

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## FEDERAL ELECTION COMMISSION

### 11 CFR Parts 100, 102, 104, 106, 110 and 114

[Notice 1997—10]

#### Prohibited and Excessive Contributions; "Soft Money"

AGENCY: Federal Election Commission.

ACTION: Rulemaking petitions: Notice of Availability.

**SUMMARY:** On May 20, 1997, the Commission received a Petition for Rulemaking from five Members of Congress urging the Commission "to modify its rules to help end or at least significantly lessen the influence of soft money." On June 5, 1997, the Commission received a Petition for Rulemaking from President Bill Clinton asking the Commission to "ban soft money" and "adopt new rules requiring that candidates for federal office and national parties be permitted to raise and spend only "hard dollars." These petitions are available for inspection in the Commission's Public Records Office.

**DATES:** Statements in support of or in opposition to the petitions must be filed on or before July 18, 1997.

**ADDRESSES:** All comments should be addressed to Susan E. Propper, Assistant General Counsel, and must be submitted in either written or electronic form. Written comments should be sent to the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463. Faxed comments should be sent to (202) 219-3923, with printed copy follow up. Electronic mail comments should be sent to [softmoney@fec.gov](mailto:softmoney@fec.gov), and should include the full name, electronic mail address and postal service address of the commenter. Additional information on electronic submission is provided below.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan E. Propper, Assistant General Counsel, or Paul Sanford, Staff Attorney, 999 E Street, N.W., Washington, D.C. 20463, (202) 219-3690 or (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** On May 20, 1997, the Commission received a Petition for Rulemaking from five members of the United States House of Representatives. This petition urges the Commission "to modify its rules to help end or at least significantly lessen the influence of soft money." On June 5, 1997, the Commission received a second Petition for Rulemaking relating to soft money, this one submitted by President Bill Clinton. President Clinton's petition asks the Commission to "ban soft money" and "adopt new rules requiring that candidates for federal office and national parties be permitted to raise and spend only "hard dollars." Generally, the term "soft money" refers to funds that are prohibited under the Federal Election Campaign Act, 2 U.S.C. 431 *et seq.* ["FECA"], either because they come from a prohibited source, see 2 U.S.C. 441b, 441c and 441e, or because the amount exceeds the contribution limits in 2 U.S.C. 441a. Conversely, the term "hard dollars" refers to funds that are permissible under the FECA because they come from permissible sources and do not exceed applicable contribution limits.

Because both petitions relate to soft money and also seek similar Commission action, the Commission has decided to address the petitions in a single proceeding. The first stage of that proceeding is to announce the availability of the petitions for public comment.

Copies of the petitions are available for public inspection in the Commission's Public Records Office, 999 E Street, N.W., Washington, DC 20463, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m. Copies of the petitions can also be obtained at any time of the day and week from the Commission's home page at [www.fec.gov](http://www.fec.gov), or from the Commission's FlashFAX service. To obtain copies of the petitions from FlashFAX, dial (202) 501-3413 and follow the FlashFAX service instructions. Request document # 230 to receive both petitions.

All statements in support of or in opposition to the petitions should be addressed to Susan E. Propper, Assistant General Counsel, and must be submitted in either written or electronic form. Written comments should be sent to the Commission's postal service address: Federal Election Commission,

999 E Street, N.W., Washington, DC 20463. Faxed comments should be sent to (202) 219-3923. Commenters submitting faxed comments should also submit a printed copy to the Commission's postal service address to ensure legibility. Comments may also be sent by electronic mail to [softmoney@fec.gov](mailto:softmoney@fec.gov). Commenters sending comments by electronic mail should include their full name, electronic mail address and postal service address within the text of their comments. All comments, regardless of form, must be submitted by July 18, 1997.

Consideration of the merits of these petitions will be deferred until the close of the comment period. If the Commission decides that one or both petitions has merit, it may begin a rulemaking proceeding. Any subsequent action taken by the Commission will be announced in the **Federal Register**.

Dated: June 13, 1997.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 97-15940 Filed 6-17-97; 8:45 am]

BILLING CODE 6715-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-NM-200-AD]

#### Airworthiness Directives; Airbus Industrie Model A300-600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to all Airbus Industrie Model A300-600 series airplanes, that currently requires inspections to detect cracks in the center spar sealing angles adjacent to the pylon rear attachment and in the adjacent butt strap and skin panel, and corrections of discrepancies. That AD was prompted by reports of cracking in the vertical web of the center spar sealing angles of the wing. This action would require that the initial inspections be accomplished at reduced

thresholds. This action also would limit the applicability of the existing AD. The actions specified by the proposed AD are intended to prevent crack formation in the sealing angles; such cracks could rupture and lead to subsequent crack formation in the bottom skin of the wing, and resultant reduced structural integrity of the center spar section of the wing.

