

(c) The requirements for establishing an exception for a withdrawal by a separated participant or an in-service withdrawal by a participant in the Federal service and the one-year period of validity of an approved exception also apply to exceptions for loans under 5 CFR 1655.18.

[FR Doc. 97-20729 Filed 8-6-97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 55

RIN 3150-AF62

Initial Licensed Operator Examination Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to require all nuclear power facility licensees to prepare, proctor, and grade the written examinations and prepare the operating tests that the NRC currently uses to evaluate the competence of individuals applying for operator licenses at those plants. The proposed amendment would require the licensee to submit each examination and test for the NRC's review and approval and would preserve the NRC's authority to prepare the examinations and tests, as necessary, if it loses confidence in a licensee's ability to prepare these examinations acceptably. In addition, the NRC would periodically invoke this authority in order to maintain the proficiency of its own license examiners.

DATES: Submit comments by October 21, 1997. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Comments may be sent to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attn: Rulemakings and Adjudications Staff. Hand deliver comments to 11545 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays. For information on submitting comments electronically, see the discussion under Electronic Access in the Supplementary Information section.

Single copies of this proposed rulemaking may be obtained by written request or telefax ((301) 415-2260) from

Harry S. Tovmassian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington DC 20555. Certain documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC. These same documents may also be viewed and downloaded electronically via the Electronic Bulletin Board established by NRC for this rulemaking as indicated in the Supplementary Information section.

FOR FURTHER INFORMATION CONTACT:

Harry S. Tovmassian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6231; e-mail hst@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

Section 107 of the Atomic Energy Act (AEA) of 1954, as amended, requires the NRC to determine the qualifications of individuals applying for an operator license, to prescribe uniform conditions for licensing such individuals, and to issue licenses as appropriate. Pursuant to the AEA, 10 CFR part 55 requires applicants for operator licensees to pass an examination that satisfies the basic content requirements specified in the regulation. Although neither the AEA nor part 55 specifies who must prepare, proctor, or grade these examinations, the NRC has traditionally performed those tasks itself or through its contract examiners. In accordance with 10 CFR 170.12(i), NRC staff and contractual costs are recovered from facility licensees who receive examination services. The NRC and its contract examiners have used the guidance in NUREG-1021, "Operator Licensing Examination Standards for Power Reactors," to prepare the initial operator licensing examinations. This document has been revised as experience has been acquired in preparing these examinations. The current version is designated Interim Revision 8.¹

The intended modifications to 10 CFR part 55 would allow facility licensees to have greater participation in the initial operator licensing process and enable the NRC to eliminate contractor assistance in this area. Between \$3 million and \$4 million in contractor support for the preparation and

administration of the initial operator licensing examinations and for support of requalification program inspections would be eliminated.

On April 18, 1995, the Commission approved the NRC staff's proposal to initiate a transition process to revise the operator licensing program and directed the NRC staff to carefully consider experience from pilot examinations before fully implementing the changes. On August 15, 1995, the NRC staff issued Generic Letter (GL) 95-06, "Changes in the Operator Licensing Program,"² outlining the revised examination development process and soliciting volunteers to participate in pilot examinations to evaluate and refine the methodology.

Between October 1, 1995, and April 5, 1996, the NRC staff reviewed and approved 22 operator licensing examinations, including both the written examinations and the operating tests, prepared by facility licensees as part of a pilot program. These examinations were prepared using the guidance in Revision 7 (Supplement 1) of NUREG-1021 and the additional guidance in GL 95-06.² These examinations were used to test 146 reactor operator (RO) and senior reactor operator (SRO) applicants.

The results of the pilot examinations were discussed in SECY-96-123, "Proposed Changes to the NRC Operator Licensing Program," dated June 10, 1996. Based on the results of the pilot program, the staff recommended that the Commission approve the implementation of the new examination process on a voluntary basis until rulemaking could be completed to require all power reactor facility licensees to prepare the entire initial examination for reactor operators and senior reactor operators and to proctor the written portion of the examination. On July 23, 1996, the Commission authorized the staff to continue the pilot examination process on a voluntary basis and requested the staff to develop a detailed rulemaking plan to justify the changes that may be necessary to 10 CFR part 55. The Commission also directed the staff to address a number of additional items (e.g., pros, cons, and vulnerabilities) regarding the revised examination process to facilitate a Commission decision on whether to implement the revised process on an industry-wide basis.

