; and

(c) For waivers of identified inventions (other than under an advance waiver), on the date of the letter from Patent Counsel notifying the requestor that the waiver has been granted.

[FR Doc. 96–17431 Filed 7–11–96; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–ANE–10; Amendment 39–9676; AD 96–13–08]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Pratt & Whitney (PW) PW4000 series turbofan engines. This action requires initial and repetitive inspections of the aft cascade support frame assembly of thrust reverser for cracks, and replacement, if necessary, with serviceable parts; or lockout of the thrust reversers. This amendment is prompted by reports of aft cascade support frame assembly failures. The actions specified in this AD are intended to prevent aft cascade support frame assembly failure due to cracks, which can result in thrust reverser

hardware liberation and ejection from the aircraft during thrust reverser operation, which can contaminate the runway with debris, causing an operational hazard to other aircraft during takeoff and landing.

DATES: Effective August 1, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 1, 1996.

Comments for inclusion in the Rules Docket must be received on or before September 10, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96–ANE–10, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be submitted to the Rules Docket by using the following Internet address: ''epd-adcomments@mail.hq.faa.gov''. All comments must contain the Docket No. in the subject line of the comment.

The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565–4503. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Chris Gavriel, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7147, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has received reports of thrust reverser failure on Pratt & Whitney (PW) PW4000 series turbofan engines. The thrust reverser aft cascade support frame assembly can develop cracks due to high cycle fatigue that could propagate to failure. To date, there have been a total of 38 aft cascade support frame assemblies that were found either cracked or failed. Failure of the cascade support assembly allows thrust reverser hardware to be liberated and ejected from the aircraft during thrust reverser operation. Seven of the failed assemblies caused liberations of thrust reverser hardware. It is possible that other aircrews, either departing or arriving on the same runway, may not see debris left on the runway after a failure of the thrust reverser aft cascade support frame assembly. This debris, therefore, could cause a serious unsafe condition for departing and arriving aircraft. This condition, if not corrected, could result in aft cascade support frame assembly failure due to cracks, which can result in thrust reverser hardware liberation and ejection from the aircraft during thrust reverser operation, which can contaminate the runway with debris, causing an operational hazard to other aircraft during takeoff and landing.

The FAA has reviewed and approved the technical contents of PW Service Bulletin (SB) No. PW4NAC 78–78, Revision 6, dated March 6, 1996, and SB No. PW4MD11 78–67, Revision 5, dated March 6, 1996, that describe procedures for inspection of the aft cascade support frame assembly.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design, this AD is being issued to prevent aft cascade support frame assembly failure. This AD requires initial and repetitive inspections of the aft cascade support frame assembly for cracks, and replacement, if necessary, with serviceable parts; or lockout of the thrust reversers in accordance with the applicable Aircraft Maintenance Manual for a time period not to exceed 10 days. The actions are required to be accomplished in accordance with the SB's described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD 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–ANE–10.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

96–13–08 Pratt & Whitney: Amendment 39–9676. Docket 96–ANE–10.

Applicability: Pratt & Whitney (PW) PW4000 series turbofan engines, with thrust reverser, Supplemental Type Certificate (STC) No. SJ514NE, installed on Airbus A300–600 and A310 series aircraft, and thrust reverser, STC No. SE744NE, installed on McDonnell Douglas MD–11 series aircraft. These thrust reversers incorporate aft cascade support frame assemblies, Part Numbers (P/N's) 221–0516–503 and 221–0516–504.

Note: This airworthiness directive (AD) applies to each engine with affected thrust reversers 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 engines with affected thrust reversers 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 Federal Aviation Administration (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 engine with affected thrust reversers from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent aft cascade support frame assembly failure due to cracks, which can result in thrust reverser hardware liberation and ejection from the aircraft during thrust reverser operation, which can contaminate the runway with debris, causing an operational hazard to other aircraft during takeoff and landing, accomplish the following:

(a) For engines with affected thrust reversers installed on Airbus A300–600 and A310 series aircraft, accomplish the following:

(1) Initially inspect aft cascade support frame assemblies for cracks within 250 flight hours after the effective date of this AD, in accordance with the Accomplishment Instructions, Part 1—Interim Inspection, of PW Service Bulletin (SB) No. PW4NAC 78–78, Revision 6, dated March 6, 1996.

(2) Thereafter, inspect aft cascade support frame assemblies for cracks at intervals not to exceed 450 flight hours since the last inspection, in accordance with the Accomplishment Instructions, Part 1—Interim Inspection, of PW SB No. PW4NAC 78–78, Revision 6, dated March 6, 1996.

(3) For aft cascade support frame assemblies that do not meet the return to service criteria stated in the Accomplishment Instructions, Part 1—Interim Inspection, of PW SB No. PW4NAC 78–78, Revision 6, dated March 6, 1996, prior to further flight, accomplish either of the following:

(i) Remove from service cracked aft cascade support frame assemblies, and replace with a serviceable part; or

(ii) Lockout the thrust reverser in accordance with the Airbus A300–600 and A310 series Aircraft Maintenance Manuals, as applicable, for a time period not to exceed 10 days. At the conclusion of the 10-day lockout period, prior to further flight remove any cracked aft cascade support frame assemblies and replace with serviceable parts.

(b) For engines with affected thrust reversers installed on McDonnell Douglas MD–11 series aircraft, accomplish the following:

(1) Initially inspect aft cascade support frame assemblies for cracks within 250 flight hours after the effective date of this AD, in accordance with the Accomplishment Instructions, Part 1—Interim Inspection, of PW SB No. PW4MD11 78–67, Revision 5, dated March 6, 1996.

(2) Thereafter, inspect aft cascade support frame assemblies for cracks at intervals not to exceed 450 flight hours since the last inspection, in accordance with the Accomplishment Instructions, Part 1—Interim Inspection, of PW SB No. PW4MD11 78–67, Revision 5, dated March 6, 1996.

(3) For aft cascade support frame assemblies that do not meet the return to service criteria stated in the Accomplishment Instructions, Part 1—Interim Inspection, of PW SB No. PW4MD11 78–67, Revision 5, dated March 6, 1996, prior to further flight, accomplish either of the following:

(i) Remove from service cracked aft cascade support frame assemblies, and replace with a serviceable part; or

(ii) Lockout the thrust reverser in accordance with the McDonnell Douglas MD–11 series Aircraft Maintenance Manual, for a time period not to exceed 10 days. At the conclusion of the 10-day lockout period, prior to further flight remove any cracked aft cascade support frame assemblies and replace with serviceable parts.

(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, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(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 aircraft to a location where the requirements of this AD can be accomplished.

(e) The actions required by this AD shall be done in accordance with the following PW SB's:

Document No.	Pages	Revision	Date
PW4NAC 78–78.	1	6	March 6, 1996.
	2,3	2	October 31, 1995.
	4–6 ...	6	March 6, 1996.
	7	5	October 31, 1995.
	8–11	6	March 6, 1996.
	12	5	October 31, 1995.
	13–19	6	March 6, 1996.
	20–22	5	October 31, 1995.
	23–34	6	March 6, 1996.
	35	5	October 31, 1995.
	36, 37	6	March 6, 1996.
	38	5	October 31, 1995.
	39, 40	6	March 6, 1996.
Total pages:	40..		
PW4MD11 78–67.	1–38	5	March 6, 1996.
Total pages:	38..		

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565–4503. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on August 1, 1996.

Issued in Burlington, Massachusetts, on July 2, 1996.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–17533 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 94–ANE–39; Amendment 39–9672; AD 96–13–04]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce, plc RB211 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.