**DATES:** Comments must be received by July 28, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-200-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 D. 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 95-NM-200-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. 95-NM-200-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### **Discussion**

On November 17, 1993, the FAA issued AD 93-23-07, amendment 39-8741 (58 FR 64112, December 6, 1993), applicable to all Airbus Model A300-600 series airplanes, to require inspections to detect cracks in the center spar sealing angles adjacent to the pylon rear attachment and in the adjacent butt strap and skin panel, and corrections of any discrepancies. That action was prompted by reports of cracking in the vertical web of the center spar sealing angles of the wing. The requirements of that AD are intended to prevent crack formation in the sealing angles; such cracks could rupture and lead to subsequent crack formation in the bottom skin of the wing, and resultant reduced structural integrity of the center spar section of the wing.

##### **Actions Since Issuance of the Previous AD**

Since the issuance of that AD, the manufacturer has advised the FAA that it has received additional reports of cracking in the vertical web of the center spar sealing angles of the wing. The reports indicated that the airplanes on which this cracking had been detected had accumulated between 5,540 and 21,200 landings and between 11,616 and 21,250 flight hours. These numbers of landings are less than those identified as the initial inspection threshold in AD 93-23-07.

##### **Explanation of Relevant Service Information**

Subsequent to the findings of this new cracking, Airbus issued Service Bulletin A300-57-6027, Revision 2, dated September 13, 1994. The revised service bulletin recommends that the initial inspection threshold be reduced. Revision 2 of the service bulletin also limits the effectivity to airplanes having certain manufacturer's serial numbers. The DGAC classified this service

bulletin as mandatory and issued French airworthiness directive 91-253-128(B)R1, dated March 1, 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 § 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 the Requirements of the Proposed AD**

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 supersede AD 93-23-07 to continue to require inspections to detect cracks in the center spar sealing angles adjacent to the pylon rear attachment and in the adjacent butt strap and skin panel, and corrections of discrepancies. This proposed AD would reduce the initial inspection thresholds; and limit the applicability of the existing AD to certain airplanes. The actions would be required to be accomplished in accordance with the service bulletin described previously.

##### **Differences Between the Proposed Rule and Relevant Service Information**

Operators should note that, unlike the procedures described in Airbus Service Bulletin A300-57-6027, this proposed AD would not permit further flight if cracking of the center spar sealing angles adjacent to Rib 8 is detected. The FAA has determined that, due to the safety implications and consequences associated with such cracking, center spar sealing angles that are found to be cracked must be replaced prior to further flight.

Operators also should note that, unlike particular provisions in the service bulletin regarding adjustment of the compliance times, this proposed AD would permit certain adjustments of the inspection compliance times only with prior approval by the FAA. The FAA has determined that, in some cases, such adjustments would not address the unsafe condition in a timely manner.

Additionally, such adjustments may present difficulties in determining if the applicable inspections and modifications have been complied with in the appropriate time frame. In developing the appropriate inspection thresholds and repetitive inspection intervals for the proposed rule, the FAA considered the manufacturer's recommendation and the average utilization rate of the affected U.S. registered airplanes. In light of these factors, the FAA finds the compliance times specified in the proposed AD to be warranted. However, operators may request approval of an adjustment to the compliance time under the provisions of paragraph (g) of this proposed AD provided that such an adjustment provides an acceptable level of safety.

### Cost Impact

There are approximately 34 Model A300-600 series airplanes of U.S. registry that would be affected by this proposed AD.

The requirements of this proposed AD will not add any new additional economic burden on affected operators, other than the costs that are associated with the initial inspection being required earlier than would have been required by AD 93-23-07 (inspection is now required within 4,638 total landings, rather than 12,000 total landings, for certain airplanes; and within 5,775 landings, rather than 15,000 total landings, for certain other airplanes). The current costs associated with AD 93-23-07 are reiterated in their entirety (as follows) for the convenience of affected operators.

