Rules and Regulations

Federal Register
Vol. 77, No. 174
Friday, September 7, 2012

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. FAA–2012–0429]

Airbus Operations GmbH Grant of Exemption No. 10611

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of FAA Grant of Exemption No. 10611

SUMMARY: This document contains a summary of the agency's decision on a petition for exemption. The purpose of the document is to improve the public's awareness and inform affected operators of the FAA's decision.

DATES: The exemption became effective on August 28, 2012.

FOR FURTHER INFORMATION CONTACT: Frances Shaver, (202) 267–4059, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, or Katie Haley, (202) 493–5708, Office of Rulemaking, ARM–207, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

ADDRESSES: Availability of the notice of exemption: You can obtain an electronic copy of this document or Exemption No. 10611 by—

1. Searching the Federal eRulemaking Portal at *http://www.regulations.gov;*

2. Accessing the Government Printing Office's Web page at *http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR;* or

3. Contacting the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document.

SUPPLEMENTARY INFORMATION:

Summary of Grant of Exemption

Docket No.: FAA–2012–0429.

Petitioner: Airbus Operations GmbH.

Sections of 14 CFR Affected: Part 121.

On August 28, 2012, the FAA granted an exemption in the matter of the petition of Airbus Operations GmbH. The exemption from 14 CFR 121.344(f) and Appendix M is granted to the extent necessary to allow the operators of the Airbus model 318, 319, 320 and 321 airplanes listed in Exemption No. 10611 to temporarily operate these airplanes without complying with the digital flight data recorder sampling rate requirement, subject to the conditions and limitations listed in the exemption. Among other conditions and limitations, each operator of an affected airplane must, within 90 days of issuance of the exemption (August 28, 2012), submit a letter to its principal inspector that, among other things, includes a request to use Exemption No. 10611.

Issued in Washington, DC, on September 4, 2012.

Lirio Liu,

Acting Director, Office of Rulemaking.

[FR Doc. 2012–22095 Filed 9–6–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121 and 129

[Docket No. FAA–2006–24281; Amendment Nos. 121–360A, 129–51A]

RIN 2120–AI05

Aging Airplane Program: Widespread Fatigue Damage; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; technical amendment; correction.

SUMMARY: The FAA is correcting a technical amendment published May 24, 2012 to a final rule published November 15, 2010. The final rule required design approval holders of certain existing airplanes and all applicants for type certificates of future transport category airplanes to establish a limit of validity of the engineering data that supports the structural maintenance program (hereinafter referred to as LOV). It also required that operators of any affected airplane incorporate the LOV into the maintenance program for that airplane. The technical amendment to the final rule was issued to correct errors, but within its publication, it contained inadvertent errors due to pagination in two tables. This document corrects the errors in those tables.

DATES: This corrective action becomes effective September 7, 2012.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Walter Sippel, ANM–115, Airframe/Cabin Safety Branch, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2774; facsimile (425) 227–1232; email *walter.sippel@faa.gov.*

For legal questions concerning this action, contact Doug Anderson, Office of Regional Counsel, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2166; facsimile (425) 227–1007; email *douglas.anderson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On May 24, 2012, the FAA published a technical amendment to a final rule. The technical amendment is entitled ''Aging Airplane Program: Widespread Fatigue Damage'' (77 FR 30877), which corrected a final rule published November 15, 2010 (75 FR 69746).

In that technical amendment, the FAA intended to correct compliance dates of §§ 26.21, 121.1115, and 129.115 for Airbus A310 and A300–600 series airplanes. Upon publication, however, the technical amendment contained inadvertent errors due to pagination in two of the tables.

Accordingly, FAA amends 14 CFR parts 121 and 129 by making the following technical amendments:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

■ 1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 41706, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 46105.

■ 2. In § 121.1115, revise the table entitled ''Table 1—Airplane Subject to § 26.21'' to read as follows:

§ 121.1115 Limit of validity.

