Dated at Rockville, Maryland, this 30th day of August, 2016.
For the Nuclear Regulatory Commission.

Cindy Bladey,
Chief, Rules, Announcements and Directives Branch, Division of Administrative Services, Office of Administration.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; All Hot Air Balloons

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are revising Airworthiness Directive (AD) 2016–17–04, which applies to all hot air balloons equipped with BALONÝ KUBIČEK spol. s r.o., Model Kubiček burners. Both the original and revised AD result from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. This AD action revises AD 2016–17–04 to eliminate certain unnecessary documentation requirements.

DATES: This AD is effective on September 6, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 29, 2016 (81 FR 57449, August 23, 2016).

We must receive comments on this AD by October 21, 2016.

ADDRESSES: You may send comments by any of the following methods:

• Federal eRulemaking Portal: Go to http://www.regulations.gov. Follow the instructions for submitting comments.
• Fax: (202) 493–2251.

This condition, if not detected and corrected, could result in a fire, damaging the balloon and its envelope, ultimately leading to an emergency landing, with consequent injury to balloon occupants and persons on the ground.

To address this potential unsafe condition, Balony Kubicek spol. s.r.o. (the hose assemblies’ manufacturer) published Service Bulletin (SB) No. BB/50, BB–S/11, AB24 rev. 1, which provides instructions for replacement of the affected fuel hoses with an improved part. As the affected burner and related fuel hoses can easily be installed on other hot air balloons, this AD applies to all possibly affected type designs.

For the reasons described above, this AD required identification and replacement of the affected fuel hoses. You may examine the MCAI on the Internet at http://www.regulations.gov by searching for and locating Docket No. FAA–2016–8989.

Since we issued AD 2016–17–04, Amendment 39–18617 (81 FR 57449, August 23, 2016), we have determined that the AD should be revised to eliminate the unnecessary need to document the AD by logbook entry when the hot air balloon does not have fuel hoses made of “EGEFLEX” material. Therefore, the FAA determined that the inspection required should be eliminated and the applicability should be narrowed to only include those balloons that have both the Kubiček burner and fuel hoses made of “EGEFLEX” material installed.

Related Service Information Under 1 CFR Part 51

BALONY KUBIČEK spol. s.r.o. has issued Service Bulletin No. BB/50, BB–S/11, AB24 rev.1, dated May 12, 2016. The service information describes procedures for replacing all fuel hoses on burners that are made of “EGEFLEX” material. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section of this AD.

Supplementary Information:

Discussion

On August 16, 2016, we issued AD 2016–17–04, Amendment 39–18617 (81 FR 57449, August 23, 2016). That AD required actions intended to address an unsafe condition on all hot air balloons equipped with a Kubiček burner and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. That MCAI states: Three propane leaks were reported in the recent past on a burner manufactured by Balony Kubicek spol. s.r.o., equipped with the fuel hoses made of hose material “EGEFLEX”. This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all information provided by the State of
Design Authority and determined the unsafe condition exists and is likely to exist or develop on type certificated products that incorporate the affected burners.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because this condition could result in a fire, damaging the balloon and its envelope, ultimately leading to an emergency landing, with consequent injury to the occupants and persons on the ground. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2016–8989; Directorate Identifier 2016–025–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to http://www.regulations.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

Costs of Compliance

We estimate that this AD will affect 60 products of U.S. registry. We also estimate that it will take about 2 work-hours per product to comply with the replacement requirement of this AD. The average labor rate is $85 per work-hour. Parts cost is about $200 per product.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $22,200, or $370 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. “Subtitle VII: Aviation Programs,” describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, section 44701: General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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.

For the reasons discussed above, I certify that this AD:

(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),
(3) Will not affect intrastate aviation in Alaska, and
(4) 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.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

§ 39.13 [Amended]

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. The FAA amends § 39.13 by removing AD 2016–17–04, Amendment 39–18617 [81 FR 57449, August 23, 2016], and adding the following new AD:


(a) Effective Date

This airworthiness directive (AD) becomes effective on September 6, 2016.