The costs associated with the currently required inspections entail 8 work hours per airplane, per inspection, at an average labor rate of \$60 per work hour. (This figure does not include the time necessary for gaining access and closing up.) Based on these figures, the cost impact of this proposed AD on U.S. operators is estimated to be \$16,320, or \$480 per airplane, per inspection.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or 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 removing amendment 39-8741 (58 FR 64112, December 6, 1993), and by adding a new airworthiness directive (AD), to read as follows:

**Airbus:** Docket 95-NM-200-AD. Supersedes AD 93-23-07, Amendment 39-8741.

**Applicability:** Model A300-600 series airplanes, as listed in Airbus Service Bulletin A300-57-6027, Revision 2, dated September 13, 1994; 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 (g) 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.

**Note 2:** Paragraphs (a) and (b) of this AD restate the requirements for initial and repetitive inspections contained in paragraph (a) and (c) of AD 93-23-07. Therefore, for operators who have previously accomplished at least the initial inspection in accordance with AD 93-23-07, paragraphs (a) and (b) of this AD require that the next scheduled inspection be performed within 2,625 landings after the last inspection performed in accordance with paragraph (a) or (c) of AD 93-23-07, or within 500 landings after the effective date of this AD, whichever occurs later.

To prevent crack formation in the sealing angles, which could rupture and lead to subsequent crack formation in the bottom skin of the wing, and resultant reduced structural integrity of the center spar section of the wing, accomplish the following:

### Restatement of the Requirements of AD 93-23-07

(a) For those airplanes on which the modification described in Airbus Repair Drawing R571-40588 has not been accomplished: Perform high frequency eddy current (HFEC) inspections to detect cracks in the center spar sealing angles adjacent to Rib 8, in accordance with Airbus Industrie Service Bulletin No. A300-57-6027, dated October 8, 1991, or Revision 2, dated September 13, 1994, at the time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable. After the effective date of this AD, only Revision 2 of the service bulletin shall be used.

(1) For airplanes that have accumulated less than 12,000 total landings as of January 5, 1994 (the effective date of AD 93-23-07, amendment 39-8741): Prior to the accumulation of 12,000 total landings or within 2,000 landings after January 5, 1994, whichever occurs later; and thereafter at intervals not to exceed 6,000 landings until the inspections required by paragraph (c) of this AD are accomplished.

(2) For airplanes that have accumulated 12,000 total landings or more, but less than 14,000 total landings as of January 5, 1994: Prior to the accumulation of 14,000 total landings or within 2,000 landings after January 5, 1994, whichever occurs later; and thereafter at intervals not to exceed 6,000 landings until the inspections required by paragraph (c) of this AD are accomplished.

(3) For airplanes that have accumulated 14,000 total landings or more as of January 5, 1994: Prior to the accumulation of 500 landings after January 5, 1994; and thereafter at intervals not to exceed 6,000 landings until the inspections required by paragraph (c) of this AD are accomplished.

(b) For those airplanes on which the modification specified in Airbus Repair Drawing R571-40588 has been accomplished: Prior to the accumulation of 15,000 landings after accomplishing the modification, or within 500 landings after January 5, 1994, whichever occurs later, perform a HFEC inspection to detect cracks in the center spar sealing angles adjacent to

Rib 8, in accordance with Airbus Industrie Service Bulletin No. A300-57-6027, dated October 8, 1991, or Revision 2, dated September 13, 1994. Thereafter, repeat this inspection at intervals not to exceed 6,000 landings until the inspection required by paragraph (d) of this AD is accomplished.

#### New Requirements of this AD

(c) For those airplanes on which Airbus modification 08609H5276 (Airbus Service Bulletin A300-57-6033), or the modification specified in Airbus Repair Drawing R571-40588 or R571-40942, has not been accomplished: Perform HFEC inspections to detect cracks in the center spar sealing angles adjacent to Rib 8, in accordance with Airbus Service Bulletin A300-57-6027, Revision 2, dated September 13, 1994, at the later of the times specified in paragraph (a)(1) and (a)(2) of this AD, as applicable. Repeat the inspection thereafter at intervals not to exceed 2,625 landings. Accomplishment of these inspections terminates the requirements of paragraph (a) of this AD.

(1) For airplanes on which HFEC inspections have not been accomplished in accordance with AD 93-23-07: Prior to the accumulation of 4,638 total landings; or within 500 landings after the effective date of this AD, whichever occurs later.

(2) For airplanes on which HFEC inspections have been accomplished in accordance with AD 93-23-07: Within 2,625 landings after accomplishment of the last inspection performed in accordance with the requirements of paragraph (a) of this AD, or within 500 landings after the effective date of this AD, whichever occurs later.

