

Commission has decided not to initiate a rulemaking on this topic at this time.

DATES: November 8, 1995.

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

SUPPLEMENTARY INFORMATION: On November 18, Anthony F. Essaye and William Josephson filed a petition for rulemaking seeking to clarify whether a presidential candidate's receipts or disbursements regarding the Electoral College process and the process of electing the President and Vice President by the United States House of Representatives are governed by the Federal Election Campaign Act ["FECA"], 2 U.S.C. 431 *et seq.*, or the Presidential Election Campaign Fund Act ["the Fund Act"], 26 U.S.C. 9001 *et seq.* The particular question raised was whether such disbursements count against publicly funded presidential candidates' general election expenditure limits established at 2 U.S.C. 441a(b)(1) and (c).

The Commission published a Notice of Availability ["NOA"] on Dec. 8, 1994. 59 F.R. 63274. The Commission received comments from the Internal Revenue Service and the Republican National Committee in response to the NOA.

The NOA stated that the Commission might incorporate the issues addressed in the rulemaking petition into a larger, then-ongoing rulemaking regarding the public funding of presidential primary and general election campaigns. However, the Commission subsequently decided to address these issues in a separate rulemaking document. 60 F.R. 31854 (June 16, 1995).

One commenter argued that the Commission does not have jurisdiction over the Electoral College and, therefore, neither the FECA nor the Fund Act applies to these expenditures. However, the Commission has the authority, and responsibility, to oversee a publicly funded candidate's qualified campaign expenses. This includes the responsibility to insure that any expenditures made to further a candidate's campaign for election, including those made in connection with the meeting of the Electoral College, are properly categorized and reported.

Commission regulations at 11 CFR 100.2(a) define "election" as "the process by which individuals . . . seek nomination for election, or election, to Federal office." Under U.S. Const. art. II, sec. 1 and amend. XII, the meeting of the Electoral College, as well as any

subsequent action by the House of Representatives that might become necessary to decide a presidential election, are part of that process. Similarly, under the Fund Act "qualified campaign expense" is defined for purposes of the general election as any expenditure "[i]ncurred by the candidate of a political party for the office of President to further his election to such office." 26 U.S.C. 9002(11)(A), 11 CFR 9002.11(a). The Commission believes that many expenditures incurred in connection with the meeting of the Electoral College and/or subsequent action by the House of Representatives fall within these definitions.

The petition cites the exclusions from the definitions of "contribution" and "expenditure" at 11 CFR 100.7(b)(20) and 100.8(b)(20) of those disbursements made in connection with election contests and recounts as one basis for treating Electoral College expenses as outside the scope of both the FECA and the Fund Act. However, these exemptions refer to election contests and recounts, i.e., procedures that may be necessary to determine which candidate received the greatest number of votes in that state, not to Electoral College activity.

The petition also argues that, since the Electoral College always meets more than 30 days after the November general election, the end of the general election "expenditure report period" established at 26 U.S.C. 9002(12), the Fund Act does not apply to expenses incurred in connection with the Electoral College vote. The Electoral College meets on the first Monday after the second Wednesday in December, 3 U.S.C. 7; while the November general election is held on the Tuesday after the first Monday in November, 3 U.S.C. 1.

In response to this argument, the Commission notes that in most instances a strategy for dealing with Electoral College concerns will likely be developed well before the general election, if it appears a close contest is in the offing, and almost certainly before the end of the expenditure report period. The Commission believes that many of these expenses may appropriately be considered qualified campaign expenses for purposes of the Fund Act.

Also, the fact that an expense occurs more than 30 days after the November general election does not in and of itself mean that it is not covered by the Fund Act. For example, the Commission's regulations at 11 CFR 9004.4(a)(4)(i) permit a candidate to make disbursements for the purpose of defraying winding down costs for a

potentially lengthy period after the general election.

On the other hand, the Commission recognizes that a potentially close Electoral College vote and/or subsequent action by the House of Representatives may generate unanticipated expenses at a time when campaigns will likely have already spent or budgeted nearly all of their available general election funds.

This situation has not arisen since the enactment of the FECA and the Fund Act. It is difficult to anticipate all the potential issues that should be addressed in a rulemaking of this nature. The Commission believes the better approach is to deal with these issues on a case by case basis when and if they arise, rather than trying to promulgate general rules that may or may not prove appropriate in dealing with particular circumstances. Therefore, at its open meeting of November 2, 1995, the Commission voted not to initiate a rulemaking at this time on treatment of a presidential candidate's receipts or disbursements regarding the Electoral College process and the process of electing the President and Vice President by the United States House of Representatives.

Dated: November 3, 1995.

Lee Ann Elliott,

Vice Chairman.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR-95-3]

Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to EPA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the

public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petitions or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received January 8, 1996.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 267-3132. Comments may also be sent electronically to the following internet address: nprmcmts@mail.hq.faa.gov.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-7470.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC on November 2, 1995.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Rulemaking

Docket No.: 28301.

Petitioner: Mr. David W. Galvin.

Regulations Affected: 14 CFR 135.293(a) (6) and (7).

Description of Rulechange Sought: To amend the requirements for initial and recurrent pilot testing in the area of meteorological knowledge, including procedures for recognizing and avoiding severe weather situations.

Petitioner's Reason for the Request:

The petitioner feels that subject testing would be better directed based on exact cause information stemming from recent tests concerning data recovered from weather-related accidents.

Docket No.: 28347.

Petitioner: King Schools, Inc.

Sections of the FAR Affected: 14 CFR SFAR 51-1.

Description of Rulechange Sought: To permit turbojet aircraft to operate under visual flight rules in the Los Angeles Special Flight Rules Area.

Petitioner's Reason for the Request:

The petitioner feels that such an amendment would result in enhanced safety and reduced cost for turbojet operators, reduce pollution, and conserve resources.

[FR Doc. 95-27703 Filed 11-7-95; 8:45 am]

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14 CFR Part 39

[Docket No. 95-NM-89-AD]

Airworthiness Directives; Airbus Model A320-231 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 A320-231 series airplanes. This proposal would require modification of the fire wall of each engine. This proposal is prompted by a report of a fire in the engine of an in-service airplane due to the fire wall being improperly sealed during production. The actions specified by the proposed AD are intended to prevent propagation of a fire through a gap (opening) in the fire wall in the event of an engine fire, as a result of improperly sealed fire wall.

DATES: Comments must be received by December 19, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-89-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 Huber, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2589, fax (206) 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 95-NM-89-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. 95-NM-89-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, recently notified the FAA that an unsafe condition may exist on certain Airbus Model A320-231 series airplanes. The DGAC advises that it has received a report of a fire in the engine of an in-service airplane. Investigation revealed that, during production, the fire wall was improperly sealed, which resulted in a gap (opening) in the fire wall. This condition, if not corrected, could result in propagation of a fire through the fire wall in the event of an engine fire.

Airbus has issued A320-78-1009, dated October 14, 1993, which describes procedures for modification of the fire wall of each engine. The modification entails installation of a seal assembly (consisting of a bracket and bulb seal)