

describe procedures for wiring modifications to the engine and APU fire detection system. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 1999-238-286(B), dated June 2, 1999, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

The FAA estimates that 113 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$408 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$80,004, or \$708 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and

the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

Airbus Industrie: Docket 99-NM-222-AD.

Applicability: Model A310 and A300-600 series airplanes, certificated in any category; except those on which Airbus Modifications 06267 and 07340 have been accomplished during production.

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 the fire warning from terminating prematurely, which could result in an unnoticed, uncontained engine/auxiliary power unit (APU) fire, accomplish the following:

(a) Within 24 months after the effective date of this AD, accomplish the wiring modifications to the engine and APU fire detection system in the relay box 282VU and the electronics rack 90VU in accordance with Airbus Service Bulletin A310-26-2024, Revision 04, dated March 5, 1999 (for Model A310 series airplanes); or A300-26-6038, dated March 5, 1999, or Revision 1, dated September 8, 1999 (for Model A300-600 series airplanes); as applicable.

Alternative Methods of Compliance

(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, International Branch, ANM-116, 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, International Branch, ANM-116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

(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.

Note 3: The subject of this AD is addressed in French airworthiness directive 1999-238-286(B), dated June 2, 1999.

Issued in Renton, Washington, on September 30, 1999.

D.L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-26088 Filed 10-5-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-23-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A300, A300-600, and A310 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 certain Airbus Model A300, A300-600, and A310 series airplanes equipped with a welded auxiliary power unit (APU) fuel feedline adapter. The existing AD currently requires repetitive dye penetrant inspections to detect cracks, rupture, or fuel leaks of the fuel feedline adapter, and replacement of the adapter if necessary. That AD also provides for optional terminating action for the repetitive inspections. This action would require accomplishment of the previously optional terminating action. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent fuel leakage in the APU compartment, which could result in a fire in the APU compartment.

DATES: Comments must be received by November 5, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-23-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: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; 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 99-NM-23-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-114, Attention: Rules Docket No. 99-NM-23-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On September 10, 1991, the FAA issued AD 91-20-07, amendment 39-8041 (56 FR 47672, September 20, 1991), applicable to certain Airbus Model A300, A300-600, and A310 series airplanes, to require repetitive dye penetrant inspections to detect cracks, rupture, or fuel leaks of the fuel feedline adapter, and replacement of the adapter, if necessary. In addition, the AD requires verification of the correct torque values of the starter motor cable terminals and the generator cable terminals. That AD also provides for optional terminating action for the repetitive inspections. These actions were prompted by a report of a fuel leak in the auxiliary power unit (APU) compartment of a model A300 series airplane, which caused a fire when the crew attempted to start the APU. The requirements of that AD are intended to prevent a fuel leak in the APU compartment; that condition, if not corrected, could result in a fire in the APU compartment.

Actions Since Issuance of Previous AD

In the preamble to AD 91-20-07, the FAA indicated that the actions required by that AD were considered "interim action" and that further rulemaking action was being considered. The FAA now has determined that further

rulemaking action is indeed necessary, and this proposed AD follows from that determination.

Explanation of New Service Information

The manufacturer has issued Airbus Service Bulletins A300-49-0049, Revision 1; A300-49-6009, Revision 1; and A310-49-2012, Revision 1, all dated November 28, 1991. Those service bulletins provide instructions to replace the welded APU fuel feedline adapter with an improved non-welded one-piece-body adapter. Accomplishment of this replacement is intended to adequately address the identified unsafe condition.

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, classified these service bulletins as mandatory and issued French airworthiness directive 98-480-269(B), dated December 2, 1998, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 91-20-07 to require replacement of the welded APU fuel feedline adapter with an improved non-welded one-piece-body adapter regardless of whether the welded adapter has failed. In the existing AD this action is required only if cracks, rupture, or fuel leaks are found during the inspection; otherwise, this action is optional. The FAA has recently determined, based on new information received, that the previously optional terminating modification should be made mandatory. The proposed AD would continue to require verification

of the correct torque values of the starter motor cable terminals and the generator cable terminals, and corrective action if necessary. The new replacement would be required to be accomplished in accordance with the service bulletins described previously.

Cost Impact

There are approximately 165 airplanes of U.S. registry that would be affected by this proposed AD.

The actions that are currently required by AD 91-20-07, and retained in this proposed AD, take approximately 2 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be \$120 per airplane.

The new actions that are proposed in this AD action would take approximately 2 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$274 per airplane. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be \$394 per airplane.

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 39-8041 (56 FR 47672, September 20, 1991), and by adding a new airworthiness directive (AD), to read as follows:

Airbus Industrie: Docket 99-NM-23-AD. Supersedes AD 91-20-07, Amendment 39-8041.

Applicability: Model A300, A300-600, and A310 series airplanes; certificated in any category; equipped with an auxiliary power unit (APU) fuel feedline adapter, P/N A4937021700000 (welded configuration).

