

# 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. 98-NM-134-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to certain Bombardier Model CL-600-2B19 (Regional Jet Series 100) series airplanes. That action would have required repetitive inspections of the inboard and outboard flap actuators to measure the rotational freedom of the actuator ball screw adjacent to the actuator housing, and replacement of the flap actuators with new or serviceable actuators, if necessary. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received new data pertaining to this issue and is undertaking alternative rulemaking action. Accordingly, the proposed rule is withdrawn.

#### **FOR FURTHER INFORMATION CONTACT:**

Anthony E. Gallo, Aerospace Engineer, Systems and Flight Test Branch, ANE-172, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7510; fax (516) 568-2716.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to certain Bombardier Model CL-600-2B19 (Regional Jet Series 100) series airplanes, was published in the **Federal Register** on June 8, 1998 (63 FR 31140). The proposed rule would have

required repetitive inspections of the inboard and outboard flap actuators to measure the rotational freedom of the actuator ball screw adjacent to the actuator housing, and replacement of the flap actuators with new or serviceable actuators, if necessary. That action was prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The proposed actions were intended to prevent premature wear of the internal gears on the flap actuators, which could result in complete disconnection of the actuator gear set and a mechanical jam of the flap system. This condition could cause structural damage and/or significant twist of a flap panel, which could lead to reduced controllability of the airplane.

#### **Actions Since Issuance of the Notice of Proposed Rulemaking (NPRM)**

Since the issuance of the NPRM on June 2, 1998, the FAA has received reports of six instances of jammed flap actuators on airplanes that were in compliance with the requirements of that proposed AD. In one case, a twisted flap was not detected prior to takeoff; in another case, a twisted flap occurred upon deployment of flaps for landing. In both cases, the airplanes were controllable and landed successfully. These reports indicate that the replacement action specified by the proposed rule is inadequate to address the unsafe condition.

As a result, the FAA has reconsidered its previous position on this rulemaking action and issued AD 98-20-01, amendment 39-10767 (63 FR 49661, September 17, 1998), on September 11, 1998, to address the unsafe condition. The actions of that AD require revising the procedures in the FAA-approved Airplane Flight Manual for checking the flap system. The amendment also requires revising the procedures in the FAA-approved maintenance program, and performing follow-on actions, if necessary. The actions specified in that AD are considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking. The actions required by that AD are intended to prevent an unannounced failure of the flap system due to a twisted outboard flap, which could result in a flap asymmetry, and

consequent reduced controllability of the airplane.

#### **FAA's Conclusions**

The FAA has determined that other rulemaking was required to address the identified unsafe condition. In light of this other on-going rulemaking activity, the FAA hereby withdraws the proposed rule.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

#### **Regulatory Impact**

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

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

Air transportation, Aircraft, Aviation safety, Safety.

#### **The Withdrawal**

Accordingly, the notice of proposed rulemaking, Docket 98-NM-134-AD, published in the **Federal Register** on June 8, 1998 (63 FR 31140), is withdrawn.

Issued in Renton, Washington, on November 4, 1998.

**Vi L. Lipski,**

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

[FR Doc. 98-30334 Filed 11-12-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-276-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 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 certain Fokker Model F.28 Mark 0070 and 0100 series airplanes. This proposal would require a one-time visual inspection to detect discrepancies of the components of the torque link apex joint and shimmy damper attachments of the main landing gear (MLG), and repair or replacement of any discrepant component with a new or serviceable component. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent heavy vibration and possible damage to the components of the MLG, and consequent reduced controllability of the airplane during takeoff and landing.

**DATES:** Comments must be received by December 14, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-276-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 Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**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-276-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-276-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on certain Fokker Model F.28 Mark 0070 and 0100 series airplanes. The RLD advises that it received a report of heavy vibration coming from the main landing gear (MLG) during landing. Investigation revealed that the cause of the heavy vibration was attributed to the nut of the apex bolt becoming detached from the apex pin, which resulted in disconnection of the upper and lower torque links of the right-hand MLG at the apex joint. Subsequent investigations of other Fokker Model F.28 series airplanes, equipped with Menasco MLG's, revealed loss of torque of the apex pin of the torque links and, in some cases, loss of torque of the shimmy damper attachment bolts. These conditions, if not corrected, could result in heavy vibration and possible damage to the components of the MLG, and consequent reduced controllability of the airplane during takeoff or landing.