On September 25, 1996, the staff forwarded the requested rulemaking

¹ Copies are available for inspection or copying for a fee from the NRC Public Document Room at 2120 L Street NW., Washington, DC 20555; the PDR's mailing address is Mail Stop LL-6; telephone (202) 634-3273, fax (202) 634-3343. Interim Revision 8 is also available for downloading from the Internet at "http://www.nrc.gov."

² Copies are available for inspection or copying for a fee from the NRC Public Document Room at 2120 L Street NW., Washington, DC 20555; the PDR's mailing address is Mail Stop LL-6; telephone (202) 634-3273; fax (202) 634-3343.

plan and a response to the additional items to the Commission in SECY-96-206, "Rulemaking Plan For Amendments to 10 CFR part 55 to Change Licensed Operator Examination Requirements." On December 17, 1996, the Commission directed the staff to proceed with the proposed rulemaking.

With Commission approval, the staff resumed conducting pilot-style examinations on August 19, 1996, and by the end of December 1996 had reviewed, approved, and administered 12 additional examinations that were developed by facility licensees based on the guidance in GL 95-06. This raised the total number of examinations completed using the pilot process to 34 and the number of applicants tested to 84 ROs and 144 SROs.

Discussion

The pilot program demonstrated that the revised process, using licensee developed examinations, can be both effective and efficient. Comments from the NRC staff and industry personnel who participated in the pilot examinations were generally favorable. The quality of the licensee-developed examinations (as modified by the NRC) was generally comparable to the examinations prepared by the NRC staff or its contractors. All of the licensee-developed examinations required some modifications subsequent to NRC review; however, several of these examinations required significant rework, indicating that some licensees did not fully understand the criteria for preparing examinations which meet NRC standards. With training and experience, it is expected that the industry would gain proficiency in preparing the examinations. The monitoring and assessment of this voluntary pilot program has demonstrated that facility licensee developed examinations, as modified by the NRC, are comparable in terms of their quality to those prepared by the NRC and its contract examiners under the existing process; therefore, the safe operation of the facility in question is in no way compromised. The fact that the pass/fail results on the 34 pilot examinations administered to the 84 ROs and 144 SROs through the end of December 1996 were comparable to the power reactor licensing examination results during Fiscal Year 1995, when all the examinations were prepared by the NRC or its contractors, supports this conclusion. The provisions of the proposed rule in § 55.40(a)(2), which require NRC staff review and approval of facility licensee developed tests and examinations, should facilitate the monitoring of the quality of the

submittals and the modification of those which do not meet NRC standards.

The fact that NRC examiners will be administering all of the operating tests without contractor assistance is expected to improve the NRC staff's focus on operator performance and its core of experience because every applicant will be directly observed by an NRC employee. Before beginning the transition process, contract examiners administered about half of the operating tests and collected the observations that formed the basis for the NRC's licensing actions. The contractors' efforts focused primarily on task completion, so any broader insights and experience that might have been gained while giving the examinations was of little benefit to the NRC.

The Commission has assessed the pros and cons associated with the revised examination process, as discussed in SECY-96-206, and considered the measures that the NRC staff has taken to mitigate the vulnerabilities. The Commission acknowledges that the revised examination process increases the risk of lapses in examination quality (including level of difficulty), consistency, and security and wishes to emphasize the NRC's resolve to maintain the existing standards of performance in each of these areas.

With regard to examination security, in particular, applicants, licensees (operators), and facility licensees are reminded that 10 CFR 55.49 prohibits their engagement in any activity that compromises the integrity (security) of any application, test, or examination required by 10 CFR part 55 and that examination will need to be proctored in accordance with 10 CFR 55.40. These provisions require facility licensees to maintain proper examination security. The Commission expects that licensees will meet the security provisions in ES-201 and ES-402 of NUREG-1021 or similar NRC-approved standards. Consistent with NUREG-1021, facility employees with specific knowledge of any NRC examination before it is given may not communicate the examination contents to unauthorized individuals and may not participate in any further instruction of the students scheduled to take the examination. Before they are given access to the examination, the facility employees are expected to sign a statement acknowledging their understanding of the restrictions and the potential consequences of noncompliance and sign a post-examination statement certifying that they did not knowingly compromise the examination. In addition to the restrictions on personnel, NUREG-1021

also discusses a number of physical security precautions, including protecting and mailing the examination materials and simulator considerations. The guidance also cautions NRC examiners to be attentive to examination security measures and requires them to review the security expectations with the facility licensee at the time the examination arrangements are confirmed.

