

tail cone triangle in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320-27-1132, Revision 01, dated June 19, 2002. If the position of the tail cone triangle is not within the limits specified in the service bulletin: Within 3,500 hours after the inspection, re-rig the elevator servo controls to adjust the elevator neutral setting, and change the position of the tail cone triangle, in accordance with the service bulletin.

**Note 1:** For the purposes of this AD, a detailed inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

#### Actions Accomplished Per Previous Release of the Service Bulletin

(b) Actions accomplished prior to the effective date of this AD in accordance with Airbus Service Bulletin A320-27-1132, dated March 14, 2001, are considered acceptable for compliance with the corresponding actions required by this AD.

#### No Reporting Requirement

(c) Although the service bulletin specifies to submit certain information to the manufacturer, this AD does not include such a requirement.

#### Alternative Methods of Compliance

(d) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

**Note 2:** The subject of this AD is addressed in French airworthiness directive 2002-514(B) R1, dated November 13, 2002.

Issued in Renton, Washington, on June 9, 2004.

**Kalene C. Yanamura,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-NM-257-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A319, A320, and A321 series airplanes. This proposal would require replacement of the lightweight tailpipes of the auxiliary power units (APU). This action is necessary to prevent stress cracking of the tailpipe inner liner from possibly causing the tailpipe to become separated from the APU during operation, which could pose a hazard to persons on the ground. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by July 19, 2004.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2002-NM-257-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: [9-anm-nprmcomment@faa.gov](mailto:9-anm-nprmcomment@faa.gov). Comments sent via fax or the Internet must contain "Docket No. 2002-NM-257-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Airbus, 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:** Gary Lium, Aerospace Engineer; International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1112; 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 action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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 action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2002-NM-257-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. 2002-NM-257-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 certain Airbus Model A319, A320, and A321 series airplanes. The DGAC advises that stress cracking stemming from design issues has been discovered in the inner liners of the lightweight tailpipes of certain auxiliary power units (APU). This condition, if not corrected, could result in the tailpipe becoming separated from the APU during operation, which could pose a hazard to persons on the ground.

#### Explanation of Relevant Service Information

Airbus has issued Service Bulletin A320-49-1057, dated June 2, 1999, which describes procedures for replacing the lightweight tailpipe of the APU with a new or modified tailpipe.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 2002-456(B), dated September 4, 2002, to ensure the continued airworthiness of these airplanes in France.

Operators should note that Service Bulletin A320-49-1057 refers to APIC Service Bulletin 4500002-49-72, Revision 1, dated November 20, 1998, as an additional source of service information for replacing the tailpipe.

#### 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 Airbus service bulletin described previously, except as discussed below.

#### Difference Between the French Airworthiness Directive and This Proposed AD

The applicability of French airworthiness directive 2002-456(B), dated September 4, 2002, excludes airplanes on which Airbus Service Bulletin A320-49-1057, dated June 02, 1999, was done in service. However, we have not excluded those airplanes in the applicability of this proposed AD; rather, this proposed AD includes a requirement to accomplish the actions specified in that service bulletin. Such a requirement would ensure that the actions specified in the service bulletin and required by this proposed AD are accomplished on all affected airplanes. Operators must continue to operate the airplane in the configuration required by this proposed AD unless an

alternative method of compliance is approved.

#### Cost Impact

The FAA estimates that 576 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$65 per work hour. Required parts would cost approximately \$11,300 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$6,583,680, or \$11,430 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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

#### Regulatory Impact

The regulations proposed herein would not have a substantial direct effect 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, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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:** Docket 2002-NM-257-AD.

**Applicability:** Model A319, A320, and A321 series airplanes; certificated in any category; fitted with Auxiliary Power International Corporation (APIC) auxiliary power unit (APU) APIC APS3200 having part number (P/N) 4500001 and a serial number between 1065 and 1451 inclusive, or having P/N 4500001 that has been modified per APIC Service Bulletin 4500001-49-13; excluding those airplanes equipped with an APU on which Airbus Modification 28155 has been embodied in production.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent cracking of the inner liner of the lightweight tailpipe of the APU, which could result in the tailpipe possibly becoming separated from the APU during operation, which could pose a hazard to persons on the ground, accomplish the following:

#### Replacement

(a) Within 9 months after the effective date of this AD, replace the existing lightweight tailpipe of the APU with a new or modified tailpipe, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320-49-1057, dated June 2, 1999.

