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 25

[Docket No. NM–135; Notice No. SC–96–8A–NM]

Special Conditions: Boeing, Model 767–27C Airplanes, Airborne Warning and Control System (AWACS) Modification; Liquid Oxygen System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed special conditions.

SUMMARY: This notice revises an earlier proposal for special conditions for Boeing Model 767–27C airplanes modified by installation of an Airborne Warning and Control System (AWACS). These airplanes will be equipped with an oxygen system utilizing liquid oxygen (LOX). The applicable regulations do not contain adequate or appropriate safety standards for the design and installation of oxygen systems utilizing LOX for storage. This action revises the original proposal to address certain recommended additional requirements for the LOX system. The revised standards are intended to ensure that the design and installation of the liquid oxygen system is such that a level of safety equivalent to that established by the airworthiness standards for transport category airplanes is provided.

DATES: Comments must be received on or before August 11, 1997.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attention: Rules Docket (ANM–7), Docket No. NM–135, 1601 Lind Avenue SW, Renton, Washington 98055–4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked: Docket No. NM–135. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: William Schroeder, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Airplane Certification Service, 1601 Lind Avenue SW, Renton, Washington 98055–4056; telephone (425) 227–2148.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before further rulemaking action is taken on these proposals. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. NM–135.'' The postcard will be date stamped and returned to the commenter.

Background

On November 21, 1996, the FAA published notice in the **Federal Register** (61 FR 59202) of proposed special conditions for Boeing Model 767–27C airplanes modified to an AWACS configuration. The special conditions are proposed requirements for design and installation of a liquid oxygen (LOX) system. These special conditions are considered necessary to provide the appropriate design and installation criteria required to assure safety of the LOX system.

The Department of the Air Force, commenting to the docket by letter, recommended additional requirements for design and installation of the LOX system. Based on some of those recommendations, the FAA has revised special conditions f. and m. By this notice, the comment period is reopened to allow interested persons to comment on the additional requirements.

Discussion of Comments

One commenter, the Department of the Air Force, Headquarters Aeronautical Systems Center, responded to the request for comments, providing the following comments and recommended additions/changes to the identified paragraphs of the proposed special conditions. Those recommended additions/changes are prompted by U.S. Air Force past experience with LOX systems in other airplanes. The proposed special conditions addressed by the comments, the relevant comments, and the FAA's assessment and conclusions are as follows:

Special Condition b. The liquid oxygen converter shall be located in the airplane so that there is no risk of damage due to an uncontained rotor or fan blade failure.

The commenter agrees with the special condition but has additional concerns. The commenter advises that the Department of the Air Force would require inspection of the compartment or zone in the airplane which contains the LOX converter and heat exchanging equipment to ensure that no buildup of flammable vapors may occur. The commenter states minor leakage of LOX systems fittings is a common problem because of the cold LOX and gas temperature effects on the metal fittings. The commenter further states that the buildup of gaseous oxygen in combination with flammable vapors in an airplane compartment is a serious concern, and therefore recommends that the compartment have adequate ventilation and smoke detectors that will alert the flightcrew in case of fire. If the LOX converter is located in the lower lobe, the commenter recommends that inflight access to this compartment be provided. The commenter further states that for USAF AWACS airplanes they have also recommended that safety equipment, including fire extinguisher(s) and portable protective breathing equipment, be provided. A recharger outlet to refill the portable protective breathing equipment is advisable, says the commenter, or the

protective breathing device should have 30 minutes minimum oxygen supply.

The FAA agrees with the commenter's concern for LOX fittings and the buildup of oxygen in combination with flammable fluids, and access to the compartment containing the LOX converter. Much of these concerns are addressed in proposed special conditions a, c, e, g, h, and l. The special conditions do not require total shrouding and drainage of all LOX fittings, but depends on dilution of oxygen to reduce the hazard. In that respect, the FAA notes that the LOX converter is installed in the aft lower lobe of the airplane (classified as an electronic equipment bay), and inflight access is provided. Ventilation to this bay is considered adequate at 1000 to 3000 cubic feet per minute to preclude the hazardous accumulation of oxygen in the event of LOX converter or line leaks. Additionally, § 25.1451 requires that oxygen equipment and lines be installed so that escaping oxygen cannot cause ignition of grease, fluid, or vapor accumulations that are present in normal operation or as a result of failure or malfunction of any system. The FAA considers that the special conditions, as proposed, provided adequate protection to address the concerns expressed by the commenter and therefore does not consider that additional requirements are necessary in this regard.

