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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-79-AD; Amendment 39-10472; AD 98-08-23]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes Equipped With General Electric (GE) CF6-80C2 Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 747 and 767 series airplanes, that currently requires revising the FAA-approved Airplane Flight Manual (AFM) to prohibit the use of certain fuels; and either replacing the existing placard on the door of the fueling control panel with a new placard, or replacing all dribble flow fuel nozzles (DFFN's) with standard fuel nozzles, which terminates the requirements for a placard and AFM revision. This amendment continues these requirements and adds additional airplanes to the applicability. This amendment is prompted by a report of an engine flameout due to the use of JP-4 or Jet B fuel during certification testing on an engine with DFFN's installed. The actions specified in this AD are intended to prevent such engine flameouts and consequent engine shutdown.

**DATES:** Effective May 1, 1998.

The incorporation by reference of certain publications, as listed in the regulations, was previously approved by the Director of the Federal Register as of November 12, 1997 (62 FR 55728, October 28, 1997).

Comments for inclusion in the Rules Docket must be received on or before June 15, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-79-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Dionne Stanley, Aerospace Engineer, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2250; fax (425) 227-1181.

**SUPPLEMENTARY INFORMATION:** On October 17, 1997, the FAA issued AD 97-22-04, amendment 39-10175 (62 FR 55728, October 28, 1997), applicable to certain Boeing Model 747 and 767 series airplanes, to require revising the FAA-approved Airplane Flight Manual (AFM) to prohibit the use of certain fuels; and either replacing the existing placard on the door of the fueling control panel with a new placard, or replacing all dribble flow fuel nozzles (DFFN's) with standard fuel nozzles, which terminates the requirements for a placard and AFM revision. That action was prompted by a report indicating that, during certification testing, a General Electric CF6-80C2 engine with DFFN's installed experienced flameout due to the use of JP-4 or Jet B fuel. The actions required by that AD are intended to prevent such engine flameouts and consequent engine shutdown.

#### Restatement of the Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletins 747-11A2052 (for Model 747 series airplanes) and 767-11A0031 (for Model 767 series airplanes), both dated September 11, 1997, which describe procedures for removing the existing

placard on the door of the fueling control panel and replacing it with a new placard that prohibits the use of JP-4 and Jet B fuels (wide cut fuels).

Additionally, these alert service bulletins describe procedures for removing the DFFN's and replacing them with standard fuel nozzles. Accomplishment of this replacement on the operator's entire fleet eliminates the need for a placard that prohibits the use of wide cut fuels.

#### Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design that are equipped with DFFN's, this AD is being issued to continue to require revisions to the FAA-approved AFM to prohibit the use of wide cut fuels. This AD also is being issued to continue to require either replacement of the existing placard on the door of the fueling control panel with a new placard, or replacement of all DFFN's with standard fuel nozzles (the latter option terminates the requirements for an AFM revision and a new placard). In addition, this amendment expands the applicability to include all Boeing Model 747 and 767 series airplanes with GE CF6-80C2 engines and those airplanes delivered subsequent to the issuance of AD 97-22-04. These actions are required to be accomplished in accordance with the service bulletins described previously, except as discussed below.

#### Differences Between This AD and the Previous AD

Operators should note that, in addition to the list of effective airplanes referenced in Boeing Alert Service Bulletin 747-11A2052 (for Model 747 series airplanes) or Boeing Alert Service Bulletin 767-11A0031 (for Model 767 series airplanes), both dated September 11, 1997, this amendment expands the applicability to all Boeing Model 747 and 767 series airplanes equipped with General Electric CF6-80C2 engines, regardless of whether or not the airplanes are equipped with DFFN's. The FAA finds that there is a likelihood that operators with a mixed fleet (e.g., airplanes equipped with GE CF6-80C2 engines with DFFN's installed and those without DFFN's installed) could inadvertently use the incorrect type of fuel. To eliminate this likelihood, the

FAA requires that if any airplane in an operator's fleet is equipped with GE CF6-80C2 engines with DFFN's installed, the use of wide-cut fuels is prohibited for the entire fleet. The previous AD was applicable only to airplanes having GE CF6-80C2 engines equipped with DFFN's; this rule is applicable to all airplanes having GE CF6-80C2 engines. The applicability is expanded in this AD to ensure that each specific operator uses the correct type of fuel throughout its entire fleet. Additionally, airplanes that were released from production into service subsequent to the release of these service bulletins and that were not covered by AD 97-22-04 are now included in the applicability of this amendment.

#### Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments

submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-79-AD." The postcard will be date stamped and returned to the commenter.

#### Regulatory Impact

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket.

A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

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

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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 removing amendment AD 97-22-04, 39-10175 (62 FR 55728, November 12, 1997), and by adding a new airworthiness directive (AD),

amendment 39-10472, to read as follows:

**98-08-23 Boeing:** Amendment 39-10472. Docket 98-NM-79-AD. Supersedes AD 97-22-04, amendment 39-10175.

**Applicability:** All Model 747 and 767 series airplanes having General Electric CF6-80C2 engines, 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 (f) 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 engine flameouts due to the use of JP-4 or Jet B fuel on certain engines with dribble flow fuel nozzles (DFFN's) installed and consequent shutdown, accomplish the following:

#### Restatement of Requirements of AD 97-22-04

(a) For airplanes with DFFN's installed: Within 14 days after November 12, 1997 (the effective date of AD 97-22-04), revise Section 1 of the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following procedures. This may be accomplished by inserting a copy of this AD into the AFM.

(1) Revise paragraph 1 of the Engine Fuel System section to read as follows: "The fuel designation is General Electric (GE) Specification D50TF2, as revised. Fuel conforming to commercial jet fuel specification ASTM-D-1655, Jet A, and Jet A-1 are authorized for unlimited use in this engine. Fuels conforming to MIL-T-5624 grade JP-5 and MIL-T-83113 grade JP-8 are acceptable alternatives. The engine will operate satisfactorily with any of the foregoing fuels or any mixture thereof." And,

(2) Add the following sentence to paragraph 2 of the Engine Fuel System section: "The use of Jet B and JP-4 fuel is prohibited."

(b) For airplanes with DFFN's installed: Within 30 days after November 12, 1997, accomplish the requirements of paragraph (b)(1) or (b)(2) of this AD, in accordance with either Boeing Alert Service Bulletin 747-11A2052 (for Model 747 series airplanes) or 767-11A0031 (for Model 767 series airplanes), both dated September 11, 1997; as applicable.

(1) Remove the existing placard on the door of the fueling control panel and replace it with a new placard that restricts the use of JP-4 and Jet B fuels (wide cut fuels), in accordance with the applicable alert service bulletin. Or

(2) Remove the DFFN's, and replace them with standard fuel nozzles, in accordance

with the applicable alert service bulletin. When an operator's entire fleet has had all DFFN's replaced with standard fuel nozzles, the AFM revision required by paragraph (a) of this AD may be removed from the AFM and the placard required by paragraph (b)(1) of this AD may be removed from each airplane.

### New Requirements of This AD

(c) If a DFFN is installed on any airplane in a specific operator's fleet, accomplish the requirements of paragraphs (c)(1) and (c)(2) of this AD; in accordance with either Boeing Alert Service Bulletin 747-11A2052 (for Model 747 series airplanes) or Boeing Alert Service Bulletin 767-11A0031 (for Model 767 series airplanes), both dated September 11, 1997; as applicable.

(1) Within 14 days after the effective date of this AD, all airplanes in a specific operator's fleet must revise Section 1 of the Limitations Section of the FAA-approved AFM to include the following procedures. This may be accomplished by inserting a copy of this AD in the AFM.

(i) Revise paragraph 1 of the Engine Fuel System section to read as follows: "The fuel designation is General Electric (GE) Specification D50TF2, as revised. Fuel conforming to commercial jet fuel specification ASTM-D-1655, Jet A, and Jet A-1 are authorized for unlimited use in this engine. Fuels conforming to MIL-T-5624 grade JP-5 and MIL-T-83113 grade JP-8 are acceptable alternatives. The engine will operate satisfactorily with any of the foregoing fuels or any mixture thereof." And,

(ii) Add the following sentence to paragraph 2 of the Engine Fuel System section: "The use of Jet B and JP-4 fuel is prohibited."

(2) Within 30 days after the effective date of this AD, all airplanes in a specific operator's fleet must accomplish the actions required by paragraph (c)(2)(i) or (c)(2)(ii) of this AD, as applicable.

