action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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:

Beech Aircraft Corporation (Formerly DeHavilland; Hawker Siddeley; British Aerospace, PLC; Raytheon Corporate Jets, Inc.): Docket 95–NM–180–AD.

*Applicability:* Model BAe 125–1000A and Model Hawker 1000 series airplanes, as listed in Hawker Service Bulletin SB.27–168, dated July 17, 1995; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been 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 (b) 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 prevent restriction or loss of the flight controls due to insufficient clearance and resultant chafing and damage to the flaps cable and/or turnbuckle and the airbrakes cable, accomplish the following:

(a) Within 6 months after the effective date of this AD: Perform a one-time detailed visual inspection for adequate working clearances and for damage of the flap, airbrakes, and other flight control cables and turnbuckles with the structure at keel subframe 15A (left- and right-hand sides) specified in Hawker Service Bulletin SB.27–168, dated July 17, 1995. Perform the inspection in accordance with that service bulletin. The detailed visual inspection for working clearances shall be conducted for each affected flight control through its full range of travel.

(1) If all clearances are within the limits specified in the service bulletin, and no damage is found: No further action is required by this AD.

(2) If the clearance for the flaps controls is outside the limits specified in the service bulletin: Prior to further flight, accomplish Modification SB 27–168–253705B in accordance with the service bulletin.

(3) If the clearance for the airbrakes controls is outside the limits specified in the service bulletin: Prior to further flight, repair in accordance with the service bulletin.

(4) If any cable is found to be damaged, and the damage exceeds the limits defined in Chapter 20–10–31 of the Airplane Maintenance Manual: Prior to further flight, replace the damaged cable with a new cable in accordance with the service bulletin.

(5) If any turnbuckle, keel subframe, or polythene strip is found to be damaged: Prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(b) 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. 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.

(c) 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.

Issued in Renton, Washington, on March 6, 1996.

Darrell M. Pederson,

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

[FR Doc. 96–5857 Filed 3–11–96; 8:45 am]

BILLING CODE 4910–13–U

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**14 CFR Part 39**

**[Docket No. 95–NM–186–AD]**

## Airworthiness Directives; McDonnell Douglas Model DC–9 and DC–9–80 Series Airplanes, and C–9 (Military) Airplanes, Equipped With a Ventral Aft Pressure Bulkhead

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

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

**SUMMARY:** This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9 and DC–9–80 series airplanes, Model MD–88 airplanes, and C–9 (Military) airplanes, that currently requires repetitive inspections to detect fatigue cracking in the area of the attach tees of the ventral aft pressure bulkhead. That AD was prompted by reports of fatigue cracking found in that area. This proposed action would require revised inspection and repair procedures, and would provide for terminating action. It would also delete certain airplanes from the applicability of the rule. The actions specified by the proposed AD are intended to prevent the propagation of fatigue cracking, which could lead to structural failure of the ventral aft pressure bulkhead and subsequent rapid depressurization of the airplane.

**DATES:** Comments must be received by May 6, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–186–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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This

information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Brent Bandley, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5237; fax (310) 627–5210.

**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–186–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–186–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On July 24, 1989, the FAA issued AD 89–16–12, amendment 39–6287 (54 FR 31649, August 1, 1989), which is applicable to McDonnell Douglas Model DC–9 and DC–9–80 series airplanes, Model MD–88 airplanes, and C–9 (military) airplanes, equipped with a ventral aft pressure bulkhead. That AD requires repetitive optically aided visual inspections and high frequency eddy current inspections to detect fatigue cracking in the area of the attach tees of the ventral aft pressure bulkhead, and repair or replacement, if necessary. Subsequent inspections are required after any repair or replacement. That action was prompted by reports of fatigue cracking found in the aft pressure bulkhead attach tees. The requirements of that AD are intended to prevent fatigue cracking from propagating in this area. If such cracking is not detected and corrected in a timely manner, it could result in structural failure of the ventral aft pressure bulkhead and subsequent rapid depressurization of the airplane.

