

# Rules and Regulations

Federal Register

Vol. 61, No. 138

Wednesday, July 17, 1996

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 16

##### Removal of Obsolete Regulations

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Final rule; removal of part.

**SUMMARY:** The Department of Agriculture is removing Part 16—Limitation on Imports of Meat, from Title 7 of the Code of Federal Regulations since this part is obsolete.

**EFFECTIVE DATE:** July 17, 1996.

**ADDRESSES:** Comments should be addressed to the Director, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, U.S. Department of Agriculture, Room 6616-S, 14th and Independence Ave., S.W., Washington, D.C. 20250. All comments will be available for public inspection in room 6621-S at the above address.

**FOR FURTHER INFORMATION CONTACT:** Lisa Hardy-Bass, Livestock Group Leader, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, U.S. Department of Agriculture, Room 6621-S, 14th and Independence Ave., S.W., Washington, D.C. 20250. Telephone: (202) 720-7217.

##### SUPPLEMENTARY INFORMATION:

###### Executive Order 12866

This rule is issued in conformance with Executive Order 12866. It has been determined to be neither significant nor economically significant for the purposes of E.O. 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

###### Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Office of the Secretary is not required by 5 U.S.C. 553 or any other provision of law

to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

###### Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

###### Environmental Evaluation

It has been determined by an environmental evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

###### Executive Order 12778

This rule has been reviewed under Executive Order 12778. The provisions of this rule are not retroactive and do not preempt state or local laws.

###### Background

The Department of Agriculture is removing Part 16—Limitation on Imports of Meat, from Title 7 of the Code of Federal Regulations since it is obsolete. Section 403 of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4959, repealed the Meat Import Act of 1979, as amended (the Meat Import Act) (19 U.S.C. 2253 note), effective January 1, 1995. The Meat Import Act was the statutory authority for this part.

The Meat Import Act provided for the imposition of quotas on certain meat articles if imports exceeded a specified quantity determined according to a statutory formula. Under the Uruguay Round, a system of tariff rate quotas replaced the absolute quotas that could have been imposed pursuant to the Meat Import Act. Section 204 of the Agricultural Act of 1956, 7 U.S.C. 1854, provides authority for the President to negotiate voluntary restraint agreements on agricultural commodities. This authority was used to negotiate agreements with the principal meat exporting countries to limit their exports to the United States so that the trigger level for quotas under the Meat Import Act was not exceeded. These quantitative restrictions were then

published in this part. The Meat Import Act has now been repealed.

###### List of Subjects

###### 7 CFR Part 16

Agriculture Department, Imports, Meat and meat products.

Accordingly, Part 16—Limitation on Imports of Meat is removed.

Issued at Washington, D.C. this 10th day of July 1996.

Dan Glickman,

*Secretary of Agriculture.*

[FR Doc. 96-18090 Filed 7-16-96; 8:45 am]

BILLING CODE 3410-10-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-162-AD; Amendment 39-9694; AD 96-14-09]

RIN 2120-AA64

##### Airworthiness Directives; British Aerospace Model BAe 146-100A, -200A, and -300A Series Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) 96-14-09 that was sent previously to all known U.S. owners and operators of British Aerospace Model BAe 146-100A, -200A, and -300A series airplanes by individual notices. This amendment supersedes a previously issued AD that currently requires installation of a placard prescribing special procedures to be followed when operating at certain flight levels with the engine and airframe anti-ice switch ON; modification of the air brake auto-retract function; and a revision to the Airplane Flight Manual (AFM) to include special procedures for operating in certain icing conditions. This new amendment adds a requirement to accomplish an additional revision to the AFM relative to altitude and operating limitations associated with flight in icing conditions above 26,000 feet. This amendment is prompted by reports of uncommanded engine thrust reductions

(rollback) when operating in certain icing conditions that exist in the vicinity of thunderstorms. The actions specified by this AD are intended to prevent engine power rollback during flight in icing conditions, a condition that could result in insufficient power to sustain flight.

**DATES:** Effective July 22, 1996, to all persons except those persons to whom it was made immediately effective by AD 96-14-09, issued July 2, 1996, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 22, 1996.

Comments for inclusion in the Rules Docket must be received on or before September 16, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-162-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The applicable service information may be obtained from British Aerospace Holding, Inc., Avro International Aerospace Division, P.O. Box 16039, Dulles International Airport, Washington DC 20041-6039. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1149.

**SUPPLEMENTARY INFORMATION:** On March 24, 1994, the FAA issued AD 94-07-09, amendment 39-8867 (59 FR 15042, March 31, 1994), applicable to all British Aerospace Model BAe 146-100A, -200A, and -300A airplanes. That AD requires:

1. installation of a placard, which prescribes special procedures when operating at certain flight levels with the engine and airframe anti-ice switch ON;
2. modification of the air brake auto-retract function; and
3. revisions to the FAA-approved Airplane Flight Manual (AFM), which prescribe certain altitude and operating limitations and procedures.

That AD was prompted by reports of uncommanded engine thrust reductions (rollback) when operating in certain

icing conditions that exist in the vicinity of thunderstorms. The requirements of that AD are intended to prevent engine power rollback during flight in icing conditions.

