

Proposed Rules

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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. 97-NM-45-AD]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 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 all Boeing Model 737-100, -200, -300, -400, and -500 series airplanes. This proposal would require removing the yaw damper coupler; replacing its internal rate gyroscope with a new or overhauled unit; and performing a test to verify the integrity of the yaw damper coupler, and repair, if necessary. This proposal is prompted by an FAA determination that requiring replacement of the internal rate gyroscope will significantly increase the reliability of the yaw damper coupler system. The actions specified by the proposed AD are intended to prevent sudden uncommanded yawing of the airplane due to potential failures within the yaw damper system, and consequent injury to passengers and crewmembers.

DATES: Comments must be received by July 21, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-45-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: Hania Younis, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227-2764; fax (425) 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 97-NM-45-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. 97-NM-45-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On August 21, 1996, the FAA issued a notice of proposed rulemaking (NPRM), Docket Number 96-NM-151-AD (61 FR 44243, August 28, 1996), applicable to all Boeing Model 737-100, -200, -300, -400, and -500 series airplanes, which proposed to require repetitive tests to verify the integrity of the yaw damper coupler, and various follow-on actions. That NPRM also proposed to require a one-time inspection to determine the part number of the engage solenoid valve of the yaw damper, and replacement of the valve with a valve having a different part number, if necessary. That NPRM was prompted by a review of the design of the flight control systems on Model 737 series airplanes. The actions specified by that proposed AD were intended to prevent sudden uncommanded yawing of the airplane due to potential failures within the yaw damper system, and consequent injury to passengers and crewmembers.

Actions Since Issuance of the NPRM

Since the issuance of the NPRM described previously, the FAA has determined that the requirements contained in paragraph (b) of the NPRM must be expanded to require hard-time replacement of the internal rate gyroscope of the yaw damper coupler. That paragraph originally proposed to require, in part, replacement of the internal rate gyroscope only if necessary following testing. The FAA made this determination based on data submitted by Boeing, which indicates that requiring replacement of the internal rate gyroscope within a specified time will significantly increase the reliability of the yaw damper coupler system. The FAA finds that such hard-time replacement is necessary in order to address the unsafe condition identified in the original NPRM (i.e., sudden uncommanded yawing of the airplane due to potential failures within the yaw damper system, and consequent injury to passengers and crewmembers).

In addition, a commenter to the original NPRM suggests that it be separated into two independent AD's—one action to address the internal rate gyroscope, and the other action to address the engage solenoid valve. The commenter states that the actions required for each of these parts are

sufficiently different that recordkeeping requirements warrant separate rules.

In response to that commenter, the FAA determined that issuance of two separate AD's is appropriate. Therefore, on April 24, 1997, the FAA issued AD 97-09-15, amendment 39-10011 (62 FR 24325, May 5, 1997), to require accomplishment of the actions contained in the original NPRM that address the engage solenoid valve. [Those actions appeared in paragraph (b) of the original NPRM.] This proposed rule addresses actions contained in the original NPRM that are associated with the internal rate gyroscope of the yaw damper coupler. [Those actions appeared in paragraph (a) of the original NPRM.]

Additionally, on March 7, 1997, the FAA issued an NPRM to require installation of a newly designed rudder-limiting device and yaw damper system [reference Docket 97-NM-28-AD (62 FR 12121, March 14, 1997)]. That proposal was issued in response to a number of reports of malfunctions of the yaw damper system, which may have been caused by failure of the internal rate gyroscope of the yaw damper coupler as a result of wear of the rotor bearing, and contamination and shorting of the electrical connectors or surface position sensors in the area of the yaw damper servo-actuator. Such malfunctions of the yaw damper system, if not corrected, could result in sudden uncommanded yawing of the airplane and consequent injury to passengers and crewmembers.

Boeing advised the FAA that it has designed a rudder-limiting device and a new yaw damper for installation on the latest versions of Model 737 series airplanes currently undergoing certification. Both of these systems are capable of being installed on the existing fleet of Model 737 series airplanes. (Boeing has not yet released a service bulletin reflecting these changes.)

In light of that information, the FAA made a determination that installation of a newly designed rudder-limiting device and yaw damper system is required to ensure the safety of the affected fleet. Installation of a rudder-limiting device is necessary to reduce the rudder authority at altitudes above 1,500 feet above ground level (AGL) so that, if any inadvertent hardover occurs, the resultant roll upset can be controlled with control wheel inputs. Installation of a new yaw damper system is necessary to improve the reliability of the system and its fault monitoring capability, which will prevent uncommanded yawing of the airplane.

