

of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance 1040 is revised to read as follows:

**§ 72.214 List of approved spent fuel storage casks.**

\* \* \* \* \*

*Certificate Number:* 1040.

*Initial Certificate Effective Date:* April 6, 2015.

*Amendment Number 1 Effective Date:* September 8, 2015.

*Amendment Number 2, Effective Date:* January 9, 2017.

*SAR Submitted by:* Holtec International, Inc.

*SAR Title:* Final Safety Analysis Report for the Holtec International HI-STORM UMAX Canister Storage System.

*Docket Number:* 72–1040.

*Certificate Expiration Date:* April 6, 2035.

*Model Number:* MPC–37, MPC–89.

\* \* \* \* \*

Dated at Rockville, Maryland, this 4th day of October, 2016.

For the Nuclear Regulatory Commission.

**Michael R. Johnson,**

*Acting Executive Director for Operations.*

[FR Doc. 2016–25409 Filed 10–24–16; 8:45 am]

**BILLING CODE 7575–01–P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2016–9192; Directorate Identifier 2016–NM–038–AD]

RIN 2120–AA64

#### Airworthiness Directives; Airbus Airplanes

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A330–200, A330–300, A340–200, and A340–300 series airplanes. This proposed AD was prompted by a report of cracking at fastener holes located at a certain frame on the lower shell panel junction. This proposed AD would require repetitive inspections of certain fastener holes, and related investigative and corrective actions if necessary. We are proposing

this AD to detect and correct cracking on the lower shell panel junction; such cracking could lead to reduced structural integrity of the fuselage.

**DATES:** We must receive comments on this proposed AD by December 9, 2016.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, 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.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email [airworthiness.A330-A340@airbus.com](mailto:airworthiness.A330-A340@airbus.com); Internet <http://www.airbus.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2016–9192; 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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

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

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments

to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2016–9192; Directorate Identifier 2016–NM–038–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on 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 proposed AD.

#### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0136, dated June 13, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Airbus Model A330, A340–200, and A340–300 series airplanes. The MCAI states:

During A330/A340 aeroplanes full scale fatigue test specimen in the FR40-to-fuselage skin panel junction, fatigue damage has been found. Corrective actions consisted of the following actions:

- In-service installation of an internal reinforcing strap on related junction required by DGAC [Direction Générale de l’Aviation Civile (DGAC)] France AD 1999–448–126(B) and AD 2001–070(B),
- retrofit improvement of internal reinforcing strap fatigue life through recommended Airbus Service Bulletin (SB) A330–53–3145, and
- new design in production through Airbus modification 44360.

The aeroplanes listed in the Applicability section of this AD are all aeroplanes post-mod 44360 and pre-mod 55792 (fuselage reinforcement at FR40 in production).

Recently, during embodiment of a FR40 web repair on an A330 aeroplane and during FR40 keel beam fitting replacement on an A340 aeroplane, the internal strap was removed and rototest inspection was performed on several holes.

Cracks were found on both left-hand (LH) and right-hand (RH) sides on internal strap, or butt strap, or keel beam fitting, or forward fitting FR40 flange.

This condition, if not detected and corrected, could lead to crack propagation, possibly resulting in reduced structural integrity of the fuselage.

For the reasons described above, this [EASA] AD requires repetitive rototest inspections of 10 fastener holes located at FR40 lower shell panel junction on both LH and RH sides, and, depending on findings, accomplishment of the applicable corrective actions [which include oversizing, installing

fasteners and repair; and accomplishment of applicable related investigative actions, which include a rototest inspection for cracking after oversizing].

The compliance time ranges between 20,000 flight cycles or 65,400 flight hours and 20,800 flight cycles or 68,300 flight hours, depending on airplane utilization and configuration. The repetitive inspection interval ranges between 14,000 flight cycles or 95,200 flight hours and 24,600 flight cycles or 98,700 flight hours, depending on airplane configuration. You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9192.

