

**§ 792.48 If my request is granted, what restrictions apply?**

(a) *Records.* The General Counsel may impose conditions or restrictions on the release of nonpublic records, including a requirement that you obtain a protective order or execute a confidentiality agreement with the other parties in the legal proceeding that limits access to and any further disclosure of the nonpublic records. The terms of a confidentiality agreement or protective order must be acceptable to the General Counsel. In cases where protective orders or confidentiality agreements have already been executed, the NCUA may condition the release of nonpublic records on an amendment to the existing protective order or confidentiality agreement.

(b) *Testimony.* The General Counsel may impose conditions or restrictions on the testimony of NCUA employees, including, for example, limiting the areas of testimony or requiring you and the other parties to the legal proceeding to agree that the transcript of the testimony will be kept under seal or will only be used or made available in the particular legal proceeding for which you requested the testimony. The General Counsel may also require you to provide a copy of the transcript of the testimony to the NCUA at your expense.

**§ 792.49 Definitions.**

*Legal proceedings* means any matter before any federal, state or foreign administrative or judicial authority, including courts, agencies, commissions, boards or other tribunals, involving such proceedings as lawsuits, licensing matters, hearings, trials, discovery, investigations, mediation or arbitration. When the NCUA is a party to a legal proceeding, it will be subject to the applicable rules of civil procedure governing production of documents and witnesses, however, this subpart will still apply to the testimony of former NCUA employees.

*NCUA employee* means current and former officials, members of the Board, officers, directors, employees and agents of the National Credit Union Administration, including contract employees and consultants and their employees. This definition does not include persons who are no longer employed by the NCUA and are retained or hired as expert witnesses or agree to testify about general matters, matters available to the public, or matters with which they had no specific involvement or responsibility during their employment.

*Nonpublic records* means any NCUA records that are exempt from disclosure under § 792.3, the NCUA regulations

implementing the provisions of the Freedom of Information Act. For example, this means records created in connection with NCUA's examination and supervision of insured credit unions, including examination reports, internal memoranda, and correspondence, and, also, records created in connection with NCUA's enforcement and investigatory responsibilities.

*Subpoena* means any order, subpoena for records or other tangible things or for testimony, summons, notice or legal process issued in a legal proceeding.

*Testimony* means any written or oral statements made by an individual in connection with a legal proceeding including personal appearances in court or at depositions, interviews in person or by telephone, responses to written interrogatories or other written statements such as reports, declarations, affidavits, or certifications or any response involving more than the delivery of records.

[FR Doc. 97-10373 Filed 4-23-97; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 96-NM-270-AD]

RIN 2120-AA64

**Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes Equipped With Heath Tecna Aerospace Extended Spacial Concept Interior III Installed in Accordance With Supplemental Type Certificate SA4744NM**

**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 McDonnell Douglas DC-9-80 series airplanes. This proposal would require an inspection to detect discrepancies of electrical plugs and receptacles of the sidewall lighting system in the passenger cabin, and to verify that the ends of all pins and sockets are even and that they are seated and locked into place. The proposed AD also would require replacement of any discrepant part with a new part, and modification of the electrical wiring and connectors of the sidewall lighting system in the passenger cabin. This

proposal is prompted by reports of failures of the electrical connectors in the sidewall fluorescent lighting, which resulted in smoke or lighting interruption in the passenger cabin. The actions specified by the proposed AD are intended to prevent failures of the electrical connectors, which could result in poor socket/pin contact, excessive heat, electrical arcing, and consequently, connector burn through and smoke in the passenger cabin.

**DATES:** Comments must be received by June 2, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-270-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 Hexcel Interiors (formerly Heath Tecna Aerospace), 3225 Woburn Street, Bellingham, Washington 98226. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:**

Stephen Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227-2793; 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-270-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-270-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The FAA has received reports of failures of the electrical connectors in the sidewall fluorescent lighting on Model DC-9-80 series airplanes, which resulted in smoke or lighting interruption in the passenger cabin. [These airplanes were delivered with Heath Tecna Aerospace extended spacial concept interior (ESCI) III as part of the original equipment.] Investigation revealed that these connectors became internally overheated. The cause of this internal overheating has been attributed to physically damaged or improperly connected connectors. This condition, if not corrected, could result in poor socket/pin contact, excessive heat, electrical arcing, and consequently, connector burn through and smoke in the passenger cabin.

There have been no reports of such occurrences on McDonnell Douglas Model DC-9-80 series airplanes equipped with Heath Tecna Aerospace ESCI III installed in accordance with Supplemental Type Certificate SA4744NM. However, the sidewall lighting configuration of these airplanes is similar in design to that of the affected Model DC-9-80 series airplanes (delivered with ESCI III as part of the original equipment). Therefore, both of these airplanes may be subject to the same unsafe condition. The FAA has previously issued AD 95-08-04, amendment 39-9193 (60 FR 19348, April 18, 1995), which addresses the identified unsafe condition on certain Model DC-9-80 series airplanes equipped with Heath Tecna Aerospace ESCI III as part of the original equipment.