* * * * *

TABLE 1—AIRPLANES SUBJECT TO § 26.21

Airplane model	Compliance date—months after January 14, 2011	Default LOV [flight cycles (FC) or flight hours (FH)]
Airbus—Existing [1] Models Only:		
A300 B2–1A, B2–1C, B2K–3C, B2–203	30	48,000 FC
A300 B4–2C, B4–103	30	40,000 FC
A300 B4–203	30	34,000 FC
A300–600 Series	60	30,000 FC/67,500 FH
A310–200 Series	60	40,000 FC/60,000 FH
A310–300 Series	60	35,000 FC/60,000 FH
A318 Series	60	48,000 FC/60,000 FH
A319 Series	60	48,000 FC/60,000 FH
A320–100 Series	60	48,000 FC/48,000 FH
A320–200 Series	60	48,000 FC/60,000 FH
A321 Series	60	48,000 FC/60,000 FH
A330–200, –300 Series (except WV050 family) (non enhanced)	60	40,000 FC/60,000 FH
A330–200, –300 Series WV050 family (enhanced)	60	33,000 FC/100,000 FH
A330–200 Freighter Series	60	See NOTE.
A340–200, –300 Series (except WV 027 and WV050 family) (non enhanced)	60	20,000 FC/80,000 FH
A340–200, –300 Series WV 027 (non enhanced)	60	30,000 FC/60,000 FH
A340–300 Series WV050 family (enhanced)	60	20,000 FC/100,000 FH
A340–500, –600 Series	60	16,600 FC/100,000 FH
A380–800 Series	72	See NOTE.
Boeing—Existing [1] Models Only:		
717	60	60,000 FC/60,000 FH
727 (all series)	30	60,000 FC
737 (Classics): 737–100, –200, –200C, –300, –400, –500	30	75,000 FC
737 (NG): 737–600, –700, –700C, –800, –900, -900ER	60	75,000 FC
747 (Classics): 747–100, –100B, –100B SUD, -200B, –200C, –200F, –300, 747SP, 747SR.	30	20,000 FC
747–400: 747–400, –400D, –400F	60	20,000 FC
757	60	50,000 FC
767	60	50,000 FC
777–200, –300	60	40,000 FC
777–200LR, 777–300ER	72	40,000 FC
777F	72	11,000 FC
Bombardier—Existing [1] Models Only:		
CL–600: 2D15 (Regional Jet Series 705), 2D24 (Regional Jet Series 900)	72	60,000 FC
Embraer—Existing [1] Models Only:		
ERJ 170	72	See NOTE.
ERJ 190	72	See NOTE.
Fokker—Existing [1] Models Only:		
F.28 Mark 0070, Mark 0100	30	90,000 FC
Lockheed—Existing [1] Models Only:		
L–1011	30	36,000 FC
188	30	26,600 FC
382 (all series)	30	20,000 FC/50,000 FH
McDonnell Douglas—Existing [1] Models Only:		
DC–8, –8F	30	50,000 FC/50,000 FH
DC–9 (except for MD–80 models)	30	100,000 FC/100,000 FH
MD–80 (DC–9–81, –82, –83, –87, MD–88)	30	50,000 FC/50,000 FH
MD–90	60	60,000 FC/90,000 FH
DC–10–10, –15	30	42,000 FC/60,000 FH
DC–10–30, –40, –10F, –30F, –40F	30	30,000 FC/60,000 FH
MD–10–10F	60	42,000 FC/60,000 FH
MD–10–30F	60	30,000 FC/60,000 FH
MD–11, MD–11F	60	20,000 FC/60,000 FH
Maximum Takeoff Gross Weight Changes:		
All airplanes whose maximum takeoff gross weight has been decreased to 75,000 pounds or below after January 14, 2011, or increased to greater than 75,000 pounds at any time by an amended type certificate or supplemental type certificate.	30, or within 12 months after the LOV is approved, or before operating the airplane, whichever occurs latest.	Not applicable.
All Other Airplane Models (TCs and amended TCs) not Listed in Table 2	72, or within 12 months after the LOV is approved, or before operating the airplane, whichever occurs latest.	Not applicable.

[1] Type certificated as of January 14, 2011.

Note: Airplane operation limitation is stated in the Airworthiness Limitation section.

* * * * *

PART 129—OPERATIONS: FOREIGN AIR CARRIERS AND FOREIGN OPERATORS OF U.S.-REGISTERED AIRCRAFT ENGAGED IN COMMON CARRIAGE

■ 3. The authority citation for part 129 continues to read as follows:

Authority: 49 U.S.C. 1372, 40113, 40119, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901–44904, 44906, 44912, 46105, Pub. L. 107–71 sec. 104.

■ 4. In § 129.115, revise the table entitled ''Table 1—Airplane Subject to 26.21'' to read as follows:

§ 129.115 Limit of validity.