The Commission considers a violation of 10 CFR 55.49 for compromising an examination has occurred when (1) a failure to control the integrity of an examination occurs such that there is a potential for an applicant to have an unauthorized advantage in the examination process or (2) an applicant obtains an unauthorized advantage. Both facility licensees and applicants for examinations may be subject to enforcement action for violations of 10 CFR 55.49 commensurate with the nature and seriousness of the compromise.

As part of the final rulemaking in this matter, the Commission intends to modify its "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. Security compromises will normally be considered at least at Severity Level IV. A violation where it was likely that an applicant obtained unauthorized access to examination material will be considered a significant regulatory concern and categorized at least at Severity Level III. The NRC intends to utilize its full enforcement authority including, as warranted, civil penalties and orders against persons found to have been involved in willful compromises of examinations in violation of 10 CFR 55.49. This will include use of the rule on Deliberate Misconduct (10 CFR 50.5). In addition, cases involving willful violations will be referred to the Department of Justice.

Availability of Guidance Document for License Examination Preparation

Although 10 CFR part 55 does not specify who will prepare, administer, and grade the written examinations and operating tests for reactor operator and senior reactor operator licenses, the NRC or its contract examiners have traditionally performed these tasks. As a consequence of performing the tasks associated with preparing and administering the initial licensing examinations, the NRC has developed a substantial body of guidance, which has been published in various versions of NUREG-1021 to aid both NRC and its contract examiners. The latest version of NUREG-1021 (Interim Revision 8) incorporates the pilot examination

criteria in GL 95-06, lessons learned during the pilot examinations, and a number of refinements prompted by the comments submitted in response to the **Federal Register** notice dated February 22, 1996 (61 FR 6869), which solicited public comments on the proposed NUREG changes. A copy of Interim Revision 8 of NUREG-1021 has been mailed to each facility licensee. Copies may be inspected and/or copied for a fee at the NRC's Public Document Room, 2120 L Street NW (Lower Level), Washington, DC. NUREG-1021 is also electronically available for downloading from the Internet at "<http://www.nrc.gov>." All interested parties are invited to comment on Interim Revision 8 of NUREG-1021 in addition to the proposed rule. These public comments will be addressed, and Revision 8 will be published as a final NUREG document.

The NRC plans to prepare, administer, and grade initial operator licensing examinations at least four times per year, using NUREG-1021 as guidance. Licensees would also be expected to use the guidance contained in NUREG-1021 to prepare the licensing examinations. The NRC staff would review and approve any deviations from this guidance. The NRC will not approve any deviation that would compromise its statutory responsibility of prescribing uniform conditions for the operator licensing examinations. Examples of unacceptable deviations include, but are not limited to, the use of essay questions in place of multiple choice questions and the administration of open book examinations.

Proposed Rule

This proposed regulation would add a new section, § 55.40, "Implementation," to Subpart E of 10 CFR part 55 which would require power reactor facility licensees to prepare the written examinations and operating tests, to submit them to the NRC for review and approval, and to proctor and grade the written examinations. These requirements would be contained in §§ 55.40(a)(1), (2), and (3), respectively.

Each power reactor facility licensee would be required to prepare and submit the proposed examinations (including the written examination, the walk-through, and the dynamic simulator tests) to the NRC consistent with the guidance contained in NUREG-1021. The NRC staff would review the entire examination and direct whatever changes are necessary to ensure that adequate levels of quality, difficulty, and consistency are maintained. After the NRC staff reviews and approves an examination, the

facility licensee would proctor and grade the written portion consistent with the guidance in NUREG-1021. The NRC staff would continue to independently administer and grade the operating tests, review and approve the written examination results, and make the final licensing decisions. The facility licensee would not conduct parallel operator evaluations during the dynamic simulator or the walk-through tests.