Service Information Referenced in the Existing AD

AD 89–16–12 references McDonnell Douglas Service Bulletin A53–231, dated February 21, 1989, as the appropriate source for service information relative to the required inspection and repair procedures. Although AD 89–16–12 was applicable to airplanes equipped specifically with a ventral aft pressure bulkhead, the procedures contained in that service bulletin applied to airplanes equipped with a non-ventral aft pressure bulkhead. At the time that AD 89–16–12 was issued, the manufacturer had advised the FAA that it was developing new inspections and corrective action that would be pertinent to airplanes with ventral aft pressure bulkheads. However, in consideration of the safety implications of the unsafe condition presented by fatigue cracking, the FAA considered it inappropriate to delay AD action relevant to those airplanes until the new inspections were developed. At that time, the FAA found that the inspection and repair procedures contained in Service Bulletin A53–231 were acceptable, only as an interim measure, for addressing fatigue cracks in airplanes with ventral aft pressure bulkheads.

New Developments Since Issuance of Existing AD

Since the issuance of AD 89–16–12, the manufacturer has developed a new series of inspection procedures that are specifically designed to detect fatigue cracking at the attach tees on airplanes equipped with ventral aft pressure bulkheads. These inspections, along with an appropriate schedule for conducting them, were developed in order to ensure that fatigue cracking in the subject area of these particular airplanes is detected and corrected before cracking can grow to a critical length. Such fatigue cracking, if allowed to propagate unchecked, could result in structural failure of the ventral aft pressure bulkhead and subsequent rapid depressurization of the airplane.

New Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin A53–232, Revision 2, dated April 28, 1995, which describes procedures for conducting various types of repetitive inspections to detect cracking in the ventral aft pressure bulkhead web-to-fuselage tee sections. It also describes procedures for replacement of cracked parts. The inspections can be conducted in either of two ways:

- OPTION I entails repetitive visual and low frequency eddy current inspections from the aft side of the bulkhead.
- OPTION II entails repetitive high and low frequency eddy current inspections from the forward side of the bulkhead.

If any cracking is found, the service bulletin calls for replacement of the cracked tee section. If it is replaced with new like parts, the inspections must continue to be accomplished; if it is replaced with a new improved part (that is not susceptible to the subject fatigue cracking), the inspections of that tee section may be discontinued. When all six aft pressure bulkhead tee sections are replaced with the new improved parts, the repetitive inspections can be discontinued.

FAA's Findings

As discussed previously, at the time when AD 89–16–12 was issued, the FAA considered that the inspections described in Service Bulletin A53–231 were acceptable, as an interim measure only, in detecting fatigue cracks before they could grow to a critical size. However, the FAA now finds that the new inspection procedures specified in McDonnell Douglas Alert Service Bulletin A53–232 are more effective than those previously required. They are more effective not only because the procedures are tailored specifically for inspecting the ventral bulkhead, but because they are more suited for finding (and correcting) smaller cracks in the ventral bulkhead.

Additionally, the FAA finds that the schedule for repetitive inspections specified in the service bulletin is appropriate. While certain of the repetitive inspection intervals are shorter than those of the inspections currently required by AD 89–16–12, the FAA considers that these intervals are warranted in order to ensure that fatigue

cracks are detected before they can propagate.

In light of these factors, the FAA has determined that the new inspection procedures described in McDonnell Douglas Alert Service Bulletin A53–232 must be accomplished in order to positively address the identified unsafe condition presented by fatigue cracking.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 89–16–12 to completely revise the currently required inspection program. This proposed AD would require either repetitive visual and low frequency eddy current inspections (''OPTION I''), or repetitive high and low frequency eddy current inspections (''OPTION II''), to detect cracking in the attach tee area of the ventral aft pressure bulkhead. Any cracked tee section would be required to be replaced prior to further flight. Replacement of all six aft pressure bulkhead tee sections with new improved parts would constitute terminating action for the repetitive inspection requirements of the AD. The actions would be required to be accomplished in accordance with the service bulletin described previously.