* * * * *

TABLE 1—AIRPLANES SUBJECT TO § 26.21

Airplane model	Compliance Date—months after January 14, 2011	Default LOV [flight cycles (FC) or flight hours (FH)]
Airbus—Existing [1] Models Only:		
A300 B2–1A, B2–1C, B2K–3C, B2–203	30	48,000 FC
A300 B4–2C, B4–103	30	40,000 FC
A300 B4–203	30	34,000 FC
A300–600 Series	60	30,000 FC/67,500 FH
A310–200 Series	60	40,000 FC/60,000 FH
A310–300 Series	60	35,000 FC/60,000 FH
A318 Series	60	48,000 FC/60,000 FH
A319 Series	60	48,000 FC/60,000 FH
A320–100 Series	60	48,000 FC/48,000 FH
A320–200 Series	60	48,000 FC/60,000 FH
A321 Series	60	48,000 FC/60,000 FH
A330–200, –300 Series (except WV050 family) (non enhanced)	60	40,000 FC/60,000 FH
A330–200, –300 Series WV050 family (enhanced)	60	33,000 FC/100,000 FH
A330–200 Freighter Series	60	See NOTE.
A340–200, –300 Series (except WV 027 and WV050 family) (non enhanced)	60	20,000 FC/80,000 FH
A340–200, –300 Series WV 027 (non enhanced)	60	30,000 FC/60,000 FH
A340–300 Series WV050 family (enhanced)	60	20,000 FC/100,000 FH
A340–500, –600 Series	60	16,600 FC/100,000 FH
A380–800 Series	72	See NOTE.
Boeing—Existing [1] Models Only:		
717	60	60,000 FC/60,000 FH
727 (all series)	30	60,000 FC
737 (Classics): 737–100, –200, –200C, –300, –400, –500	30	75,000 FC
737 (NG): 737–600, –700, –700C, –800, –900, –900ER	60	75,000 FC
747 (Classics): 747–100, –100B, –100B SUD, -200B, –200C, –200F, –300, 747SP, 747SR.	30	20,000 FC
747–400: 747–400, –400D, –400F	60	20,000 FC
757	60	50,000 FC
767	60	50,000 FC
777–200, –300	60	40,000 FC
777–200LR, 777–300ER	72	40,000 FC
777F	72	11,000 FC
Bombardier—Existing [1] Models Only:		
CL–600: 2D15 (Regional Jet Series 705), 2D24 (Regional Jet Series 900)	72	60,000 FC
Embraer—Existing [1] Models Only:		
ERJ 170	72	See NOTE.
ERJ 190	72	See NOTE.
Fokker—Existing [1] Models Only:		
F.28 Mark 0070, Mark 0100	30	90,000 FC
Lockheed—Existing [1] Models Only:		
L–1011	30	36,000 FC
188	30	26,600 FC
382 (all series)	30	20,000 FC/50,000 FH
McDonnell Douglas—Existing [1] Models Only:		
DC–8, –8F	30	50,000 FC/50,000 FH
DC–9 (except for MD–80 models)	30	100,000 FC/100,000 FH
MD–80 (DC–9–81, –82, –83, –87, MD–88)	30	50,000 FC/50,000 FH
MD–90	60	60,000 FC/90,000 FH
DC–10–10, –15	30	42,000 FC/60,000 FH
DC–10–30, –40, –10F, –30F, –40F	30	30,000 FC/60,000 FH
MD–10–10F	60	42,000 FC/60,000 FH
MD–10–30F	60	30,000 FC/60,000 FH
MD–11, MD–11F	60	20,000 FC/60,000 FH
Maximum Takeoff Gross Weight Changes:		
All airplanes whose maximum takeoff gross weight has been decreased to 75,000 pounds or below after January 14, 2011, or increased to greater than 75,000 pounds at any time by an amended type certificate or supplemental type certificate.	30, or within 12 months after the LOV is approved, or before operating the airplane, whichever occurs latest.	Not applicable.

TABLE 1—AIRPLANES SUBJECT TO § 26.21—Continued

Airplane model	Compliance Date—months after January 14, 2011	Default LOV [flight cycles (FC) or flight hours (FH)]
All Other Airplane Models (TCs and amended TCs) not Listed in Table 2	72, or within 12 months after the LOV is approved, or before operating the airplane, whichever occurs latest.	Not applicable.