**Note 1:** Airbus Service Bulletin A320-49-1057, dated June 2, 1999, refers to APIC Service Bulletin 4500002-49-72, Revision 1, dated November 20, 1998, as an additional source of service information.

#### Part Installation

(b) As of the effective date of this AD, no person may install on any airplane an APIC APS3200 APU having P/N 4500001 unless the APU has been modified in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320-49-1057, dated June 2, 1999.

#### Alternative Methods of Compliance

(c) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

**Note 2:** The subject of this AD is addressed in French airworthiness directive 2002-456(B), dated September 4, 2002.

Issued in Renton, Washington, on June 9, 2004.

**Kalene C. Yanamura,**

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

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1926

[Docket No. S-030]

RIN 1218-AC01

### Safety Standards for Cranes and Derricks

**AGENCY:** Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

**ACTION:** Notice of Negotiated Rulemaking Committee meeting.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) announces the July meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC). The Committee will review summary notes of the prior meeting and review draft regulatory text. The meeting will be open to the public.

**DATES:** The meeting will be on July 6, 7, 8, and 9, 2004. The meeting will begin at 1 p.m. on July 6th and 8:30 a.m. on July 7, 8, and 9. The meeting is expected to last three and a half days. Individuals with disabilities wishing to attend should contact Luz Dela Cruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Friday, June 25, 2004.

**ADDRESSES:** The July meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 and will be in conference room N-3437 A, B, C.

Written comments to the Committee may be submitted in any of three ways: by mail, by fax, or by email. Please include "Docket No. S-030" on all submissions.

By mail: submit three (3) copies to: OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax: written comments that are 10 pages or fewer may be transmitted to the

OSHA Docket Office at fax number (202) 693-1648.

Electronically: comments may be submitted through OSHA's Webpage at <http://ecomments.osha.gov>. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

#### FOR FURTHER INFORMATION CONTACT:

Audrey Rollor, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2020.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee to improve crane and derrick safety in construction, requesting comments and nominations for membership (Volume 67 of the **Federal Register**, page 46612). In subsequent notices the Department of Labor announced the establishment of the Committee (Volume 68 of the **Federal Register**, page 35172, June 12, 2003), requested comments on a list of proposed members (68 FR 9036, February 27, 2003), published a final membership list (68 FR 39877, July 3, 2003), and announced the first meeting, (68 FR 39880, July 3, 2003), which was held July 30-August 1, 2003. The Agency published notices announcing the subsequent meetings.

##### II. Agenda

At the July meeting, the Committee will primarily review draft materials based on CDAC discussions at prior meetings. OSHA anticipates that CDAC will be reviewing draft regulatory text of items mentioned below on the "Anticipated Key Issues for Negotiation" list.

##### III. Anticipated Key Issues for Negotiation

OSHA anticipates that CDAC will continue discussing key issues from the following list in upcoming meetings:

1. Scope
2. General Requirements
3. Assembly/Disassembly
4. Operation—Procedures

5. Authority to Stop Operation
6. Signals
7. Requirements for equipment with a manufacturer-rated hoisting/lifting capacity 2,000 pounds or less
8. Operational Aids/Safety Devices
9. Inspections
10. Equipment Modifications
11. Personnel Training
12. Wire Rope
13. Operator Qualifications
14. Keeping Clear of the Load
15. Fall Protection (ladder access and catwalks, fall arrest)
16. Hoisting Personnel
17. Qualifications of Maintenance & Repair Workers
18. Machine Guarding
19. Responsibility for environmental considerations, site conditions, ground conditions
20. Work Area Control (access/egress)
21. Power line safety
22. Derricks
23. Verification criteria for structural adequacy of crane components and stability testing requirements
24. Floating Cranes & Cranes on Barges
25. Free Fall/Power Down
26. Multiple Crane Lifts
27. Tower Cranes
28. Operator Cab Criteria
29. Overhead & Gantry Cranes
30. Definitions

##### IV. Public Participation

All interested parties are invited to attend the July public meeting at the time and place indicated above. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz Dela Cruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Friday, June 25, 2004. The meeting is expected to last three and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, Room N-2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 693-2350. Minutes will also be available on the OSHA Docket webpage: <http://dockets.osha.gov/>.