**Related Service Information Under 1 CFR Part 51**

We reviewed Airbus Service Bulletin A330-53-3215, Revision 01, dated April 17, 2014; and Airbus Service Bulletin A340-53-4215, Revision 01, dated April 17, 2014. The service information describes procedures for repetitive rototest inspections of certain fastener holes, and corrective actions if necessary. These documents are distinct since they apply to different airplane models. 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.

**FAA's Determination and Requirements of This Proposed AD**

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 the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

**Costs of Compliance**

We estimate that this proposed AD affects 41 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection .....	41 work-hours × \$85 per hour = \$3,485 per inspection cycle.	\$0	\$3,485	\$142,885 per inspection cycle.

We estimate the following costs to do any necessary repairs that would be

required based on the results of the proposed inspection. We have no way of

determining the number of airplanes that might need these repairs:

**ON-CONDITION COSTS**

Action	Labor cost	Parts cost	Cost per product
Repair .....	46 work-hours × \$85 per hour = \$3,910 .....	\$4,186	\$8,096

**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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify 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);
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.

**The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**Airbus:** Docket No. FAA-2016-9192; Directorate Identifier 2016-NM-038-AD.

**(a) Comments Due Date**

We must receive comments by December 9, 2016.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to the airplanes, certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD, having serial numbers 0176 through 0915 inclusive.

(1) Airbus Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(2) Airbus Model A340–211, –212, –213, –311, –312, and –313 airplanes.

**(d) Subject**

Air Transport Association (ATA) of America Code 53, Fuselage.

**(e) Reason**

This AD was prompted by a report of cracking at fastener holes located at frame (FR)40 on the lower shell panel junction. We are issuing this AD to detect and correct cracking at FR40 on the lower shell panel junction; such cracking could lead to reduced structural integrity of the fuselage.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Repetitive Inspections and Related Investigative and Corrective Actions**

Within the compliance times defined in table 1 to paragraph (g) of this AD, and, thereafter, at intervals not to exceed the compliance times defined in Airbus Service Bulletin A330–53–3215, Revision 01, dated April 17, 2014; or Airbus Service Bulletin A340–53–4215, Revision 01, dated April 17, 2014; as applicable, depending on airplane utilization and configuration: Accomplish a special detailed inspection of fastener holes located at FR40 lower shell panel junction on both left-hand (LH) and right-side (RH) sides, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3215, Revision 01, dated April 17, 2014; or Airbus Service Bulletin A340–53–4215, Revision 01, dated April 17, 2014; as applicable.

TABLE 1 TO PARAGRAPH (g) OF THIS AD—COMPLIANCE TIME FOR INITIAL INSPECTION

	Compliance time (whichever occurs later, A or B)
A .....	Before exceeding the compliance time “threshold” defined in table 1 of Airbus Service Bulletin A330–53–3215, Revision 01, dated April 17, 2014; or Airbus Service Bulletin A340–53–4215, Revision 01, dated April 17, 2014; as applicable, depending on airplane utilization and configuration and to be counted from airplane first flight.
B .....	For Model A330 airplanes: Within 2,400 flight cycles or 24 months, whichever occurs first after the effective date of this AD. For Model A340 airplanes: Within 1,300 flight cycles or 24 months, whichever occurs first after the effective date of this AD.

(1) If, during any inspection required by paragraph (g) of this AD, any crack is detected, before further flight, accomplish all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3215, Revision 01, dated April 17, 2014; or Airbus Service Bulletin A340–53–4215, Revision 01, dated April 17, 2014; as applicable, except where Airbus Service Bulletin A330–53–3215, Revision 01, dated April 17, 2014; or Airbus Service Bulletin A340–53–4215, Revision 01, dated April 17, 2014, specifies to contact Airbus for repair instructions, and specifies that action as “RC” (Required for Compliance), this AD requires repair before further flight using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus’s EASA Design Organization Approval (DOA).

(2) If, during any inspection required by paragraph (g) of this AD, the hole diameter is not within tolerance of the transition fit as nominal, or first oversize, or second oversize, or next nominal, as applicable, and Airbus Service Bulletin A330–53–3215, Revision 01, dated April 17, 2014; or Airbus Service Bulletin A340–53–4215, Revision 01, dated April 17, 2014, specifies to contact Airbus for repair instructions, and specifies that action as “RC” (Required for Compliance), before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus’s EASA DOA.

