

# Proposed Rules

Federal Register

Vol. 62, No. 215

Thursday, November 6, 1997

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 Part 100

[Notice 1997-15]

#### Rulemaking Petition: Definition of "Express Advocacy"; Notice of Availability

**AGENCY:** Federal Election Commission.

**ACTION:** Rulemaking petition: Notice of availability.

**SUMMARY:** On October 20, 1997, the Commission received a Petition for Rulemaking from James Bopp, Jr., on behalf of the James Madison Center for Free Speech. The Petition urges the Commission to revise its rules defining "express advocacy" to conform with a recent court decision. The Petition is available for inspection in the Commission's Public Records Office, through its FAXLINE service, and on its Internet home page.

**DATES:** Statements in support of or in opposition to the Petition must be filed on or before December 8, 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 [expressad@fec.gov](mailto:expressad@fec.gov). Commenters sending comments by electronic mail should include their full name and postal service address within the text of their comments. Electronic comments that do not contain the full name, electronic mail address and postal service address of the commenter will not be considered.

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

**SUPPLEMENTARY INFORMATION:** The petitioner is requesting the Commission to revise the definition of "express advocacy" set forth in its rules at 11 CFR 100.22 to reflect the decision in *Maine Right to Life Committee v. FEC*, 914 F.Supp. 8 (D.Me. 1995), *aff'd per curiam*, 98 F.3d 1 (1st Cir. 1996), *cert. denied*, No. 96-1818 (U.S. 1997). Specifically, the Petition urges repeal of 11 CFR 100.22(b), which was held invalid in that case. The challenged paragraph defines "express advocacy" to include communications in which the electoral portion is "unmistakable, unambiguous, and suggestive of only one meaning, and reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidate(s) or encourages some other kind of action."

The "express advocacy" standard is used to determine if a disbursement qualifies as a reportable independent expenditure or membership communication for purposes of the Federal Election Campaign Act; if independent communications by corporations and labor organizations are prohibited under the Act; and if campaign communications require a disclaimer. See 2 U.S.C. 431(17) and (9)(B)(iii); 434(b)(4) and (c); 441b, 441d; *Federal Election Commission v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238 (1986).

Copies of the Petition for Rulemaking are available for public inspection at 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. Interested persons may also obtain a copy of the Petition by dialing the Commission's FAXLINE service at (202) 501-3413 and following its instructions, at any time of the day and week. Request document #232. The text of the petition is available on the Internet at the Commission's home page, [www.fec.gov](http://www.fec.gov).

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

Dated: November 3, 1997.

**Joan D. Aikens,**

*Vice Chairman.*

[FR Doc. 97-29375 Filed 11-5-97; 8:45 am]

BILLING CODE 6715-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-NM-240-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A300 and A300-600 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 all Airbus Model A300 and A300-600 series airplanes. This proposal would require repetitive inspections for cracking of the lugs of hinge brackets of inner airbrakes (spoilers) No. 1 and No. 2, and corrective action, if necessary. 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 detachment of the spoilers and consequent reduced controllability of the airplane.

**DATES:** Comments must be received by December 8, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-240-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 97-NM-240-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-240-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, notified the FAA that an unsafe condition may exist on all Airbus Model A300 and A300-600 series airplanes. The DGAC advises that it received four reports indicating that, during routine maintenance, fatigue cracking was detected in lugs of the center hinge bracket of an inner airbrake (spoiler) No. 1. Fatigue cracking and failure of center hinge brackets due to increased loading could result in propagation of cracks of

the inner and outer hinge brackets. Such fatigue cracking, if not detected and corrected in a timely manner, could result in detachment of the spoilers and consequent reduced controllability of the airplane.