Pursuant to proposed requirements in § 55.40(b), the NRC staff would maintain the authority to prepare the examinations and tests and to proctor and grade the site-specific written examinations. This proposed rule would allow NRC to maintain its staff capability to perform these activities. Also, if the NRC has reason to question a licensee's ability to prepare an acceptable examination, § 55.40(b) provides the NRC authority to prepare and administer the examinations and tests.

Paragraph (c) of § 55.40 reasserts that the NRC would continue to prepare and administer the written examinations and operating tests at non-power reactor facilities. The NRC has taken this position because the non-power reactor community does not have an accreditation process for training and qualification or the resources to prepare the examinations. However, the process will be implemented using only NRC examiners, thereby allowing the elimination of all routine contract assistance in that area.

Electronic Access

Comments may be submitted electronically, in either ASCII text or WordPerfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board (BBS) on FedWorld or connecting to the NRC interactive rulemaking web site, "Rulemaking Forum." The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet. Background documents on the rulemaking are also available, as practical, for downloading and viewing on the bulletin board.

If using a personal computer and modem, the NRC rulemaking subsystem on FedWorld can be accessed directly by dialing the toll free number (800) 303-9672. Communication software indicators should be set as follows: Parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT-100 terminal emulation, the NRC rulemaking subsystem can then be accessed by selecting the "Rules Menu"

option from the "NRC Main Menu." Users will find the "FedWorld Online User's Guides" particularly helpful. Many NRC subsystems and data bases also have a "Help/Information Center" option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, (703) 321-3339, or by using Telnet via Internet: fedworld.gov. If using (703) 321-3339 to contact FedWorld, the NRC subsystem will be accessed from the main FedWorld menu by selecting the "Regulatory, Government Administration and State Systems," then selecting "Regulatory Information Mall." At that point, a menu will be displayed that has an option "U.S. Nuclear Regulatory Commission" that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing "/go nrc" at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the "Return to FedWorld" option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems, but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules Menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is available. There is a 15-minute time limit for FTP access.

Although FedWorld also can be accessed through the World Wide Web, like FTP, that mode only provides access for downloading files and does not display the NRC Rules Menu.

You may also access the NRC's interactive rulemaking web site through the NRC home page (<http://www.nrc.gov>). This site provides the same access as the FedWorld bulletin board, including the facility to upload comments as files (any format), if your web browser supports that function.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, NRC, Washington, DC 20555-0001, telephone (301) 415-5780; e-mail AXD3@nrc.gov. For information about the interactive rulemaking site, contact

Ms. Carol Gallagher, (301) 415-5905; e-mail CAG@nrc.gov.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed regulation.

Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). This rule has been submitted to the Office of Management and Budget for review and approval of the information collection requirements.

The public reporting burden for this collection of information is estimated to average 500 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information (i.e., preparing the examinations). The U. S. Nuclear Regulatory Commission is seeking public comment on the potential impact of the collection of information contained in the proposed rule and on the following issues:

1. Is the proposed collection of information necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?

2. Is the estimate of burden accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the collection of information be minimized, including the use of automated collection techniques?

Send comments on any aspect of this proposed collection of information, including suggestions for reducing the burden, to the Information and Records Management Branch (T-6F-33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet electronic mail at bjs1@nrc.gov; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0018, and 3150-0101), Office of Management and Budget, Washington, DC 20503.

Comments to OMB on the collections of information or on the above issues should be submitted by September 8, 1997. Comments received after this date will be considered if it is practical to do so, but assurance of consideration

cannot be given to comments received after this date.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Regulatory Analysis

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The draft analysis is available for inspection in the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC. Single copies of the analysis may be obtained from Harry S. Tovmassian at (301) 415-6231.

The Commission requests public comment on the draft regulatory analysis and the following specific questions.

1. Are there portions of the operator exams that are common to all licensees, and would therefore be more efficiently developed by the NRC?

2. Is the conclusion in the regulatory analysis correct that it would be less costly for each licensee to prepare their own initial operator examinations to be reviewed, revised, and administered by the NRC, than to have one NRC contractor prepare these exams for all licensed operators with the costs to be reimbursed by licensee fees.

Comments on the draft analysis may be submitted to the NRC as indicated under the ADDRESSES heading.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, (5 U.S.C. 605(b)), the Commission certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR part 121.