**Explanation of Relevant Service Information**

Fokker has issued Service Bulletin SBF100-32-113, dated May 28, 1998, which describes procedures for a one-time visual inspection to detect discrepancies of the components of the torque link apex joint and shimmy damper attachments of the MLG, and repair or replacement of any discrepant

component with a new or serviceable component. Discrepancies may include incorrect positioning of the apex pin, misalignment of the slotted locking nut, loss of torque of the bolts, or damage to the locking plate and apex bolt. The service bulletin also recommends informing Fokker Services of inspection results.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The RLD classified this service bulletin as mandatory and issued Dutch airworthiness directive BLA 1998-058 (A), dated May 29, 1998, in order to assure the continued airworthiness of these airplanes in the Netherlands.

**Other Relevant Rulemaking**

On October 7, 1998, the FAA issued AD 98-21-33, amendment 39-10841 (63 FR 55527, October 16, 1998), applicable to all Fokker Model F.28 Mark 0070 and 0100 series airplanes, to require a one-time inspection of the torque links of the MLG assemblies to determine if the lockwire is present on the apex bolt, and corrective action, if necessary. However, this proposed AD would not affect the current requirements of that previously issued AD.

**FAA's Conclusions**

These airplane models are manufactured in the Netherlands and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

**Explanation of Requirements of Proposed Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

**Cost Impact**

The FAA estimates that 131 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per

airplane to accomplish the proposed inspection, 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 \$15,720, or \$120 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:

**Fokker Services B.V.:** Docket 98–NM–276–AD.

Applicability: Model F.28 Mark 0070 and 0100 series airplanes, as listed in Fokker Service Bulletin SBF100–32–113, dated May 28, 1998; 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 (d) 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 heavy vibration and possible damage to the components of the main landing gear (MLG), and consequent reduced controllability of the airplane during takeoff or landing, accomplish the following:

(a) Within 45 days after the effective date of this AD, perform a one-time visual inspection to detect discrepancies of the components of the torque link apex joint and shimmy damper attachments of the MLG, in accordance with Fokker Service Bulletin SBF100–32–113, dated May 28, 1998. If any discrepancy is detected, prior to further flight, repair or replace any discrepant component with a new or serviceable component, in accordance with the service bulletin.

**Note 2:** In paragraph 2.F.(10) of the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–113, dated May 28, 1998, the parenthetical phrase that recommends the size of torque wrench to use, should read “\* \* \* (0 to 75 lbf ft),” rather than “\* \* \* (0 to 75 lbf in).”

(b) Submit a report of the inspection findings (positive or negative) to Fokker Services B.V., Technical Services, Attn.: Manager Airline Support, P.O. Box 75047, 1117 ZN Schiphol-Oost, the Netherlands; Fax No. 3120605200; at the time specified in paragraph (b)(1) or (b)(2) of this AD, as applicable. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(1) For airplanes on which the inspection required by paragraph (a) of this AD is accomplished after the effective date of this AD: Submit a report within 10 days after accomplishing the inspection required by paragraph (a) of this AD.

(2) For airplanes on which the inspection required by paragraph (a) of this AD has been

accomplished prior to the effective date of this AD: Submit a report within 30 days after the effective date of this AD.

(c) As of the effective date of this AD, no person shall install on any airplane a Menasco MLG having part number (P/N) 41050–5, –6, –7, or –8; or P/N 41060–1 or –2; unless it has been inspected in accordance with paragraph (a) of this AD.

(d) 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, International Branch, ANM–116, 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, International Branch, ANM–116.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(e) 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.

**Note 4:** The subject of this AD is addressed in Dutch airworthiness directive BLA 1998–058(A), dated May 29, 1998.

Issued in Renton, Washington, on November 5, 1998.

**Vi L. Lipski,**

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

[FR Doc. 98–30333 Filed 11–12–98; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### 18 CFR Parts 161, 250, and 284

[Docket No. RM98–10–000]

### Regulation of Short-term Natural Gas Transportation Services; Notice of Staff Conference on Pipeline Capacity Auctions

November 6, 1998.

**AGENCY:** Federal Energy Regulatory Commission, Energy.

**ACTION:** Notice of proposed rulemaking, notice of staff conference on pipeline capacity auctions.

**SUMMARY:** The staff of the Federal Energy Regulatory Commission is holding a conference to discuss pipeline capacity auctions as contemplated in the Notice of Proposed Rulemaking (NOPR), issued on July 29, 1998. 63 FR 42982 (Aug. 11, 1998). The scope of the conference includes all issues raised by