**Explanation of Relevant Service Information**

Airbus has issued Service Bulletins A300-57-0229 (for Model A300 series airplanes) and A300-57-6074 (for Model A300-600 series airplanes), both dated October 16, 1996. These service bulletins describe procedures for repetitive high frequency eddy current (HFEC) inspections for cracking of the lugs of hinge brackets of spoilers No. 1 and No. 2 of both wings; and replacement, with a serviceable bracket, of any bracket having a cracked lug. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 97-080-211(B)R1, dated May 21, 1997, 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, except as described below.

**Differences Between the Proposed AD and the Service Bulletins**

Airbus Service Bulletins A300-57-6074 and A300-57-0229, both dated October 16, 1996, specify that the corrective actions required by this proposed AD may be accomplished in accordance with a method "left to the operator's discretion." However, operators would use a discretionary method only if that method has been

approved by the FAA. Therefore, this AD requires that the actions be accomplished in accordance with the procedures specified in Repair Drawing R57240205 (for a center hinge bracket) and/or R57240208 (for an inner or outer hinge bracket), as applicable.

**Cost Impact**

The FAA estimates that 102 Airbus Model A300 and A300-600 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$24,480, 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:

**Airbus Industrie:** Docket 97–NM–240–AD.

**Applicability:** All Model A300 and A300–600 series airplanes, 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 (c) 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 detect and correct cracking of the lugs of hinge brackets of inner airbrakes (spoilers) No. 1 and No. 2 of both wings, which could result in detachment of the spoilers and consequent reduced controllability of the airplane, accomplish the following:

(a) Perform a high frequency eddy current (HFEC) inspection for cracking of the lugs of the center hinge brackets of spoilers No. 1 and No. 2, in accordance with Airbus Service Bulletin A300–57–0229 (for Model A300 series airplanes) or A300–57–6074 (for Model A300–600 series airplanes), both dated October 16, 1996, as applicable. Accomplish the inspection at the time specified in paragraph (a)(1), (a)(2), or (a)(3), as applicable, of this AD. If any discrepancy is found, prior to further flight, perform the follow-on actions specified in the Accomplishment Instructions of the applicable service bulletin. Repeat the HFEC inspection thereafter at intervals not to exceed 8,200 flight cycles.

(1) For airplanes that have accumulated less than 23,200 total flight cycles as of the effective date of this AD: Inspect prior to the accumulation of 16,000 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated 23,200 total flight cycles or more, but less than 36,500 total flight cycles as of the effective date of this AD: Inspect within 500 flight cycles after the effective date of this AD.

(3) For airplanes that have accumulated 36,500 total flight cycles or more as of the

effective date of this AD: Inspect within 50 flight cycles after the effective date of this AD.

(b) Airbus Service Bulletins A300–57–6074 and A300–57–0229, both dated October 16, 1996, specify that the actions required by paragraph (a) of this AD may be accomplished in accordance with a method “left to the operator’s discretion.” [Operators may use a discretionary method only if that method has been approved as an alternative method of compliance in accordance with paragraph (c) of this AD.] Therefore, this AD requires that the replacement of a bracket as required by paragraph (a) be accomplished in accordance with the procedures specified in Repair Drawing R57240205 (for a center hinge bracket) and/or R57240208 (for an inner or outer hinge bracket), as applicable.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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.

**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.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the 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 97–080–211(B)R1, dated May 21, 1997.

Issued in Renton, Washington, on October 30, 1997.

**Darrell M. Pederson,**

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

[FR Doc. 97–29342 Filed 11–5–97; 8:45 am]

**BILLING CODE 4910–13–U**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. 97–NM–205–AD]**

**RIN 2120–AA64**

### **Airworthiness Directives; Airbus Model A310 and A300–600 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 all

Airbus Model A310 and A300–600 series airplanes. This proposal would require a one-time visual inspection to determine the accuracy of the outer placards of the static ports. This proposal also would require a one-time inspection to detect crossed connections of the air data static system and the static probe heating system, and correction of any discrepancies. 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 erroneous display of altitude information to the flight crew, and consequent reduced operational safety during all phases of flight.

**DATES:** Comments must be received by December 8, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–205–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:** 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