While the proposed AD provides for a terminating action, the FAA is not proposing to mandate that it be accomplished. The FAA considers three criteria for those situations where repetitive inspections of a crack-prone area may be permitted to continue indefinitely, even though a positive fix to the problem exists: (1) The area is easily accessible, (2) the cracking is easily detectable, and (3) the consequences of the cracking are not likely to be catastrophic. The FAA has determined that the circumstances warranting continual repetitive inspections associated with this proposed AD meet these three criteria.

This proposed AD also would revise the applicability of the rule to delete Model MD–88 airplanes. Because the terminating action specified in this proposed AD was installed on those airplanes during production, those airplanes are not subject to the unsafe condition addressed by this action.

Cost Impact

There are approximately 1,500 Model DC–9 and DC–9–80 series airplanes, and C–9 (military) airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,000 airplanes of U.S. registry would be affected by this proposed AD.

To accomplish the actions specified as ''OPTION I'' of the proposed AD would entail approximately 22 work hours per visual inspection and 12 work hours per low frequency eddy current inspection. The average labor rate is $60 per work hour. Based on these figures, the cost impact on U.S. operators who elect to accomplish OPTION I is estimated to be $2,040 per airplane per inspection cycle.

To accomplish the actions specified as ''OPTION II'' of the proposed AD would entail approximately 8 work hours per high and low frequency eddy current inspection. The average labor rate is $60 per work hour. Based on these figures, the cost impact on U.S. operators who elect to accomplish OPTION II is estimated to be $480 per airplane per inspection cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or 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 removing amendment 39–6287 (54 FR 31649, August 1, 1989), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 95–NM–186–AD. Supersedes AD 89–16–12, Amendment 39–6287.

*Applicability:* Model DC–9–10, –20, –30, –40, and –50 series airplanes; Model DC–9–81 (MD–81), DC–9–82 (MD–82) and DC–9–83 (MD–83) series airplanes; and C–9 (military) airplanes; equipped with a ventral aft pressure bulkhead; as listed in McDonnell Douglas Alert Service Bulletin A53–232, Revision 2, dated April 28, 1995; 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 (d) 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 prevent the propagation of fatigue cracks that could result in structural failure of the ventral aft pressure bulkhead, accomplish the following:

(a) Accomplish the requirements of either paragraph (a)(1), ''OPTION I,'' or (a)(2), ''OPTION II,'' of this AD in accordance with McDonnell Douglas Alert Service Bulletin A53–232, Revision 2, dated April 28, 1995. The initial inspection of either option must be accomplished at the applicable time specified in Table 1 of this AD.

TABLE 1

| Total accumulated landings as of the effective date of this AD | Initial inspection |
|---|---|
| Less than 35,000. | Prior to the accumulation of 36,500 total landings, or within 1,500 landings after the effective date of this AD, whichever occurs later. |
| 35,000 or more. | Within 300 landings after the effective date of this AD; or within 3,500 landings after accomplishing the last inspection performed in accordance with AD 89–16–12; whichever occurs later. |

(1) *OPTION I:* Accomplish the requirements of paragraphs (a)(1)(i), (a)(1)(ii), and (a)(1)(iii) of this AD.

(i) Conduct a low frequency eddy current inspection to detect cracks of the side areas above the floor between longerons 7 and 17 on fuselage left and right sides. Repeat this inspection at intervals not to exceed 1,500 landings.

(ii) Conduct an optically aided detailed visual inspection to detect cracks of the top and lower areas from longeron 7 left side to longeron 7 right side, and on the lower fuselage from longeron 17 to longeron 20 on fuselage left and right sides. Repeat this inspection thereafter at intervals not to exceed 1,500 landings.