Backfit Analysis

The pertinent part of 10 CFR 50.109 (a)(1) defines backfitting as "the modification of or addition to ... the procedures or organization required to ... operate a facility; any of which may result from a new or amended provision in the Commission rules or the

imposition of a regulatory staff position interpreting the Commission rules that is either new or different from a previously applicable staff position...." Although part 55 addresses the qualifications and requirements for operators' licenses and changes are not per se subject to the backfit rule in part 50, changes to these requirements could be included within the backfit definition of "procedures or organization required to ... operate a facility." However, in this case, the proposed shift of responsibility from the NRC staff (or its contractors) to the facility licensee for developing and administering the initial written examination for the operator license exam would not constitute a "modification of the procedures required to operate a facility" within the scope of the backfit rule; therefore, no backfit analysis needs to be prepared.

The proposed rule does not affect the basic procedures for operator license qualification, i.e., the required training programs, the required testing, the content and format of the exams, the grading of the exams, or the basis for issuing an operator license. The shift in responsibility for preparing the initial exam does not affect the content or format of the exam. The proposed rule is designed to ensure that the format, content, and quality of the initial written examination will not be modified. The proposed rule requires the NRC to provide oversight of facility licensees' development and administration of initial written examinations. The NRC would also retain its discretion to determine whether to administer the initial written examination itself, as well as continuing to determine whether to grant or deny an application for an RO or SRO license and to consider candidates' appeals.

The licensee's organizational structure required to operate the facility will not be modified. All reactor licensees have a training component as part of their organizational structure, and the proposed rule does not alter that organizational structure. Although, the proposed rule could have an "effect" on the licensee's organization, it does not require any modification to the organizational structure.

Finally, the proposed rule does not impose any new costs on licensees since the NRC's costs to develop examinations are presently recovered in the fee base. These costs are basically the same as the costs that will be incurred by licensees to develop the examinations under the proposed rule.

List of Subjects in 10 CFR Part 55

Criminal penalties, Manpower training programs, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC proposes to adopt the following amendments to 10 CFR part 55.

PART 55—OPERATOR'S LICENSES

1. The authority citation for part 55 continues to read as follows:

Authority: Secs. 107, 161, 182, 68 Stat. 939, 948, 953, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2137, 2201, 2232, 2282); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Sections 55.41, 55.43, 55.45, and 55.59 also issued under sec. 306, Pub. L. 97-425, 96 Stat. 2262 (42 U.S.C. 10226). Section 55.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237).

2. In § 55.8 paragraph (b) is revised to read as follows:

§ 55.8 Information collection requirements; OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 55.31, 55.40, 55.45, 55.53, and 55.59.

* * * * *

3. A new § 55.40 is added to read as follows:

§ 55.40 Implementation.

(a) Power reactor facility licensees shall —

(1) Prepare the required site-specific written examinations and operating tests;

(2) Submit the written examinations and operating tests to the Commission for review and approval; and

(3) Proctor and grade the NRC-approved site-specific written examinations.

(b) In lieu of requiring a specific power reactor facility licensee to prepare the examinations and tests or to proctor and grade the site-specific written examinations, the Commission may elect to perform those tasks.

(c) The Commission will prepare and administer the written examinations and operating tests at non-power reactor facilities.

Dated at Rockville, MD. this 31st day of July, 1997.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 97-20645 Filed 8-6-97; 8:45 am]

BILLING CODE 7590-01-P

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

[Docket No. 97-NM-167-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A320 and A321 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 certain Airbus Model A320 and A321 series airplanes. This proposal would require a one-time inspection for discrepancies of the release cable of the forward and rear passenger doors, and replacement of any discrepant release cable with a new release cable. This proposal is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the passenger door to open and consequent inability of the slide/slide raft to deploy, which could delay or impede passengers when exiting the airplane during an emergency.

DATES: Comments must be received by September 16, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-167-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 (425) 227-2589; 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 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 97-NM-167-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. 97-NM-167-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 A320 and A321 series airplanes. The DGAC advises that, during a routine deployment of the aft right-hand passenger door slide, the passenger door failed to open fully. Investigation revealed that the attachment ball nipple of the release cable detached from the cable end due to a production process error. Failure of the passenger door to open could result in the inability to deploy the slide/slide raft. This