The FAA does not concur with the commenter regarding the requirements for fire extinguishers, portable breathing equipment, and smoke detectors. The lower lobes of the 767–27C are classified as electronic equipment bays; therefore, there is no requirement to provide cargo bay liners, smoke detections, or fire suppression systems. Carry-on cargo is not permitted in either lower lobe unless it is stored in containers providing fire protection equivalent to that afforded by Class D cargo or baggage compartments. The installed AWACS mission/electronic equipment in these bays contains very small quantities of smoke-producing materials, and most are installed in metal cabinets. With regard to the Liquid Oxygen System located in the aft lower lobe, if a leak occurred in this system, a hazardous concentration of oxygen should be precluded by the large amount of ventilation (1,000 cfm minimum to 3,000 cfm with the outflow valve open). If a catastrophic failure of the LOX system occurred, a smoke detector would not reduce this danger as the smoke would occur only after the oxygen-enriched fire ignited.

Special Condition c. The liquid oxygen system and associated gaseous oxygen distribution lines should be designed and located to minimize the hazard from uncontained rotor debris.

The commenter requests specific safety practices to be followed in the design and installation of oxygen lines in the proximity of heat-generating equipment and other lines carrying flammable fluid or electrical wires and components. The FAA does not disagree with these practices, but considers that the existing standards (i.e., §§ 25.1451, 25.1309(a), 25.1309(b), and 25.1453) already define safe practices.

Special Condition d. The flight deck oxygen system shall meet the supply requirements of part 121 after the distribution line has been severed by a rotor fragment.

The commenter states that this requirement is not clear. The FAA notes that the published version of the proposed special conditions contained a typographical error in that the word ''severed'' was printed as ''served,'' and this may have led to the confusion. This special condition requires that an adequate supply of oxygen be available to the flightcrew after cutting any line in the rotor burst area, and is clear with the spelling corrected. The commenter also notes military oxygen requirements concerning multiple oxygen supplies that are not relevant to this installation and states that the flightcrew should have control of the oxygen system. The FAA notes that the requirement for flightcrew control of the oxygen system is addressed in § 25.1445(a)(2).

The commenter further states that one flight crewmember, such as the flight engineer, should be designated as the crewmember responsible for the oxygen system. The FAA has no requirement for this in gaseous oxygen systems and sees no reason to require it as a special condition for LOX systems. The commenter states that the AWACS crewmembers should have oxygen dispensing and breathing equipment comparable to that provided to the flightcrew (i.e., pressure demand breathing equipment). The FAA is evaluating the crewmembers' oxygen dispensing equipment in a separate issue paper, and will not address it in the Special Conditions under discussion.

Special Condition e. The pressure relief valves on the liquid oxygen converters shall be vented overboard through a drain in the bottom of the airplane. Means must be provided to prevent hydrocarbon fluid migration from impinging upon the vent outlet of the liquid oxygen system.

The commenter concurs with the requirement for venting and draining the LOX converter and recommends certain safety procedures during the servicing of the LOX. Servicing of the LOX is not addressed in the airworthiness standards for transport category airplanes and is therefore considered beyond the scope of the notice.

Special Condition f. The system shall include provisions to ensure complete conversion of the liquid oxygen to gaseous oxygen.

The commenter agrees with the requirement to completely convert the liquid oxygen to gaseous oxygen, but advocates a specific requirement that the converted gas be no more than 20° F less than cabin ambient temperature under the conditions of maximum demand for normal use of the oxygen system. The FAA agrees with the commenter and proposes to revise Special Condition f. to add the following sentence: ''The resultant oxygen gas must be delivered to the first oxygen outlet for breathing such that the temperature is no more than 20° F less than the cabin ambient temperature under the conditions of the maximum demand or flow of oxygen gas for normal use of the oxygen system.''

The commenter expressed another concern regarding Special Condition f., which would require that the LOX converter include a ''line valve'' that would enable the flightcrew to shut down flow from the LOX converter, should a severed or broken line allow LOX to spill into the airplane. The FAA concurs with this concern and proposes to add the following sentence to Special Condition f: ''A LOX shutoff valve shall be installed on the main oxygen distribution line prior to any secondary lines. The shutoff valve must be compatible with LOX temperatures and be readily accessible (either directly if manual, or by remote activation if an automatic valve).''

Special Condition j. Oxygen system components shall be burst pressure tested to 3.0 times, and proof pressure tested to 1.5 times, the maximum normal operating pressure. Compliance with the requirement for burst testing may be shown by analysis, or a combination of analysis and test.

The commenter gives background information on a manufacturer of LOX converters, and advises that a rupture disk be included on the outer shell of the converter. The FAA does not wish to regulate a design solution when other designs (e.g., designing the outer shell with pressure capability equivalent to the inner shell) could satisfy the requirements of § 25.1309(b).

The commenter also discusses the advantages of dual pressure relief valves (failure redundancy and flow rate requirements). The FAA agrees that

there is an advantage in case one valve fails, but again does not wish to regulate a design solution when other design implementations could satisfy the design requirements of § 25.1309(b). The FAA also does not agree that two valves are required for flow rate requirements, as this is dependent on valve sizing.

