

**SMALL BUSINESS ADMINISTRATION****13 CFR Part 121****Proposed Rule; Small Business Size Standards; Waiver of the Nonmanufacturer Rule****AGENCY:** Small Business Administration.**ACTION:** Notice of intent to waive the Nonmanufacturer Rule for Airborne Integrated Data Components (master units, remote units, bus monitors, analog multiplexers, convolutional encoders, digital multiplexers, signal conditioners, and time code readers).

**SUMMARY:** The Small Business Administration (SBA) is considering granting a waiver of the Nonmanufacturer Rule for Airborne Integrated Data Components. The basis for a waiver of the Nonmanufacturer Rule for this product is that there are no small business manufacturers or processors available to supply these products to the Federal Government. The effect of a waiver would be to allow an otherwise qualified Nonmanufacturer to supply other than the product of a domestic small business manufacturer or processor on a Federal contract set aside for small businesses or awarded through the SBA 8(a) Program. The purpose of this notice is to solicit comments and potential source information from interested parties.

**DATES:** Comments and sources must be submitted on or before January 6, 1997.**ADDRESSES:** David Wm. Loines, Procurement Analyst, U.S. Small Business Administration, 409 3rd Street S.W., Washington, DC 20416, Tel:(202) 205-6475.**FOR FURTHER INFORMATION CONTACT:**

David Wm. Loines, Procurement Analyst, U.S. Small Business Administration, 409 3rd Street S.W., Washington, DC 20416, Tel:(202) 205-6475, Fax:(202)205-7324.

**SUPPLEMENTARY INFORMATION:** Public law 100-656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set-aside for small businesses or the SBA 8(a) Program, must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 303(h) of the law provides for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or

processors in the Federal market. To be considered available to participate in the Federal market on these classes of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal Government within the last 24 months. The SBA defines "class of products" based on two coding systems. The first is the Office of Management and Budget Standard Industrial Classification Manual. The second is the Product and Service Code established by the Federal Procurement Data System.

The Small Business Administration is currently processing a request for a waiver of the Nonmanufacturer Rule for Airborne Integrated Data Components (SIC 3812, PSC 5821) and invites the public to comment or provide information on potential small business manufacturers for this product.

In an effort to identify potential small business manufacturers, the SBA has searched the Procurement Automated Source System (PASS) and Thomas Register, and the SBA will publish a notice in the Commerce Business Daily. The public is invited to comment or provide source information to SBA on the proposed waiver of the Nonmanufacturer Rule for this class of products.

Dated: December 9, 1996.

Judith A. Roussel,

*Associate Administrator for Government Contracting.*

[FR Doc. 96-31703 Filed 12-12-96; 8:45 am]

BILLING CODE 8025-01-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39****[Docket No. 96-NM-116-AD]****RIN 2120-AA64****Airworthiness Directives; Dornier Model 328-100 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 Dornier Model 328-100 series airplanes. This proposal would require a one-time check of the clearance between certain braces that connect the wings to the fuselage and the frame to which the top fairing is attached; and modification of the frame's Z-profile if

the clearance is insufficient to prevent the braces from coming in contact with the frame. In addition, the proposed AD would require a one-time check of these braces to detect damage or wear; and repair, if necessary. This proposal is prompted by a report indicating that insufficient clearance between these braces and the frame could result in wear and consequent breaking of the braces. The actions specified by the proposed AD are intended to prevent failure of these braces, which could result in unstable movement of the wings in relation to the fuselage and adversely affect the aerodynamic characteristics of the wings.

**DATES:** Comments must be received by January 23, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No.96-NM-116-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 Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Connie Beane, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2796; 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-116-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-116-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Dornier Model 328-100 series airplanes. The LBA advises that it has received a report indicating that there may not be sufficient clearance between the diagonal braces that connect the left and right wings to the fuselage and the frame to which the top fairing is attached. A design analysis detected this discrepancy during certification of the airplane.

Continuous contact between the diagonal brace and the frame could cause the brace to become worn, and ultimately break. Should the brace fail, it could result in unstable movement of the wing in relation to the fuselage and adversely affect the wing's aerodynamic characteristics.