#### Explanation of Relevant Service Information

The FAA has reviewed and approved Heath Tecna Service Bulletin H0655-33-01, dated March 28, 1996, which

describes procedures for performing a visual inspection to:

- Detect discrepancies (i.e., damage, burn marks, and black or brown discoloration) of the electrical plugs having part number (P/N) MS3126F15P, and receptacles having P/N MS3124E15S of the sidewall lighting system in the passenger cabin; and
- Verify that the ends of all pins and sockets are even and that they are seated properly and locked into place.

The service bulletin also describes procedures for replacement of any discrepant part with a new part, and modification of the electrical wiring and connectors of the sidewall lighting system in the passenger cabin. This modification involves:

- Removal of two 230 volt alternating current (VAC), 400 hertz (Hz) power wires from pins B and K of the existing connectors of the sidewall lighting;
- Installation of two separate single contact connectors on two 230 VAC, 400 Hz wires external to each of the applicable connectors;
- Installation or reinstallation of wire protection J-channel with applicable disconnect placard at the connector locations on the stowage compartments.

Accomplishment of the modification will minimize the possibility of connector failure.

#### 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 a visual inspection to detect discrepancies of certain electrical plugs and receptacles of the sidewall lighting system in the passenger cabin, and to verify that the ends of all pins and sockets are even and that they are seated and locked into place. The proposed AD also would require replacement of any discrepant part with a new part, and modification of the electrical wiring and connectors of the sidewall lighting system in the passenger cabin. The actions would be required to be accomplished in accordance with the service bulletin described previously.

#### Cost Impact

There are approximately 28 McDonnell Douglas Model DC-9-80 series airplanes equipped with Heath Tecna Aerospace ESCI III installed in accordance with STC SA4744NM 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 75 work hours per airplane (which includes access and

functional check) to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$1,700 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$173,600, or \$6,200 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:

**McDonnell Douglas:** Docket 96–NM–270–AD.

*Applicability:* Model DC–9–80 series airplanes, equipped with Heath Tecna Aerospace Extended Spacial Concept Interior III Installed in Accordance with Supplemental Type Certificate SA4744NM, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 failures of the electrical connectors, which could result in poor socket/pin contact, excessive heat, electrical arcing, and consequently, connector burn through and smoke in the passenger cabin, accomplish the following:

(a) Within 12 months after the effective date of this AD, accomplish paragraph (a)(1) and (a)(2) of this AD, in accordance with Heath Tecna Service Bulletin H0655–33–01, dated March 28, 1996.

(1) Perform a visual inspection to detect discrepancies (i.e., damage, burn marks, and black or brown discoloration) of the electrical plugs having part number (P/N) MS3126F15P, and receptacles having P/N MS3124E15S of the sidewall lighting system in the passenger cabin, and to verify that the ends of all pins and sockets are even and that they are seated and locked into place, in accordance with the service bulletin. If any discrepancy is detected, prior to further flight, replace the discrepant part with a new part in accordance with the service bulletin.

(2) Modify the electrical wiring and connectors of the sidewall lighting system in the passenger cabin in accordance with paragraph H. of the Accomplishment Instructions of the service bulletin.

(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 17, 1997.

**Darrell M. Pederson,**

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

[FR Doc. 97–10565 Filed 4–23–97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97–NM–35–AD]

RIN 2120–AA64

#### Airworthiness Directives; Fairchild Model F–27 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 Fairchild Model F–27 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to prohibit positioning power levers below the flight idle stop during flight, and to provide a statement of the consequences of positioning the power levers below the flight idle stop during flight. The proposed AD is prompted by incidents and accidents involving airplanes equipped with turboprop engines in which the propeller ground beta range was used improperly during flight. The actions specified by the proposed AD are intended to prevent loss of airplane controllability, or engine overspeed and consequent loss of engine power caused by the power levers being positioned below the flight idle stop while the airplane is in flight.

**DATES:** Comments must be received by June 2, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–M–35–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:** Peter LeVoci, Aerospace Engineer,

Systems and Flight Test Branch, ANE–172, FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7514; fax (516) 568–2716.

#### 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–35–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–35–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

##### Discussion

In recent years, the FAA has received reports of 14 incidents and/or accidents involving intentional or inadvertent operation of the propellers in the beta range, which occurred during flight on airplanes equipped with turboprop engines. (For the purposes of this proposal, Beta is defined as the range of propeller operation intended for use during taxi, ground idle, or reverse operations as controlled by the power lever settings aft of the flight idle stop.)

Five of the fourteen in-flight beta occurrences were classified as