(d) For those airplanes on which Airbus Modification 08609H5276 (Airbus Service Bulletin A300-57-6033) or the modification specified in Airbus Repair Drawing R571-40588 or R571-40942 has been accomplished: Perform a HFEC inspection to detect cracks in the center spar sealing angles adjacent to Rib 8, in accordance with Airbus Service Bulletin No. A300-57-6027, Revision 2, dated September 13, 1994, at the later of the times specified in paragraphs (d)(1) and (d)(2) of this AD, as applicable. Repeat the inspection thereafter at intervals not to exceed 2,625 landings. Accomplishment of this inspection terminates the requirements of paragraph (b) of this AD.

(1) For airplanes on which HFEC inspections have not been accomplished in accordance with AD 93-23-07: Prior to the accumulation of 5,775 landings after accomplishing the modification, or within 500 landings after the effective date of this AD.

(2) For airplanes on which HFEC inspections have been accomplished in accordance with AD 93-23-07: Within 2,625 landings after accomplishment of the last inspection performed in accordance with the requirements of paragraph (b) of this AD, or within 500 landings after the effective date of this AD, whichever occurs later.

#### Corrective Action

(e) If any crack is found in the center spar sealing angles, including cracking entirely through the sealing angle, during the inspections required by paragraph (a), (b), (c),

or (d) of this AD: Prior to further flight, replace the pair of sealing angles on the affected wing and cold work the attachment holes, in accordance with Airbus Repair Drawing R571-40589 or R571-40942; and perform the repetitive inspections required by paragraph (c) or (d) of this AD, as applicable.

(f) If any sealing angle is found to be cracked through entirely during the inspections required by paragraph (a), (b), (c), or (d) of this AD: Prior to further flight, perform additional inspections to detect cracks in the adjacent butt strap and skin panel, in accordance with paragraph 2.B.(5) of Airbus Service Bulletin A300-57-6027, Revision 2, dated September 13, 1994. If any crack is found in the adjacent butt strap and skin panel, prior to further flight, repair in accordance with Airbus Repair Drawing R571-40611.

(g)(1) 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.

(2) Operators may request an extension of the compliance times of this AD in accordance with the adjustment for range formula found in paragraph 1(d) of Airbus Service Bulletin A300-57-6027, Revision 2, dated September 13, 1994. The average flight time per flight cycle in hours used in this formula should be for an individual airplane. Average flight time for a group of airplanes may be used if all airplanes in the group have flight times differing by no more than 10 percent. If compliance times are based on the average flight time for a group of airplanes, the individual airplane flight times of the group must be submitted to the Manager, Standardization Branch, ANM-113, for review.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(h) 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 11, 1997.

**Darrell M. Pederson,**

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

[FR Doc. 97-15887 Filed 6-17-97; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### 20 CFR Parts 718, 722, 725, 726 and 727

RIN 1215-AA99

#### Regulations Implementing the Federal Coal Mine Health and Safety Act of 1969, as Amended; Notice of Public Hearing

**AGENCY:** Employment standards Administration, Labor.

**ACTION:** Proposed rule; notice of public hearing.

**SUMMARY:** This notice schedules a second public hearing on the proposed regulations implementing the Black Lung Benefits Act which the Employment Standards Administration (ESA) issued on January 22, 1997 (62 FR 3338-3435). The first public hearing is scheduled for June 19, 1997 in Charleston, West Virginia (62 FR 27562; 62 FR 28760).

The proposed regulations reflect the program's suggestions for change in the processing and adjudication of individual claims for black lung benefits. The proposal also revises the criteria governing the responsibility of coal mine operators to secure the payment of benefits to their employees and reflects many decisions issued by the Benefits Review Board and U.S. courts of appeals over the past thirteen years. ESA proposed these regulations with the goal of improving services, streamlining the adjudication process and updating the regulations' content. The purpose of the hearings is to receive comments on the proposed changes.

**DATES:** The second hearing will be held in Washington, D.C. on Tuesday, July 22, 1997 beginning at 9:00 a.m. Persons seeking to testify at the public hearing based on medical, scientific, economic or other technical evidence must file a notice of intent to appear accompanied by three copies of the evidence upon which their testimony will be based. The notice and evidence must be received by Tuesday, July 8, 1997. Any other party desiring to participate must file a notice of intent to appear by Tuesday, July 15, 1997. Any party who has not filed a notice of intent to appear may be allowed to testify, at the discretion of the Administrative Law Judge, as time permits at the end of the hearing.

**ADDRESSES:** The second hearing will be held in the auditorium of the Frances Perkins Building, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.