(3) Accomplishment of corrective actions, as required by paragraph (g)(1) of this AD, does not constitute terminating action for the

repetitive inspections required by the introductory text of paragraph (g) of this AD.

(4) Accomplishment of a repair on an airplane, as required by paragraph (g)(2) of this AD, does not constitute terminating action for the repetitive inspections required by the introductory text of paragraph (g) of this AD for that airplane, unless the method approved in accordance with the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus’s EASA DOA indicates otherwise.

**(h) Credit for Previous Actions**

(1) This paragraph provides credit for actions required by the introductory text of paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A330–53–3215, dated June 21, 2013; or Airbus Service Bulletin A340–53–4215, dated June 21, 2013; as applicable.

(2) This paragraph provides credit for the inspections and corrective actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus Technical Disposition (TD) Reference LR57D11023360, Issue B, dated July 12, 2011.

**(i) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly

to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (g)(1) and (g)(2) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or

changes to procedures or tests identified as RC require approval of an AMOC.

#### (j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0136, dated June 13, 2014, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2016–9192.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email [airworthiness.A330-A340@airbus.com](mailto:airworthiness.A330-A340@airbus.com); Internet <http://www.airbus.com>. You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on October 12, 2016.

**Michael Kaszycki,**

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

[FR Doc. 2016–25352 Filed 10–24–16; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2016–9317; Directorate Identifier 2016–CE–029–AD]

RIN 2120–AA64

#### Airworthiness Directives; Diamond Aircraft Industries GmbH Airplanes

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Diamond Aircraft Industries GmbH Model DA 42 airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as an uncommanded engine shutdown during flight due to failure of the propeller regulating valve caused by hot exhaust gases escaping from fractured engine exhaust pipes. We are issuing this AD to correct the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by December 9, 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.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Diamond Aircraft Industries GmbH, N.A. Otto-Straße 5, A–2700 Wiener Neustadt, Austria, telephone: +43 2622 26700; fax: +43 2622 26780; email: [office@diamond-air.at](mailto:office@diamond-air.at); Internet: <http://www.diamondaircraft.com>. You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2016–9317; 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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: [mike.kiesov@faa.gov](mailto:mike.kiesov@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2016–9317; Directorate Identifier 2016–CE–029–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory,

economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed 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 proposed AD.

#### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2016–0156, dated August 2, 2016 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

Two cases were reported of uncommanded engine in-flight shutdown (IFSD) on DA 42 aeroplanes. Subsequent investigations identified these occurrences were due to failure of the propeller regulating valve, caused by hot exhaust gases coming from fractured engine exhaust pipes. The initiating cracks on the exhaust pipes were not detected during previous inspections, since those exhaust pipes are equipped with non-removable heat shields that do not allow inspection for certain sections of the exhaust pipe.

This condition, if not corrected, could lead to further cases of IFSD or overheat damage, possibly resulting in a forced landing, with consequent damage to the aeroplane and injury to occupants.

To address this potential unsafe condition, Diamond Aircraft Industries (DAI) developed an exhaust pipe without a directly attached integral heat shield that allows visual inspection over the entire exhaust pipe length. DAI issued Mandatory Service Bulletin (MSB) 42–120 and relevant Working Instruction (WI) WI–MSB 42–120, providing instructions to install the modified exhaust pipes. As an interim measure, an additional bracket was designed to hold the exhaust pipe in place in case of a pipe fracture.

For the reasons described above, this AD requires replacement of the exhaust pipes with pipes having new design, and prohibits (re)installation of the previous design pipes.

You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2016–9317.

#### Related Service Information Under 14 CFR Part 51

Diamond Aircraft Industries GmbH has issued Mandatory Service Bulletin MSB 42–120, dated June 24, 2016, and Work Instruction WI–MSB 42–120, dated June 24, 2016. In combination, this service information describes procedures for replacing the exhaust