Special Condition k. Oxygen system components shall be electrically bonded to the airplane structure.

The commenter concurs with this condition, but states that it requires that the system be tested to ensure that the Ohm rating from any component on the LOX system will not exceed that which would preclude static discharging. The FAA will evaluate the applicant's type design data to ascertain suitability of process and testing of electrical bonding, but does not consider it necessary to specify the Ohm level that the bonding is tested to in the special condition.

Special Condition l. All gaseous or liquid oxygen connections located in close proximity to an ignition source shall be shrouded and vented overboard using the system specified in (e) above.

The commenter provided the same comments for this special condition as for Special Condition b. See FAA response to comments on Special Condition b.

Special Condition m. A means will be provided to indicate the quantity of oxygen in the converter and oxygen availability to the flightcrew.

The commenter agrees with the requirement for oxygen quantity indication and oxygen availability indication to the flightcrew and notes the desirability of a low level oxygen warning light due to LOX converter failure modes. In addition, the commenter notes that oxygen quantity indication should be based on volume and not on pressure, since the system will essentially operate at a constant pressure until it is nearly out of oxygen, as opposed to a gaseous oxygen system which depletes quantity at a linear rate (measuring pressure).

The FAA concurs with the requirement for a low LOX level caution annunciation and proposes to add the following sentence to Special Condition m: ''A low LOX level amber caution annunciation will be furnished to the flightcrew prior to the LOX converter oxygen level reaching the quantity required to provide sufficient oxygen for emergency descent requirements.'' The commenter also recommends a built-in test function so that the flight crew can ascertain that the low LOX level caution annunciation is functional. The FAA does not consider it necessary to require this as a Special Condition as it is adequately addressed in § 25.1309(d)(4).

As a result of these comments, and as discussed earlier in this document, the FAA has modified special conditions f. and m. from that proposed in Notice SC–96–8–NM. Public comment is therefore invited on these additional requirements.

Certification flight testing of the Model 767–27C by Boeing is imminent. For this reason, and because a delay would significantly affect the remainder of the certification schedule for the Model 767–27C, the public comment period for this supplemental notice is shortened to 20 days.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by § 11.28 and § 11.29(b), and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would apply to the other model under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on one model series of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation Safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Boeing Model 767–27C airplanes modified to an AWACS configuration:

a. The liquid oxygen converter and other oxygen equipment shall not be installed where baggage, cargo, or loose equipment are stored (unless items are stored within an appropriate container which is secured or restrained by acceptable means).

b. The liquid oxygen converter shall be located in the airplane so that there is no risk of damage due to an uncontained rotor or fan blade failure.

c. The liquid oxygen system and associated gaseous oxygen distribution lines should be designed and located to minimize the hazard from uncontained rotor debris.

d. The flight deck oxygen system shall meet the supply requirements of Part 121 after the distribution line has been severed by a rotor fragment.

e. The pressure relief valves on the liquid oxygen converters shall be vented overboard through a drain in the bottom of the airplane. Means must be provided to prevent hydrocarbon fluid migration from impinging upon the vent outlet of the liquid oxygen system.

f. The system shall include provisions to ensure complete conversion of the liquid oxygen to gaseous oxygen. The resultant oxygen gas must be delivered to the first oxygen outlet for breathing such that the temperature is no more than 20°F less than the cabin ambient temperature under the conditions of the maximum demand or flow of oxygen gas for normal use of the oxygen system. A LOX shutoff valve shall be installed on the main oxygen distribution line prior to any secondary lines. The shutoff valve must be compatible with LOX temperatures and be readily accessible (either directly if manual, or by remote activation if automatic).

g. If multiple converters are used and manifold together, check valves shall be installed so that a leak in one converter will not allow leakage of oxygen from any other converter.

h. Flexible hoses shall be used for the airplane system connections to shock-mounted converters, where movement relative to the airplane may occur.

i. Condensation from system components or lines shall be collected by drip pans, shields, or other suitable collection means and drained overboard through a drain fitting separate from the liquid oxygen vent fitting, as specified in (e) above.

j. Oxygen system components shall be burst pressure tested to 3.0 times, and proof pressure tested to 1.5 times, the maximum normal operating pressure. Compliance with the requirement for burst testing may be shown by analysis, or a combination of analysis and test.

k. Oxygen system components shall be electrically bonded to the airplane structure.

l. All gaseous or liquid oxygen connections located in close proximity to an ignition source shall be shrouded and vented overboard using the system specified in Special Condition e. above.

m. A means will be provided to indicate the quantity of oxygen in the converter and oxygen availability to the flightcrew. A low LOX level amber caution annunciation will be furnished

to the flight crew prior to the LOX converter oxygen level reaching the quantity required to provide sufficient oxygen for emergency descent requirements.

Issued in Renton, Washington, on July 14, 1997.