[1] Type certificated as of January 14, 2011.
Note: Airplane operation limitation is stated in the Airworthiness Limitation section.

* * * * *

Issued in Washington, DC, on August 24, 2012.

Lirio Liu,

Acting Director, Office of Rulemaking.

[FR Doc. 2012–22090 Filed 9–6–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 420

[Docket No. FAA–2011–0105; Amdt. No. 420–6]

RIN 2120–AJ73

Explosive Siting Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends the requirements for siting explosives under a license to operate a launch site. It increases flexibility for launch site operators in site planning for the storage and handling of energetic liquids and explosives.

DATES: Effective November 6, 2012.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see ''How To Obtain Additional Information'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this final rule contact Yvonne Tran, Commercial Space Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–7908; facsimile (202) 267–5463, email *yvonne.tran@faa.gov*. For legal questions concerning this final rule contact Laura Montgomery, AGC 200, Senior Attorney for Commercial Space Transportation, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3150; facsimile (202) 267–7971, email *laura.montgomery@faa.gov*.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The Commercial Space Launch Act of 1984, as amended and re-codified at 51 United States Code (U.S.C.) Subtitle V—Commercial Space Transportation, ch.509, Commercial Space Launch Activities, 51 U.S.C. 50901–50923 (the Act), authorizes the Department of Transportation (DOT) and thus the FAA, through delegations, to oversee, license, and regulate commercial launch and reentry activities, and the operation of launch and reentry sites as carried out by U.S. citizens or within the United States. 51 U.S.C. 50904, 50905. Authority for this particular rulemaking is derived from 51 U.S.C. 50905, which requires that the FAA issue a license to operate a launch site consistent with public health and safety. *See also* 49 U.S.C. 322(a), 51 U.S.C. 50901(a)(7). Section 50901(a)(7) directs the FAA to regulate only to the extent necessary to, in relevant part, protect the public health and safety and safety of property.

I. Overview of Final Rule

This final rule amends part 420 of Title 14 of the Code of Federal Regulations (14 CFR) Chapter III, updating the FAA's requirements for how to site explosives under a license to operate a launch site.[1] Part 420 establishes criteria for siting facilities at a launch site where solid propellants, energetic liquids, or other explosives are located to prepare launch vehicles and payloads for flight. These criteria are commonly referred to as quantity-distance (Q–D) requirements because they provide minimum separation distances between explosive hazard facilities, surrounding facilities and locations where the public may be present on the basis of the type and quantity of solid propellants, energetic liquids, and other explosives located within the area. Minimum separation distances are necessary to protect the public from explosive hazards.

The FAA is making a number of changes consistent with the goals of Executive Order 13610, Identifying and Reducing Regulatory Burdens, 77 FR 28469 (May 14, 2012). First, the FAA is dispensing with its separation distance requirements at launch sites for storing liquid oxygen, nitrogen tetroxide, hydrogen peroxide in concentrations equal to or below 91 percent, and refined petroleum-1 (RP–1). If these energetic liquids are not within an intraline distance of an incompatible energetic liquid or co-located on a launch vehicle, the FAA is no longer imposing public area separation distances because the current separation requirements for storing these energetic liquids unnecessarily duplicate the requirements of the Occupational Safety and Health Administration. Second, the FAA is decreasing the separation distances required for division 1.1 explosives and liquid propellants with trinitrotoluene (TNT) equivalents of less than or equal to 450 pounds. Although decreased, the revised separation requirements will continue to protect against hazardous fragments, which are defined as having a kinetic energy of 58 foot-pounds, which is a level of kinetic energy capable of causing a fatality. The probability of a person six feet tall and one foot wide being struck by a hazardous fragment at a given separation from a given net explosive weight (NEW) is one percent, which is an equivalent level of safety to today's separation distances. Third, the FAA is reducing the separation distances for the storage and handling of division 1.3 explosives, while maintaining a level of safety equivalent to current requirements. Fourth, the FAA is eliminating its own separation distance requirements for storing liquid oxidizers and Class I, II and III flammable and combustible liquids because they duplicate the requirements of other regulatory regimes. Consistent with the

[1] The FAA published a notice of proposed rulemaking (NPRM) that proposed the changes to part 420 that the FAA is now adopting. *Explosive Siting Requirements,* 76 FR 8923 (Feb. 16, 2011).