

# 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.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2007-27715; Directorate Identifier 2006-NM-140-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A330 and A340 Airplanes

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The FAA withdraws a second supplemental NPRM for an airworthiness directive (AD) that applies to all Airbus Model A330-200, A330-300, A340-200, and A340-300 series airplanes; and Model A340-541 and A340-642 airplanes. That second supplemental NPRM proposed to revise the Airworthiness Limitations Section (ALS), for all affected airplanes, by adding new Airworthiness Limitations Items (ALIs) to incorporate service life limits for certain items and inspections to detect fatigue cracking, accidental damage or corrosion in certain structures, in accordance with the revised ALS of the Instructions for Continued Airworthiness. Since the second supplemental NPRM was issued, we have published new NPRMs to propose to mandate the most recent airworthiness limitations for Model A330-200 and -300 series airplanes; and new ADs to mandate the most recent airworthiness limitations for Model A340-200 and -300 series airplanes; and Model A340-541 and -642 airplanes. Accordingly, the proposed AD is withdrawn.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and

other information. The address for the Docket Office (telephone 800-647-5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

#### FOR FURTHER INFORMATION CONTACT:

Vladimir Ulyanov, Aerospace Engineer International Branch, ANM-116, FAA, International Branch, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1138; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) with a second supplemental notice of proposed rulemaking (NPRM) for a new AD for all Airbus Model A330-200, A330-300, A340-200, and A340-300 series airplanes; and Model A340-541 and A340-642 airplanes. That second supplemental NPRM was published in the **Federal Register** on June 26, 2008 (73 FR 36288). That second supplemental NPRM would have required revising the Airworthiness Limitations section (ALS), for all affected airplanes, by adding new Airworthiness Limitations Items to incorporate service life limits for certain items and inspections to detect fatigue cracking, accidental damage or corrosion in certain structures, in accordance with the revised ALS of the Instructions for Continued Airworthiness. That second supplemental NPRM was prompted by the issuance of new and more restrictive service life limits and structural inspections based on fatigue testing and in-service findings. The proposed actions were intended to detect and correct fatigue cracking, accidental damage, or corrosion in principal structural elements, and to prevent failure of certain life-limited parts, which could result in reduced structural integrity of the airplane.

#### Actions Since Second Supplemental NPRM Was Issued

Since the second supplemental NPRM was issued, we have published new NPRMs to propose to mandate the most recent airworthiness limitations for Model A330-200 and -300 series

airplanes; and new ADs to mandate the most recent airworthiness limitations for Model A340-200 and -300 series airplanes; and Model A340-541 and -642 airplanes, as follows:

- NPRM 2010-NM-210-AD was published on March 22, 2011 (76 FR 15867) for Model A330-200 and -300 series airplanes. That NPRM proposes to revise the airplane maintenance program by incorporating "A330 Airworthiness Limitation Items," Issue 17.

- NPRM 2010-NM-211-AD was published on March 22, 2011 (76 FR 15872) for Model A330-200 and -300 series airplanes. That NPRM proposes to revise the maintenance program by incorporating Airbus A330 ALS Part 1, "Safe Life Airworthiness Limitation Items," Revision 05.

- AD 2011-04-05, Amendment 39-16605 was published on February 15, 2011 (76 FR 8612) for Model A340-200, -300, -500, and -600 series airplanes. That AD requires revising the maintenance program by incorporating Airbus A340 ALS Part 1—Safe Life Airworthiness Limitation Items, Revision 05.

- AD 2011-04-06, Amendment 39-16606 was published on February 15, 2011 (76 FR 8610) for Model A340-200, -300, -500, and -600 series airplanes. That AD requires revising the maintenance program by incorporating Airbus A340 Airworthiness Limitation Items, Issue 11.

#### FAA's Conclusions

Upon further consideration, we have determined that the actions required by the second supplemental NPRM are required by other ADs that were published after issuance of the second supplemental NPRM. Accordingly, the supplemental NPRM is withdrawn.

Withdrawal of the second supplemental NPRM does not preclude the FAA from issuing another related action or commit the FAA to any course of action in the future.

#### Regulatory Impact

Since this action only withdraws a supplemental NPRM, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

**The Withdrawal**

Accordingly, we withdraw the second supplemental NPRM, Docket No. FAA-2007-27715; Directorate Identifier 2006-NM-140-AD, which was published in the **Federal Register** on June 26, 2008 (73 FR 36288).

Issued in Renton, Washington, on May 6, 2011.

**Kalene C. Yanamura,**

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

[FR Doc. 2011-12165 Filed 5-17-11; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2010-1327; Airspace Docket No. 10-ASW-19]

**Proposed Amendment of Class D Airspace; Denton, TX**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

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

**SUMMARY:** This action proposes to amend Class D airspace at Denton, TX. Additional controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures at Denton Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** 0901 UTC. Comments must be received on or before July 5, 2011.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. You must identify the docket number FAA-2010-1327/Airspace Docket No. 10-ASW-19, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-

5527), is on the ground floor of the building at the above address.

**FOR FURTHER INFORMATION CONTACT:** Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; *telephone:* (817) 321-7716.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2010-1327/Airspace Docket No. 10-ASW-19." The postcard will be date/time stamped and returned to the commenter.

**Availability of NPRMs**

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at [http://www.faa.gov/airports\\_airtraffic/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

**The Proposal**

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), part 71 by amending Class D airspace extending upward from the surface up to but not including 2,500 feet for standard instrument approach procedures at Denton Municipal Airport, Denton, TX. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class D airspace areas are published in Paragraph 5000 of FAA Order 7400.9U, dated August 18, 2010 and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend controlled airspace at Denton Municipal Airport, Denton, TX.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration