

# 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 AGRICULTURE

### Rural Utilities Service

#### 7 CFR Part 1755

#### Telecommunications Program Standard Contract Forms

**AGENCY:** Rural Utilities Service, USDA.  
**ACTION:** Proposed rule.

**SUMMARY:** The Rural Utilities Service (RUS) is proposing to amend 7 CFR part 1755 to change the manner in which it publishes the standard forms of contracts that borrowers are required to use when contracting for construction, procurement, engineering services, or architectural services financed through loans made or guaranteed by RUS. The required contract forms are currently published in the text format in the Code of Federal Regulations (CFR). This proposed rule would eliminate this unnecessary and burdensome publication in the CFR.

In the final rule section of this **Federal Register**, RUS is publishing this action as a direct final rule without prior proposal because RUS views this as a noncontroversial action and anticipates no adverse comments. If no adverse comments are received in response to the direct final rule, no further action will be taken on this proposed rule, and the action will become effective at the time specified in the direct final rule. If RUS receives adverse comments, a document will be published withdrawing the direct final rule, and all public comments received will be addressed in a subsequent final rule based on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments on this proposed action must be received on or before March 12, 1999.

**ADDRESSES:** Written comments should be sent to Orren E. Cameron, III, Director, Telecommunications Standards Division, Rural Utilities Service, U.S. Department of Agriculture, Stop 1598, Washington, DC 20250-

1598. RUS requires a signed original and three copies of all comments (7 CFR 1700.4). Comments will be available for public inspection during regular business hours (7 CFR 1.27(b)).

**FOR FURTHER INFORMATION CONTACT:** Norberto Esteves, Chairman, Technical Standards Committee A (Telecommunications), Telecommunications Standards Division, Rural Utilities Service, U.S. Department of Agriculture, Stop 1598, Washington, DC 20250-1598, telephone number 202-720-0699, fax number 202-720-4099, E-mail [nesteves@rus.usda.gov](mailto:nesteves@rus.usda.gov).

**SUPPLEMENTARY INFORMATION:** See the Supplementary Information provided in the direct final rule located in the final rule section of this **Federal Register** for the applicable supplementary information on this section.

Dated: January 24, 1999.

**Jill Long Thompson,**

*Under Secretary, Rural Development.*

[FR Doc. 99-3164 Filed 2-9-99; 8:45 am]

**BILLING CODE 3410-15-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-338-AD]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 757-200PF 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 757-200PF series airplanes. This proposal would require revising the Airplane Weight & Balance (W&B) Manual to prohibit operation of any airplane without side vertical restraints installed on the main cargo deck when carrying a particular pallet. This proposal also would provide for optional terminating action for the Airplane W&B Manual revision. This proposal is prompted by reports indicating that some airplanes have been operated without side vertical

restraints installed on the main cargo deck when carrying certain pallets. The actions specified by the proposed AD are intended to prevent inadvertent movement of a cargo pallet during flight, which could result in an adverse center of gravity condition and consequent reduced controllability of the airplane.

**DATES:** Comments must be received by March 29, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-338-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.

**FOR FURTHER INFORMATION CONTACT:** Patrick Safarian, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2775; 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 98-NM-338-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-114, Attention: Rules Docket No. 98-NM-338-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The FAA has received numerous reports indicating that some Boeing Model 757-200PF series airplanes have been operated without side vertical restraints installed on the main cargo deck when carrying the National Aerospace Standard (NAS) 3610 Type II cargo pallets. These airplanes are certified to carry Type I cargo pallets and therefore do not have side vertical restraints installed. Currently, the Airplane Weight & Balance Manual allows operators of the affected airplanes to operate with Type II cargo pallets. The use of these pallets without restraints could allow the cargo to shift and come loose under certain flight conditions. This condition, if not corrected, could result in inadvertent movement of a cargo pallet during flight, which could result in an adverse center of gravity condition and consequent reduced controllability 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 revising the Limitations Section of the Airplane Weight & Balance (W&B) Manual to prohibit operation of any 757-200PF series airplane without side vertical restraints installed on the main cargo deck when carrying Type II cargo pallets.

#### Cost Impact

There are approximately 100 airplanes of the affected design in the worldwide fleet. The FAA estimates that 90 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed Airplane W&B Manual revision, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S.

operators is estimated to be \$5,400, or \$60 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 98-NM-338-AD.

*Applicability:* All Model 757-200PF 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 inadvertent movement of a cargo pallet during flight, which could result in an adverse center of gravity condition and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 30 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Weight & Balance (W&B) Manual to include the following statement. This action may be accomplished by inserting a copy of this AD into the W&B Manual.

"Operation of any airplane without side vertical restraints installed on the main cargo deck when carrying any Type II cargo pallet is prohibited."

(b) Installation of side vertical restraints in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, constitutes terminating action for the requirements of paragraph (a) of this AD.

(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 ACO. Operators shall submit their requests through an appropriate FAA Principal Operations 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 February 3, 1999.

**Darrell M. Pederson,**

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

[FR Doc. 99-3180 Filed 2-9-99; 8:45 am]

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