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 (e) 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 an APU compartment fire, accomplish the following:

Restatement of Requirements of AD 91-20-07, Amendment 39-8041

Repetitive Inspections

(a) Within 100 hours time-in-service after October 7, 1991 (the effective date of AD 91-20-07, amendment 39-8041), and thereafter at intervals not to exceed 400 hours time-in-service: Perform a dye penetrant inspection to detect cracks, rupture or fuel leaks at the weld of the fuel feedline adapter, in

accordance with Airbus Industrie All Operators Telex (AOT) 49-01, Issue 3, dated April 25, 1991. If cracks, rupture, or fuel leaks are found, replace the adapter with an improved, non-welded one-piece-body adapter prior to the next APU operation, or placard the APU inoperative until the adapter is replaced with the improved adapter, in accordance with Airbus Industrie Service Bulletin A300-49-0049, A300-49-6009, or A310-49-2012; all dated July 12, 1991; as applicable.

(b) Within 100 hours time-in-service after October 7, 1991, verify the correct torque values of the starter motor cable terminals and the generator cable terminals in accordance with Airbus Industrie All Operators Telex (AOT) 49-01, Issue 3, dated April 25, 1991. Correct any torque value discrepancies prior to further flight, in accordance with the AOT.

New Requirements of This AD

Installation

(c) Within 15 months after the effective date of this AD, install an improved APU fuel feedline adapter in accordance with the accomplishment instructions of Airbus Service Bulletin A300-49-0049, Revision 1 (for Model A300 series airplanes); A300-49-6009, Revision 1 (for Model A300-600 series airplanes); or A310-49-2012, Revision 1 (for Model A310 series airplanes); all dated November 28, 1991; as applicable. Such installation constitutes terminating action for the requirements of this AD.

Spares

(d) As of the effective date of this AD, no person shall install an APU fuel feedline adapter, P/N A4937021700000 (welded configuration), on any airplane.

Alternative Methods of Compliance

(e) 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, International Branch, ANM-116, 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, International Branch, ANM-116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(f) 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.

Note 3: The subject of this AD is addressed in French airworthiness directive 98-480-269(B), dated December 2, 1998.

Issued in Renton, Washington, on September 30, 1999.

D.L. Riffin,

Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-26084 Filed 10-5-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-99-130]

RIN 2115-AA97

Safety Zone: New York Harbor and Hudson River Fireworks.

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish five permanent safety zones for fireworks displays located on Upper and Lower New York Bay, the Hudson River, and Raritan Bay. This action is necessary to provide for the safety of life on navigable waters during the events. This action establishes permanent exclusion areas that are only active prior to the start of the fireworks display until shortly after the fireworks display is completed, and is intended to restrict vessel traffic in a portion of Upper and Lower New York Bay, the Hudson River, and Raritan Bay.

DATES: Comments must reach the Coast Guard on or before December 6, 1999.

ADDRESSES: Comments may be mailed to the Waterways Oversight Branch (CGD01-99-130), Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, or deliver them to room 205 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except federal holidays.

The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room 205, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354-4193.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01-99-130) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Waterways Oversight Branch at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Coast Guard proposes to establish five permanent safety zones that will be activated for fireworks displays occurring throughout the year that are not held on an annual basis but are normally held in one of these five locations. The five locations are east of Liberty and Ellis Islands in Upper New York Bay; east of South Beach, Staten Island in Lower New York Bay; west of Pier 60, Manhattan, on the Hudson River; and Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West). The number of events held in these locations has increased from three in 1996 to 21 in 1998. The Coast Guard has received 11 applications for fireworks displays in these areas to date in 1999. In the past, temporary safety zones were established with limited notice for preparation by the U.S. Coast Guard and limited opportunity for public comment. Establishing permanent safety zones by notice and comment rulemaking at least gives the public the opportunity to comment on the proposed zone locations, size, and length of time the zones will be active. The Coast Guard has received no prior notice of any impact caused by the previous events.

Discussion of Proposed Rule

The five proposed safety zones are as follows:

The proposed safety zone at Liberty Island includes all waters of Upper New York Bay within a 360-yard radius of the fireworks barge located in Federal Anchorage 20-C, in approximate position 40°41'16.5" N 074°02'23" W (NAD 1983), about 360 yards east of Liberty Island. The proposed safety zone prevents vessels from transiting a portion of Federal Anchorage 20-C and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Recreational and commercial vessel traffic will be able to anchor in the unaffected northern and southern portions of Federal Anchorage 20-C. Federal Anchorages 20-A and 20-B, to the north, and Federal Anchorages 20-D and 20-E, to the south, are also available for vessel use. Marine traffic will still be able to transit through Anchorage Channel, Upper Bay, during the event as the safety zone only extends 125 yards into the 925-yard wide channel. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone at Ellis Island includes all waters of Upper New York Bay within a 360-yard radius of the fireworks barge located between Federal Anchorages 20-A and 20-B in approximate position 40°41'15" N 074°02'09" W (NAD 1983), about 365 yards east of Ellis Island. The proposed safety zone prevents vessels from transiting a portion of Federal Anchorages 20-A and 20-B and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Recreational and commercial vessel traffic will be able to anchor in the unaffected northern and southern portions of Federal Anchorages 20-A and 20-B. Federal Anchorages 20-C, 20-D, and 20-E, to the south, are also available for vessel use. Marine traffic will still be able to transit through Anchorage Channel, Upper Bay, during the event as the safety zone only extends 150 yards into the 900-yard wide channel. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone east of South Beach, Staten Island includes all waters of Lower New York Bay within a 360-yard radius of the fireworks barge located in approximate position 40°35'11" N 074°03'42" W (NAD 1983), about 350 yards east of South Beach,