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 removing the yaw damper coupler; replacing its internal rate gyroscope with a new or overhauled unit; and performing a test to verify the integrity of the yaw damper coupler, and repair, if necessary. The actions would be required to be accomplished in accordance with a method approved by the FAA.

Explanation of Proposed Compliance Times

This proposal would require that the actions be accomplished within 6,000 hours time-in-service (for yaw damper couplers on which the last maintenance activity occurred within less than 12,000 hours time-in-service as of the effective date of the AD), or 3,000 hours time-in-service (for yaw damper couplers on which the last maintenance activity occurred within 12,000 hours time-in-service or more as of the effective date of the AD). Thereafter, repetitive tests would be accomplished every 9,000 hours time-in-service.

In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the availability of required parts and the practical aspect of accomplishing the required actions within an interval of time that parallels normal scheduled maintenance for the majority of affected operators. The repetitive test interval was established based on analyses submitted by Boeing; accomplishment of tests at this interval will ensure that the overall reliability of the yaw damper coupler system is maximized.

Cost Impact

There are approximately 2,675 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,091 airplanes of U.S. registry would be affected by this proposed AD, that it would take between 8 and 13 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$2,500 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be between \$3,251,180 and \$3,578,480, or between \$2,980 and \$3,280 per airplane.

The cost impact figures discussed above are 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.

The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent operators would accomplish the required actions even if they were not required to do so by the AD.

A full cost-benefit analysis has not been accomplished for this proposed AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this proposed AD, makes a finding of an unsafe condition, this means that the original cost-beneficial level of safety is no longer being achieved and that the proposed actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this proposed AD would be redundant and unnecessary.

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 97–NM–45–AD.

Applicability: All Model 737–100, –200, –300, –400, and –500 series 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 (c) 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 sudden uncommanded yawing of the airplane due to potential failures within the yaw damper system, and consequent injury to passengers and crewmembers, accomplish the following:

(a) Remove the yaw damper coupler, replace the internal rate gyroscope with a new or overhauled unit, and perform a test to verify the integrity of the yaw damper coupler, all in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, at the applicable time

specified in paragraph (a)(1) or (a)(2) of this AD.

(1) For airplanes on which the yaw damper coupler has accumulated less than 12,000 hours time-in-service since its last maintenance activity as of the effective date of this AD: Perform the actions within 6,000 hours time-in-service after the effective date of this AD; and thereafter at intervals not to exceed 9,000 hours time-in-service.

(2) For airplanes on which the yaw damper coupler has accumulated 12,000 or more hours time-in-service since its last maintenance activity as of the effective date of this AD: Perform the actions within 3,000 hours time-in-service after the effective date of this AD; and thereafter at intervals not to exceed 9,000 hours time-in-service.

(b) If the yaw damper coupler fails the test required by paragraph (a) of this AD, prior to further flight, repair the coupler in accordance with a method approved by the Manager, Seattle ACO.

(c) 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.

(d) 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 June 18, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–16569 Filed 6–24–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket No. RM97–3–000]

Research, Development and Demonstration Funding; Notice of Extension of Comment Period

Issued June 19, 1997.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On April 30, 1997, the Federal Energy Regulatory Commission

issued a Notice of Proposed Rulemaking (62 FR 24853, May 7, 1997) proposing to amend its research, development and demonstration regulations to propose a new funding mechanism for the Gas Research Institute. The date for filing further comments in this docket is being extended at the request of various interested entities.

DATES: Comments shall be filed on or before August 29, 1997.

ADDRESSES: Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Lois D. Cashell, Secretary, 202–208–0400.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16588 Filed 6–24–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 311

Privacy Program

AGENCY: Office of the Secretary, DOD.

ACTION: Proposed rule.

SUMMARY: In accordance with the Privacy Act of 1974, the Office of the Secretary of Defense (OSD) proposed to exempt a new system of records, DFM&P 26, entitled Vietnamese Commandos Compensation Files, from certain provisions of 5 U.S.C. 552a. Exemption is needed to comply with the prohibition against disclosure of properly classified portions of this record system.

DATES: Comments must be received no later than August 25, 1997, to be considered by the agency.

ADDRESSES: Send comments to the OSD Privacy Act Officer, Washington Headquarter Services, Correspondence and Directives Division, Records Management Division, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Mr. David Bosworth at (703) 695–0970.

SUPPLEMENTARY INFORMATION: Executive Order 12866. It has been determined that this Privacy Act rule for the Department of Defense does not constitute 'significant regulatory action'. Analysis of the rule indicates that it does not have an annual effect on the economy of \$100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan