

# Proposed Rules

Federal Register

Vol. 62, No. 74

Thursday, April 17, 1997

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 86-ANE-13]

RIN 2120-AA64

#### Airworthiness Directives; CFM International CFM56-3 and -3B Series Turbofan Engines

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a notice of proposed rulemaking that would have added a new airworthiness directive (AD), applicable to CFM International (CFMI) CFM56-3 and -3B series turbofan engines. That action proposed to amend an existing AD and would have required the installation of a riveted oil distributor, Part Number (P/N) 335-305-804-0. Since the issuance of the NPRM, the manufacturer has advised the Federal Aviation Administration (FAA) that the entire CFM56-3 and -3B fleet has been retrofitted with the new riveted oil distributor, P/N 335-305-804-0, and that there are no oil distributors, P/N 335-305-800-0, presently in service. The FAA has therefore reviewed its position, and has concluded that the proposed actions are unnecessary. Accordingly, the proposed rule is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Glorianne Messemer, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7132, fax (617) 238-7199.

#### SUPPLEMENTARY INFORMATION:

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to supersede an airworthiness directive (AD), applicable to CFM International (CFMI) CFM56-3 and -3B engines, was published in the **Federal**

**Register** on December 2, 1986 (51 FR 43383). The proposed rule would have amended the existing AD that requires initial and repetitive inspections of the transfer gearbox for radial driveshaft oil distributor looseness and condition of the spirolock. The proposed rule would have required a riveted oil distributor, Part Number (P/N) 335-305-804-0, to be installed in accordance with CFMI CFM56-3/-3B Service Bulletin No. 72-253, dated June 27, 1986, as a terminating action to the repetitive inspection program.

Since the issuance of the NPRM, the manufacturer has advised the Federal Aviation Administration (FAA) that the entire CFM56-3 and -3B fleet has been retrofitted with the new riveted oil distributor, P/N 335-305-804-0, and that there are no oil distributors, P/N 335-305-800-0, presently in service, nor does the manufacturer plan to introduce any into service in the future. The installation of the riveted oil distributor provides a permanent fix for oil distributor looseness and eliminates the need for repetitive inspections. The FAA has therefore reviewed its position, and has concluded that the proposed actions are unnecessary.

Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this final rule constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

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

Air transportation, Aircraft, Aviation safety, Safety.

#### The Withdrawal

Accordingly, the Notice of Proposed Rulemaking, Docket 86-ANE-13, published in the **Federal Register** on December 2, 1986 (51 FR 43383), is withdrawn.

Issued in Burlington, Massachusetts, on April 8, 1997.

**Jay J. Pardee,**

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 97-9882 Filed 4-16-97; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-222-AD]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 757 Series Airplanes

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

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

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 757 series airplanes. This proposal would require one-time inspections to verify proper installation and to detect chafing and/or damage of certain rerouted wire bundles; to verify if certain protective grommets are installed properly and to detect missing grommets; and various follow-on actions. This proposal is prompted by a report of smoke and fire in the lower left-hand side of the E1-1 rack of the electrical equipment bay due to chafing of wire bundles as a result of missing protective grommets. The actions specified by the proposed AD are intended to prevent chafing of wire bundles, which could result in smoke and fire at the E1-1 rack of the electrical equipment bay.

**DATES:** Comments must be received by May 27, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-222-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

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.

**FOR FURTHER INFORMATION CONTACT:** Forrest Keller, Senior Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227-2790; fax (206) 227-1181.

#### **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 96-NM-222-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. 96-NM-222-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### **Discussion**

The FAA has received a report indicating that, during power-up of a Boeing Model 757 series airplane, smoke and fire were coming from the lower left-hand side of the E1-1 rack of the electrical equipment bay.

Investigation revealed the source of ignition to be electrical arcing caused by chafing of wire bundles, having part numbers (P/N) W2608 and W4508, at the upper lip of stringer R-23L at approximately station 450. These wire bundles had been improperly routed during incorporation of Boeing Alert Service Bulletin 757-24A0025, dated May 10, 1985, and Boeing Service Bulletin 757-24A0025, Revision 1, dated December 17, 1987. Further investigation revealed that the protective grommets on the upper lip of stringer R-23L were missing on several other Model 757 series airplanes that also had been modified in accordance with those service bulletins. These protective grommets are intended to prevent chafing of the wire bundles. These conditions, if not corrected, could result in smoke and fire at the E1-1 rack of the electrical equipment bay.

##### **Explanation of Relevant Service Information**

The FAA has reviewed and approved Boeing Alert Service Bulletin 757-24A0025, dated May 10, 1985, and Boeing Service Bulletin 757-24A0025, Revision 1, dated December 17, 1987, which describe, among other things, procedures for replacement of certain grommets with new grommets or installation of a new grommet, if a certain grommet is improperly installed or missing.

The FAA has also reviewed and approved Boeing Production Installation Drawing 288N4329, Revision H, which describes procedures for installation of a protective grommet on the upper edge of intercostal R-23L at approximately station 450 between the intercostal and wire bundles having P/N's W2608 and W4508.

##### **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 require the following:

1. Performing a one-time inspection to verify proper installation and to detect chafing and/or damage of the wire bundles, having P/N's W4508, W2608, and W2604, paying particular attention to the area where the wire bundles are routed through the web supports and the area over the upper edge of intercostal R-23L;
2. Repairing of chafed or damaged rerouted wire bundles;
3. Loosening wire bundle clamps, adjusting wire bundles to achieve proper clearances, and retightening the

wire bundle clamps, if the wire bundles are installed improperly;

4. Performing a one-time inspection to verify if certain protective grommets are installed properly and to detect missing grommets, and replacing improperly installed grommets with new grommets or installing new grommets, as applicable;

5. Performing a one-time inspection to determine if a protective grommet is installed on the upper edge between the intercostal and rerouted wire bundles having P/N's W2608 and W4508, at intercostal R-23L at approximately station 450; and

6. Installing a protective grommet between the wire bundles and intercostal, if no protective grommet is installed.

Accomplishment of the inspections and re-installation of affected wire bundles and protective grommets will prevent chafing of the wire bundles, which could result in smoke and fire at the E1-1 rack of the electrical equipment bay.

The replacement and certain grommet installations would be required to be accomplished in accordance with the service bulletins described previously. Certain other installations would be required to be accomplished in accordance with Boeing Production Installation Drawing 288N4329. The repair would be required to be accomplished in accordance with Boeing Standard Wiring Practices Manual 20-10-13.

##### **Cost Impact**

There are approximately 62 Boeing Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 28 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. The cost of required parts would be nominal. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$3,360, or \$120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the 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 adding the following new airworthiness directive:

**Boeing:** Docket 96-NM-222-AD.

*Applicability:* Model 757 series airplanes, on which Boeing Alert Service Bulletin 757-24A0025, dated May 10, 1985, and/or Boeing Service Bulletin 757-24A0025, Revision 1, dated December 17, 1987, has been accomplished; excluding variable numbers NAO03, NAO04, NAO07, NAO09, NAO10, NAO12 through NAO16 inclusive, and NAO21; 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 chafing of wire bundles, which could result in smoke and fire at the E1-1 rack of the electrical equipment bay, accomplish the following:

(a) Within 6 months after the effective date of this AD, accomplish paragraphs (a)(1), (a)(2), and (a)(3) of this AD.

(1) Perform a one-time inspection to verify proper installation and to detect chafing and/or damage of the wire bundles, having part numbers (P/N) W4508, W2608, and W2604. Pay particular attention to the area where the wire bundles are routed through the web supports and the area over the edge of intercostal R-23L.

(i) If the wire bundles are installed properly and no chafing or damage is detected, no further action is required by this paragraph.

(ii) If any chafing or damage is detected, prior to further flight, repair it in accordance with Boeing Standard Wiring Practices Manual 20-10-13.

(iii) If any wire bundle is installed improperly, prior to further flight, loosen the wire bundle clamps, adjust the wire bundles to achieve proper clearances, and retighten the wire bundle clamps.

(2) Perform a one-time inspection to verify if all protective grommets identified in Boeing Alert Service Bulletin 757-24A0025, dated May 10, 1985, are installed properly and to detect missing grommets. If any grommet is improperly installed or missing, prior to further flight, replace the grommet with a new grommet or install a new grommet, as applicable, in accordance with the alert service bulletin.

(3) Perform a one-time inspection to determine if a protective grommet is installed on the upper edge of intercostal R-23L at approximately station 450 between the intercostal and wire bundles having P/N's W2608 and W4508. If no protective grommet is installed, prior to further flight, install one between the wire bundles and intercostal, in accordance with Boeing Production Installation Drawing 288N4329, Revision H.

(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, Seattle 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, Seattle ACO.

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

(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 April 10, 1997.

**Darrell M. Pederson,**

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

[FR Doc. 97-9880 Filed 4-16-97; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 589

[Docket No. 96N-0135]

RIN 0910-AA91

#### Substances Prohibited From Use in Animal Food or Feed; Animal Proteins Prohibited in Ruminant Feed; Draft Rule; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Availability of draft rule.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a draft rule that would provide that animal protein derived from mammalian tissues is a food additive subject to certain provisions in the Federal Food, Drug, and Cosmetic Act. The agency is making this draft available because of the complex scientific and regulatory issues involved regarding transmissible spongiform encephalopathies and ruminant feeds. The agency invites the public to submit comments with questions and concerns about the draft.

**DATES:** Written comments must be received in the Dockets Management Branch by 4:30 p.m. d.s.t. April 28, 1997.

**ADDRESSES:** Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, or you may fax the comments to 301-594-3215.

**FOR FURTHER INFORMATION CONTACT:** George A. (Bert) Mitchell, Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-5587.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of January 3, 1997 (62 FR 552), FDA published a proposed rule that would prohibit the use of protein derived from ruminant and mink tissues in ruminant feeds. The agency took this action due to concerns about the