#### Explanation of Relevant Service Information

Dornier has issued Service Bulletin SB-328-53-051, dated August 16, 1994, which describes procedures for checking the clearance between the diagonal braces on the left and right wings and the frame to which the top fairing is attached; and modifying the frame's Z-profile, if there is not a certain minimum clearance between each brace and the frame. In addition, this service bulletin describes procedures for checking each diagonal brace for damage or wear resulting from contact between the brace and the frame. The LBA classified this service bulletin as mandatory and issued German airworthiness directive 94-353, dated November 21, 1994, in order to assure

the continued airworthiness of these airplanes in Germany.

#### FAA's Conclusions

This airplane model is manufactured in Germany 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 LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, 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 check of the clearance between the diagonal braces on the left and right wings and the frame to which the top fairing is attached; and modification of the frame's Z-profile if there is not a certain minimum clearance between each brace and the frame. In addition, the proposed AD would require a check of these braces to detect damage or wear resulting from contact between each brace and the frame. The actions would be required to be accomplished in accordance with the service bulletin described previously. Repair of damaged or worn braces would be required to be accomplished in accordance with a method approved by the FAA.

#### Cost Impact

The FAA estimates that 5 Dornier Model 328-100 series airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 4 work hours per airplane to accomplish the proposed actions, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$1,200, or \$240 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:

Dornier: Docket 96-NM-116-AD.

*Applicability:* Model 328-100 series airplanes having serial numbers 3005 through 3014 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 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 (b) 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 failure of the diagonal braces that connect the left and right wings to the fuselage, which could result in unstable movement of the wings and adversely affect the aerodynamic characteristics of the wings, accomplish the following:

(a) Within 90 days after the effective date of this AD, perform the actions required by paragraphs (a)(1) and (a)(2) of this AD.

(1) Check the clearance between the diagonal braces that connect the left and right wings to the fuselage and the Z-profile of the frame to which the top fairing is attached, in accordance with Dornier Service Bulletin SB-328-53-051, dated August 16, 1994.

(i) If the clearance meets or exceeds the minimum limits specified in the service bulletin, no further action is required by paragraph (a)(1) of this AD.

(ii) If the clearance is less than the minimum limits specified in the service bulletin, prior to further flight, modify the Z-profile of the frame to which the top fairing is attached, in accordance with the service bulletin.

(2) Check each diagonal brace for damage or wear, in accordance with the service bulletin.

(i) If no damage or wear is detected, no further action is required by paragraph (a)(2) of this AD.

(ii) If any damage or wear is detected, prior to further flight, repair the diagonal brace in accordance with a method approved by the Manager Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(b) 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. 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.

(c) 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 December 6, 1996.

S.R. Miller,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 96-31607 Filed 12-12-96; 8:45 am]

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## 14 CFR Part 39

[Docket No. 96-NM-117-AD]

RIN 2120-AA64

### **Airworthiness Directives; Dornier Model 328-100 Series Airplanes Equipped With Burns Aerospace Corporation Commuter Seat Models JB6.8-1-22 and JB6.8-2-42 Passenger Seats**

**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 Dornier Model 328-100 series airplanes. This proposal would require modification of the restraining systems of certain passenger seats by replacing anchor point fasteners with fasteners that are able to withstand required 16g load conditions. This proposal is prompted by a report indicating that the restraining systems on these seats failed to meet 16g test load requirements during dynamic testing. The actions specified by the proposed AD are intended to prevent the fasteners from failing, which could result in release of the seat restraint and consequent injury to passengers.

**DATES:** Comments must be received by January 23, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-117-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.

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**FOR FURTHER INFORMATION CONTACT:** Connie Beane, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2796; 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.

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#### **Availability of NPRMs**

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#### **Discussion**

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Dornier Model 328-100 series airplanes. The LBA advises that it has received reports indicating that the restraining system on certain passenger seats installed on these airplanes may not meet the 16g test load requirements. The manufacturer of the restraining system, Burns Aerospace Corporation, detected this discrepancy in design during its dynamic testing of commuter seat models JB6.8-1-22 and JB6.8-2-42. These tests showed that the anchor point fasteners for the restraining system failed when subjected to loads that the fasteners were required to carry. Should these fasteners fail, the seat restraint could release and consequently, passengers could be injured. No such occurrences have been reported in service, however.