#### Actions Since Issuance of Previous AD

Since issuance of that AD, the Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that it has received two additional reports of uncommanded engine thrust reductions (rollback) when operating these airplanes in icing conditions at altitudes above 26,000 feet. In these incidents, the power level of one or more of the engine(s) simultaneously rolled back below the level set by the flightcrew. The engines failed to respond when the flightcrew attempted to restore power by moving the power controls. In one of these incidents, the airplane lost altitude before the flightcrew could restart the engines that are needed to arrest the descent of the airplane. In addition, some of these engines had exceeded their temperature limits during the rollback event and, consequently, the flightcrew had to shut down those engines in flight.

The cause of these engine power rollback incidents has been attributed to the accumulation of ice on a stator in the compressor section of the engine. If engine power rollback occurs during flight in icing conditions, it could result in insufficient power to sustain flight.

#### Explanation of Relevant Service Information

British Aerospace has issued the following Temporary Revisions (TR) to the AFM, all of which are dated July 1996:

1. TR 32, Issue No. 2, Document No. BAe 3.3 (for Model BAe 146-100A airplanes);
2. TR 44, Issue No. 2, Document No. BAe 3.6 (for Model BAe 146-200A airplanes); and
3. TR 25, Issue No. 2, Document No. BAe 3.11 (for Model BAe 146-300A airplanes).

These TR's prescribe certain altitude and operating limitations, which prohibit flight into known or forecast icing conditions above an altitude of 26,000 feet, and define procedures to be followed when icing conditions are inadvertently encountered above 26,000 feet.

The CAA has approved these AFM revisions and has issued British airworthiness directive 003-06-096, dated July 1, 1996, to mandate the described limitations and procedures in order to assure the continued

airworthiness of these airplanes in the United Kingdom.

#### FAA's Conclusion

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### Explanation of Requirements of AD

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design registered in the United States, this airworthiness directive is issued to supersede AD 94-07-09. It continues to require installation of a placard, which prescribes special procedures when operating at certain flight levels with the engine and airframe anti-ice switch ON; and modification of the air brake auto-retract function. This new AD also requires additional new revisions to the FAA-approved AFM. These new revisions prescribe certain altitude and operating limitations, which prohibit flight into known or forecast icing conditions above an altitude of 26,000 feet, and define procedures to be followed when icing conditions are inadvertently encountered above 26,000 feet. The AFM revisions are required to be accomplished in accordance with the TR's described previously.

#### Interim Action

The requirements of this AD are considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

#### Publication and Effectivity of AD

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on July 2, 1996, to all known U.S. owners and operators of British Aerospace Model BAe 146-100A, -200A, and -300A series airplanes. These conditions still exist,

and the AD is hereby published in the Federal Register as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96-NM-162-AD." The postcard will be date stamped and returned to the commenter.

#### Regulatory Impact

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to

correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

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

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

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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 39-8867 (59 FR 15042, March 31, 1994), and by adding a new airworthiness directive (AD), amendment 39-9694, to read as follows:

96-14-09 British Aerospace Regional Aircraft Limited, Avro International Aerospace Division (Formerly British Aerospace, plc; British Aerospace Commercial Aircraft Limited): Docket No. 96-NM-162-AD. Supersedes AD 94-07-09, Amendment 39-8867.

*Applicability:* All Model BAe 146-100A, -200A, and -300A airplanes, 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 (e) 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 engine power rollback during flight in icing conditions above an altitude of 26,000 feet, accomplish the following:

(a) For airplanes listed in British Aerospace Service Bulletin SB.11-97-01285A, Revision 1, dated April 3, 1992: Within 30 days after December 17, 1992 (the effective date of AD 92-24-09, amendment 39-8415), install a placard below the ice protection switches on the flight deck overhead panel to include additional procedures to be followed when operating at certain flight levels with the engine and airframe anti-ice switch ON, in accordance with British Aerospace Service Bulletin SB.11-97-01285A, Revision 1, dated April 3, 1992.

(b) For airplanes listed in British Aerospace Service Bulletin SB.11-97-01285A, Revision 1, dated April 3, 1992: Within 30 days after December 17, 1992 (the effective date of AD 92-24-09, amendment 39-8415), modify the air brake auto-retract function, in accordance with British Aerospace Service Bulletin SB.11-97-01285A, Revision 1, dated April 3, 1992.

(c) Within 6 days after the effective date of this AD, amend the FAA-approved Airplane Flight Manual (AFM) as required by paragraphs (c)(1) and (c)(2) of this AD.

(1) Remove the following Temporary Revisions (TR) from the Limitations Section and Normal/Abnormal Procedures Section, as applicable:

(i) For Model BAe 146-100A airplanes: TR 30, Issue No. 2 (Document No. BAe 3.3), dated February 1994.

(ii) For Model BAe 146-200A airplanes: TR 41, Issue No. 2 (Document No. BAe 3.3), dated February 1994, or TR 42, Issue No. 2 (Document No. BAe 3.3), dated February 1994, as applicable.