(iii) Conduct an optically aided detailed visual inspection to detect cracks of the bottom area from longeron 20 left side to longeron 20 right side. Repeat this inspection thereafter at intervals no to exceed 3,500 landings.

(2) *OPTION II:* Conduct both a high frequency and a low frequency eddy current inspection for cracks around the entire periphery of the fuselage from the forward side of the bulkhead. Repeat these inspections at intervals not to exceed 2,500 landings.

(b) If any cracked tee section is found during any inspection required by this AD, prior to further flight, accomplish the requirements of either paragraph (b)(1) or (b)(2) of this AD, in accordance with the procedures specified in McDonnell Douglas Alert Service Bulletin A53–232, Revision 2, dated April 28, 1995:

(1) Replace the cracked tee section with a new like part. Once that replaced part has accumulated 35,000 landings, repeat the inspections required by paragraph (a) of this AD.

(2) Replace the cracked tee section with an improved part, as specified in the alert service bulletin. Such replacement constitutes terminating action for the repetitive inspections of that section of the tee only.

(c) Replacement of all six aft pressure bulkhead tee sections with new improved parts, in accordance with McDonnell Douglas Alert Service Bulletin A53–232, Revision 2, dated April 28, 1995, constitutes terminating action for the inspections required by this AD.

(d) 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, Los Angeles Aircraft Certification Office (ACO), 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, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(e) 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.

Issued in Renton, Washington, on March 6, 1996.

Darrell M. Pederson,

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

[FR Doc. 96–5855 Filed 3–11–96; 8:45 am]

BILLING CODE 4910–13–U

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Chapter I

**[MM Docket No. 95–176, FCC 96–71]**

### Closed Captioning and Video Description of Video Programming

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of time.

**SUMMARY:** Section 305 of the Telecommunications Act of 1996 adds a new section 713, Video Programming Accessibility, to the Communications Act of 1934, as amended. Section 713 requires the Commission to conduct inquiries and report to Congress on the availability of video programming with closed captioning and video descriptions. Prior to the enactment of Section 713 on February 8, 1996, the Commission initiated a Notice of Inquiry addressing the issues and seeking information on closed captioning and video description, as is now required by Section 713. This Order announces the Commission's intent to use the comments in the existing proceeding to implement Section 713 and to extend the comment dates to ensure that sufficient time is provided to respond to the legislative directive.

**DATES:** Comments are due on or before March 15, 1996, and reply comments are due on or before April 1, 1996.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Marcia A. Glauberman, Cable Services Bureau, (202) 416–0800.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Order in MM Docket No. 95–176, FCC 96–71, adopted February 27, 1996, and released on February 27, 1996. The full text of the Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., 20554, and may also be purchased from the Commission's copy contractor, International Transcription Service (''ITS, Inc.''), (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Synopsis of the Order

1. Section 305 of the Telecommunications Act of 1996, Pub. L. 104–104, 110 Stat. 56 (1996), adds a new section 713, Video Programming Accessibility, to the Communications Act of 1934, as amended (''Act''). Section 713(a) requires the Commission to complete an inquiry within 180 days of the date of enactment (February 8, 1996) to ascertain the level at which video programming is closed captioned. A report on the results of this inquiry shall be submitted to Congress. Within 18 months of enactment, the Commission is required to establish regulations and implementation schedules to ensure that video programming is fully accessible through closed captioning consistent with Section 713 (b) through (e). Section 713(f) requires the Commission to commence an inquiry within six months after the date of enactment to examine the use of video descriptions on video programming to ensure the accessibility of video programming to persons with visual impairments.

2. Prior to the date of enactment, the Commission issued a Notice of Inquiry (''Notice''), summarized at 60 FR 65052 (December 18, 1995), seeking comment on a wide range of issues relating to closed captioning and video description of video programming. Since the existing Notice addresses the issues that the Commission must explore in the inquiries required by Section 713, the Commission has determined that separate proceedings are unnecessary to implement these provisions of the Act.

3. The Order announces the Commission's intent to use the