(b) Affected ADs


(c) Applicability

This AD applies to all hot air balloons, certificated in any category, that are equipped with all of the following:

(1) a BALONY KUBICEK spol. s r.o. Model Kubicek burner; and
(2) fuel hose(s) made of “EGEFLEX” material.

(d) Subject


(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as propane leaks on burners equipped with fuel hoses made of “EGEFLEX” material. We are issuing this AD to prevent propane leaks in the fuel hoses, which could result in a fire, damaging the balloon and its envelope, ultimately leading to an emergency landing, with consequent injury to the occupants and persons on the ground. This AD action replaces AD 2016–17–04 to eliminate the unnecessary need to document the AD by logbook entry when the hot air balloon does not have fuel hoses made of “EGEFLEX” material. This is done by eliminating the inspection required and narrowing the applicability to only include those balloons that have both the Kubicek burner and fuel hoses made of “EGEFLEX” material.

(f) Actions and Compliance

Unless already done, no later than September 12, 2016 (this date is 14 days after August 29, 2016, which was the effective date of AD 2016–17–04), replace any fuel hose made of “EGEFLEX” material following BALONY KUBICEK spol. s r.o. Service Bulletin No. BB/50, BB–S/11, AB24 rev.1, dated May 12, 2016.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

1. [Alternative Methods of Compliance (AMOCs)]: The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4123; fax: (816)
Amendments to Existing Validated End-User Authorization in the People’s Republic of China: Boeing Tianjin Composites Co. Ltd.

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to revise the existing Validated End-User (VEU) list for the People’s Republic of China (PRC) by updating the list of eligible destinations (facilities) for VEU Boeing Tianjin Composites Co. Ltd. (BTC). Specifically, BIS amends Supplement No. 7 to part 748 of the EAR to change the written address of BTC’s existing facility. The physical location of the facility has not changed. BIS updated the facility address after receiving notification of the change from BTC. The End-User Review Committee reviewed and authorized the amendment in accordance with established procedures. The updated address contributes to maintaining accurate location information for BTC’s VEU.

DATES: This rule is effective September 6, 2016.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, U.S. Department of Commerce, Phone: 202–482–5991; Email: ERC@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

Background

Authorization Validated End-User

Validated End-Users (VEUs) are designated entities located in eligible destinations to which eligible items may be exported, reexported, or transferred (in-country) under a general authorization instead of a license. The names of the VEUs, as well as the dates they were so designated, and their respective eligible destinations (facilities) and items are identified in Supplement No. 7 to part 748 of the EAR. Under the terms described in that supplement, VEUs may obtain eligible items without an export license from BIS, in conformity with §748.15 of the EAR. Eligible items vary between VEUs and may include commodities, software, and technology, except those controlled for missile technology or crime control reasons on the Commerce Control List (CCL) (part 774 of the EAR).

VEUs are reviewed and approved by the U.S. Government in accordance with the provisions of §748.15 and Supplement Nos. 8 and 9 to part 748 of the EAR. The End-User Review Committee (ERC), composed of representatives from the Departments of State, Defense, Energy, Commerce, and other agencies as appropriate, is responsible for administering the VEU program. BIS amended the EAR in a final rule published on June 19, 2007 (72 FR 33646), to create Authorization VEU.

Amendment to Existing VEU Authorization for Boeing Tianjin Composites Co. Ltd. (BTC) in the People’s Republic of China

Revision to the List of “Eligible Destinations” for BTC

In this rule, BIS amends Supplement No. 7 to part 748 to revise BTC’s VEU authorization. Specifically, in this rule, BIS updates the written address of BTC’s facility in the People’s Republic of China to which the company’s eligible items may be exported, reexported, or transferred (in-country). The names of the VEUs, as well as the dates they were so designated, and their respective eligible destinations (facilities) and items are identified in Supplement No. 7 to part 748 of the EAR. Under the terms described in that supplement, VEUs may obtain eligible items without an export license from BIS, in conformity with §748.15 of the EAR. Eligible items vary between VEUs and may include commodities, software, and technology, except those controlled for missile technology or crime control reasons on the Commerce Control List (CCL) (part 774 of the EAR).

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