(i) Remove the existing placard on the door of the fueling control panel and replace it with a new placard that restricts the use of JP-4 and Jet B fuels (wide cut fuels), in accordance with the applicable alert service bulletin. Or

(ii) Remove the DFFN, and replace it with a standard fuel nozzle, in accordance with the applicable alert service bulletin. When an operator's entire fleet has had all DFFN's replaced with standard fuel nozzles, the AFM revision required by paragraphs (c)(1)(i) and (c)(1)(ii) of this AD may be removed from the AFM, and the new placard required by paragraph (c)(2)(i) of this AD may be removed from each airplane.

(d) Except as provided by paragraph (e) of this AD, if a DFFN is not installed on any airplane in a specific operator's fleet, no further action is required by this AD.

(e) As of the effective date of this AD, no person shall install any DFFN having General Electric part number 9331M72P33, 9331M72P34, or 9331M72P41 on any airplane unless the requirements specified by paragraphs (c)(1)(i), (c)(1)(ii), and (c)(2)(i) of this AD have been accomplished for the operator's entire fleet.

(f) 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.

(g) 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 (except no loading of JP-4 or Jet B fuel).

(h) Except as provided by paragraph (a) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 747-11A2052, dated September 11, 1997, or Boeing Alert Service Bulletin 767-11A0031, dated September 11, 1997; as applicable. The incorporation by reference of these service bulletins was approved previously by the Director of the Federal Register as of November 12, 1997 (62 FR 55728, October 28, 1997). Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on May 1, 1998.

Issued in Renton, Washington, on April 9, 1998.

**John J. Hickey,**

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

[FR Doc. 98-10054 Filed 4-15-98; 8:45 am]

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## FEDERAL TRADE COMMISSION

### 16 CFR Parts 2 and 4

#### Procedures in Prior Approval Proceedings

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Trade Commission is amending its regulations, which govern applications for approval of proposed divestitures, acquisitions, or similar transactions that are subject to Commission review under outstanding orders, and is also making a conforming amendment. The principal changes accomplished by these amendments are to clarify the nature of the materials that will be placed on the public record in prior approval proceedings, to clarify the timing of such placement, and to provide expressly that, in appropriate

cases, the Commission may shorten, eliminate, extend or reopen a comment period.

**DATES:** The amendments are effective April 16, 1998.

**FOR FURTHER INFORMATION CONTACT:** Marc Winerman, Attorney, Office of the General Counsel, 202-326-2451.

#### SUPPLEMENTARY INFORMATION:

#### I. Materials To Be Placed on the Public Record in Prior Approval Proceedings

Amended Rule 2.41(f)(1) replaces the requirement that prior approval applications under that rule be placed on the public record "together with supporting materials." The revised rule explains that applications shall "fully describe the terms of the transaction and shall set forth why the transaction merits Commission approval." It provides for placement on the public record of the application, together with any additional applicant submissions that the Commission directs be placed on the public record.<sup>1</sup> It also delegates to the Director of the Bureau of Competition the authority to direct placement of additional applicant submissions on the public record (subject to confidentiality determinations by the General Counsel).

The rule also clarifies a requirement for placing on the public record any written or oral communication that concerns a prior approval proceeding and that is directed to a Commissioner or "any employee involved in the decisional process." As construed by the Commission, and as amended § 2.41(f)(3) makes explicit, this disclosure requirement applies only to communications between outside parties and Commissioners or their personal staffs. The amended rule also replaces the provision that such disclosures will be made "immediately" with a provision that disclosures will be made "expeditiously."

Section 2.41(f)(5) makes clear that all disclosure requirements under the rule are subject to confidentiality requests. If such requests are denied, the submitter will receive notice before any disclosure of affected information takes place. See also 15 U.S.C. 57b-2(c). Section 2.41(f)(5) also explains that confidentiality requests need not be

<sup>1</sup> Such disclosures would be made to further the goal of the comment period. That goal is to inform the Commission's judgment, and not to confer any substantive rights on submitters. Letter, Donald S., Clark, Secretary (by direction of the Commission), to Robert A. Hammond, Esq., Re: Institute Merieux, S.A. Docket No. C-3301 (April 20, 1992). Cf. *General Motors Corp.*, 103 F.T.C. 58, 63 (1984) (explaining rationale for the public comment period on proposed settlements under Rule 2.34).