Gary L. Killion,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 97–19104 Filed 7–18–97; 8:45 am]

BILLING CODE 4910–13–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Household Products Containing Petroleum Distillates and Other Hydrocarbons; Advance Notice of Proposed Rulemaking; Reopening of Comment Period

AGENCY: Consumer Product Safety Commission.

ACTION: Reopening of comment period for advance notice of proposed rulemaking.

SUMMARY: There are child-resistant packaging standards in effect under the Poison Prevention Packaging Act (''PPPA'') for some products that contain petroleum distillates or other hydrocarbons. In the **Federal Register** of February 26, 1997, the Consumer Product Safety Commission (''CPSC'' or ''Commission'') published an advance notice of proposed rulemaking (''ANPR'') requesting comments on whether additional products containing these substances should be subject to child-resistant packaging standards. 62 FR 8659. At the request of the Chemical Specialties Manufacturers Association (''CSMA''), the Commission extended the period for receiving written comments on the ANPR until July 11, 1997. 62 FR 22897 (April 28, 1997).

As requested by the Cosmetic, Toiletry, and Fragrance Association (''CTFA''), the Commission further reopens the comment period until September 1, 1997.

DATES: Written comments in response to the ANPR must be received by the Commission by September 1, 1997.

ADDRESSES: Comments, preferably in five copies, should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207–0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814; telephone (301) 504–0800. Alternatively, comments may be filed by telefacsimile to (301)504–0127 or by e-mail to cpsc-os@cpsc.gov. Comments should be captioned ''Comments on ANPR for Petroleum Distillates.''

FOR FURTHER INFORMATION CONTACT: Suzanne Barone, Directorate for Epidemiology and Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0477, ext. 1196.

SUPPLEMENTARY INFORMATION: Existing PPPA standards require child-resistant packaging for some products that contain petroleum distillates or other hydrocarbons. Aspiration of small amounts of these chemicals into the lung can cause chemical pneumonia, pulmonary damage, and death.

In the **Federal Register** of February 26, 1997, the CPSC published an ANPR that initiated a rulemaking proceeding to consider whether additional household products containing petroleum distillates and other hydrocarbons should be subject to PPPA standards. 62 FR 8659. The Commission solicited written comments from interested persons concerning these risks, the regulatory alternatives discussed in the ANPR, other possible means to address the risks, and the economic impacts of the various regulatory alternatives. The Commission originally provided for a 75-day comment period, which would have expired on May 12, 1997. At the request of the CSMA, the Commission extended the period for receiving written comments on the ANPR until July 11, 1997. 62 FR 22897 (April 28, 1997).

By a letter dated July 1, 1997, the CTFA requested a further extension of the comment period until September 1, 1997. CTFA asserted that additional time was needed because the ANPR lacked a definition of ''petroleum distillates,'' and there was confusion among CTFA's members regarding which petroleum distillates would be contained in cosmetic products, if any. CTFA also has asserted that some of its member companies have recently become aware that several product categories not previously contemplated by manufacturers could be affected by the ANPR. Further, CTFA claimed that because cosmetics are not generally subject to CPSC's statutes (except the Poison Prevention Packaging Act), a significant effort was required to educate CTFA's members about the rulemaking and request for information. CTFA stated that additional time is required in order to submit accurate, complete, and useful information to the agency to enable the staff to assess the impact of the ANPR on the cosmetics industry.

CTFA represents companies that can supply valuable information concerning the issues identified in the ANPR. Accordingly, the Commission granted its request for an extension of the comment period, and reopens the period for submission of written comments to September 1, 1997.

Dated: July 15, 1997.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 97–19019 Filed 7–18–97; 8:45 am]

BILLING CODE 6355–01–U

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 351

Countervailing Duties

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of public hearing on proposed countervailing duty regulations and announcement of opportunity to file post-hearing comments.

SUMMARY: The Department of Commerce (''the Department''), having received written comments on the proposed countervailing duty regulations, now announces that a public hearing on the regulations will be held on September 9, 1997. Requests to participate in the hearing must be filed by July 31, 1997. The Department is also announcing that it will accept public comments on issues raised at the hearing. The deadline for filing post-hearing comments is September 19, 1997.

DATES: A public hearing will be held at 10:00 on September 9, 1997. Requests to participate in the hearing must be filed by August 7, 1997. The deadline for filing post-hearing comments is September 19, 1997.

ADDRESSES: Address requests to participate in the hearing and post-hearing comments to the following: Robert S. LaRussa, Acting Assistant Secretary for Import Administration, Central Records Unit, Room 1870, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street N.W., Washington, D.C. 20230. Requests to participate in the hearing should also include the following subject line: ''Request to participate in hearing on proposed CVD regulations.'' Each person submitting a request is asked to include his or her name, address, and phone number and to identify the party(ies) on whose behalf the request is