(iii) For Model BAe 146-300A airplanes: TR 23, Issue No. 2 (Document No. BAe 3.3), dated February 1994.

(2) Insert the following TR's into the Limitations Section and the Normal/Abnormal Procedures/Handling Section, as applicable.

(i) For Model BAe 146-100A airplanes: TR 32, Issue No. 2 (Document BAe 3.3), dated July 1996.

(ii) For Model BAe 146-200A airplanes: TR 44, Issue No. 2 (Document BAe 3.6), dated July 1996.

(iii) For Model BAe 146-300A airplanes: TR 25, Issue No. 2 (Document BAe 3.11), dated July 1996.

(d) When the TR's specified in paragraph (c)(2) have been incorporated into an AFM General Revision, the applicable AFM General Revision may be inserted into the corresponding FAA-approved AFM, provided the information contained in the AFM General Revision corresponds identically to that specified in TR 32, TR 44, or TR 25.

(e) 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, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Operations

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.

(f) 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.

(g) The AFM revisions shall be done in accordance with Temporary Revision (TR) 32, Issue No. 2 (Document BAe 3.3), dated July 1996 (for Model BAe 146-100A airplanes); TR 44, Issue No. 2 (Document BAe 3.6), dated July 1996 (for Model BAe 146-200A airplanes); and TR 25, Issue No. 2 (Document BAe 3.11), dated July 1996 (for Model BAe 146-300A airplanes); as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace Holding, Inc., Avro International Aerospace Division, P.O. Box 16039, Dulles International Airport, Washington DC 20041-6039. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on July 22, 1996, to all persons except those persons to whom it was made immediately effective by emergency AD 96-14-09, issued July 2, 1996, which contained the requirements of this amendment.

Issued in Renton, Washington, on July 10, 1996.

Darrell M. Pederson,

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

[FR Doc. 96-17984 Filed 7-16-96; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 96-NM-161-AD; Amendment 39-9695; AD 96-14-51]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 767 Series Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) T96-14-51 that was sent previously to all known U.S. owners and operators of Boeing Model 767 series airplanes by individual telegrams. This AD requires an inspection of the aileron control

cables and the generator feeder cables to detect chafing damage of the cables and to ensure that a minimum clearance exists between them. It also requires the correction of any discrepancies detected and submission of a report of inspection results to the FAA. This amendment is prompted by reports of failure of the aileron control cables due to inadequate clearance between the aileron control cable and the generator power feeder cable, which occurred during manufacture of the airplane. The actions specified by this AD are intended to prevent reduced controllability of the airplane due to failure of the aileron control cable.

**DATES:** Effective July 22, 1996, to all persons except those persons to whom it was made immediately effective by telegraphic AD T96-14-51, issued July 3, 1996, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 22, 1996.

Comments for inclusion in the Rules Docket must be received on or before September 16, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-161-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The applicable service information may be obtained from Boeing Commercial Airplane Group, P. O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Stephen S. Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2793; fax (206) 227-1181.

**SUPPLEMENTARY INFORMATION:** On July 3, 1996, the FAA issued telegraphic AD T96-14-51, which is applicable to certain Boeing Model 767 series airplanes. That action was prompted by two reports of failure of the aileron control cable on these airplanes. The failures have been attributed to inadequate clearance between the left side aileron control cable and the right generator power feeder cable, which

occurred during manufacture of the airplane.

One of the reported failures resulted in uncommanded movement of the left side ailerons shortly after takeoff, which required significant compensating control wheel input to correct, and resulted in an air turnback to the departure airport. The uncommanded aileron movement occurred almost concurrently with the right generator tripping off-line. Investigation revealed that the aileron control cable A2B-3 was broken. Further investigation revealed that the right generator power feeder cable (W208) had been damaged (due to chafing) and approximately 1/4-inch of the conductor was exposed. This cable is routed from the aft side of the P32 panel. The power feeder cable can chafe the aileron control cable (A2B-3) at approximately Station 340, Water Line (WL) 190, Right Buttock Line (RBL) 67.5. The airplane involved in this incident had accumulated 5,940 flight hours and 857 flight cycles.

The second reported failure occurred during a pre-flight control check of the airplane while it was on the ground. Investigation revealed that the left side aileron control cable was broken at the same approximate location as breakage found on the airplane involved in the previous incident. Additionally, the right generator power feeder cable was damaged.

Contact between the generator power feeder cable and the aileron control cable on either the left or right side of the airplane could result in chafing damage to the insulation on the feeder cable. Such damage could cause short circuiting and arcing, which could sever the aileron control cable. This condition, if not corrected, could result in failure of the aileron control cable, and consequent reduced controllability of the airplane.

#### Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 767-24A0113, Revision 1, dated July 2, 1996, which describes procedures for a one-time inspection of the aileron control cable (A2B-3) and the right generator power feeder cable (W208) on the right side of the airplane, and the aileron control cable (A1A-3) and the left generator power feeder cable (W204) on the left side of the airplane. The intent of this inspection is to detect chafing damage of the cables, and to ensure that a minimum clearance of one inch exists between the power feeder cables and aileron control cables. The service bulletin also describes procedures for