

# 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.

## GENERAL ACCOUNTING OFFICE

### 4 CFR Part 21

#### General Accounting Office, Administrative Practice and Procedure, Bid Protest Regulations, Government Contracts

**AGENCY:** General Accounting Office.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The General Accounting Office (GAO) is soliciting comments on how its bid protest procedures can be revised in order to facilitate GAO's meeting a new statutory deadline for issuing decisions, while also improving the overall effectiveness of the bid protest process at GAO. GAO is reviewing, and will be revising, its Bid Protest Regulations in light of the requirement in the National Defense Authorization Act for Fiscal Year 1996 that GAO issue bid protest decisions within 100 calendar days from the time a protest is filed at GAO.

**DATES:** Comments must be submitted on or before March 22, 1996.

**ADDRESSES:** Comments should be addressed to: Michael R. Golden, Assistant General Counsel, General Accounting Office, 441 G Street, NW., Washington, DC 20548.

**FOR FURTHER INFORMATION CONTACT:** Michael R. Golden (Assistant General Counsel) or Linda S. Lebowitz (Senior Attorney), 202-512-9732.

**SUPPLEMENTARY INFORMATION:** The National Defense Authorization Act for Fiscal Year 1996, Pub. L. 104-106, which was enacted on February 10, 1996, requires GAO, effective August 8, 1996, to issue bid protest decisions within 100 calendar days from the time a protest is filed at GAO, shortening the current 125-calendar-day requirement. GAO will revise its bid protest regulations to comply with this new deadline. GAO is inviting public participation in the revision process by soliciting comments on how it should revise its regulations both in order to

facilitate meeting the new timeliness requirement and to improve the overall effectiveness of the GAO bid protest process.

On January 31, 1995, GAO published a proposed rule (60 FR 5871) implementing the Federal Acquisition Streamlining Act of 1994 (FASA), Pub. L. 103-355, 108 Stat. 3243, dated October 13, 1994, and reflecting the practice that had evolved at GAO with respect to protective orders and hearings. On August 10, 1995, GAO published a final rule (60 FR 40737).

In comments on the proposed rule, several commenters suggested that GAO revise its timeliness rules to permit the timely filing of a protest 5 calendar days after the new statutorily required debriefing, that is, concurrent with the new requirements for obtaining a stay and independent of the time from which the protester may otherwise have learned of a basis of protest. In adopting the final rule, GAO did not consider this change to its timeliness rules because it believed that the recommendation warranted an opportunity for public comment. GAO invites comments on this recommended change to its timeliness rules in light of the new, shorter statutory period for resolving bid protests and the debriefing requirements contained in FASA and the National Defense Authorization Act for Fiscal Year 1996.

In light of the new, shorter statutory period for resolving bid protests, GAO also invites suggestions addressing the feasibility of promoting the early production of documents in appropriate cases. GAO notes that since October 1995, parties have frequently agreed to early document production, resulting in the expeditious resolution of these protests including dismissals and withdrawals of the protests in whole or in part.

In addition, GAO welcomes the submission of ideas regarding the appropriate length of regulatorily imposed deadlines, including the time periods for filing supplemental protests, comments, and supplemental document requests, as well as suggestions concerning the use of accelerated or alternative procedures to more expeditiously resolve bid protests. GAO anticipates publishing a proposed rule for public comment on or before May 1, 1996.

Comments with respect to this advance notice of proposed rulemaking should reference file number B-259187.2. Comments may be filed by hand delivery or mail at the address in the address line, or comments may be filed by facsimile transmission at 202-512-9749.

Robert P. Murphy,

*General Counsel.*

[FR Doc. 96-3897 Filed 2-20-96; 8:45 am]

BILLING CODE 1610-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-35-AD]

#### Airworthiness Directives; Lockheed Model 382 Series Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Lockheed Model 382 series airplanes, that currently requires a revision to the Airplane Flight Manual to require takeoff operation in accordance with revised performance data. That AD also requires installation of certain valve housings for the propeller governor on the outboard engines. This proposal would revise the applicability of the existing AD to remove certain airplanes. This proposal also would revise references to a certain replacement part number of a valve housing. The actions specified by the proposed AD are intended to ensure that the airplane maintains adequate thrust decay characteristics in the event of critical engine failure during takeoff.

**DATES:** Comments must be received by March 11, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-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.

The service information referenced in the proposed rule may be obtained from Lockheed Aeronautical Systems Support Company (LASSC), Field Support Department, Dept. 693, Zone 0755, 2251 Lake Park Drive, Smyrna, Georgia 30080. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, Campus Building, Suite 2-160, 1701 Columbia Avenue, College Park, Georgia 30337-2748.

**FOR FURTHER INFORMATION CONTACT:** Thomas Peters, Aerospace Engineer, Flight Test Branch, ACE-116A, FAA, Atlanta Aircraft Certification Office, Campus Building, Suite 2-160, 1701 Columbia Avenue, College Park, Georgia 30337-2748; telephone (404) 305-7367; fax (404) 305-7348.

#### **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-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.

96-NM-35-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### **Discussion**

On May 26, 1995, the FAA issued AD 95-12-05, amendment 39-9255 (60 FR 28715, June 2, 1995), applicable to certain Lockheed Model 382 series airplanes, to require a revision to the Airplane Flight Manual to require takeoff operation in accordance with revised performance data. That AD also requires installation of certain valve housings for the propeller governor on the outboard engines. That action was prompted by a report of a change that had been incorporated into the propeller governor of these airplanes during production, which altered the thrust decay characteristic of the propeller when operating in an engine failure scenario. The requirements of that AD are intended to ensure that the airplane maintains adequate thrust decay characteristics in the event of critical engine failure during takeoff.

Since the issuance of that AD, the manufacturer has advised the FAA that servo-type valve housing assemblies having certain part numbers cited in the existing AD were incorrect. Specifically, servo-type valve housing assemblies cited in the applicability as part numbers 714325-2, -5, and -6, are incorrect since they are parts configured specifically for the military; only part numbers 714325-3 and -7 should be cited.

The manufacturer also advised that the replacement servo-type valve housing assembly having part number 714325-1, as cited in paragraph (b) and NOTE 2 of the existing AD, is also a valve housing configured for the military. In addition, part number 714325-1 does not have a particular switch that is necessary to drive the annunciation required by the FAA. The correct replacement part is a valve housing specified by governor assembly control number 577888 on the propeller governors installed on the outboard engines.

Based on this information, the FAA has determined the following:

1. The applicability of the existing AD must be revised to cite only airplanes equipped with servo-type valve housing assemblies having part numbers 714325-3 and -7;
2. The replacement servo-type valve housing assembly (part number 71425-1) cited in the existing AD must be specified as governor assembly control number 577888; and
3. The servo-type valve housing assembly part numbers referenced in NOTE 2 of the existing AD must be

revised to cite only part numbers 714325-3 and -7.

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 supersede AD 95-12-05 to continue to require the previous revision to the Airplane Flight Manual to require takeoff operation in accordance with revised performance data. The proposed AD would also continue to require the installation of certain valve housings for the propeller governor on the outboard engines. The revisions to this proposed AD are specified as Items 1, 2, and 3, above.

Additionally, the compliance time for the installation of the valve housings has been revised to 12 months after the effective date of the final rule for this new AD. (In AD 95-12-05, the compliance time for this installation was 24 months.) This revision will ensure that the date of compliance with this installation requirement will fall at approximately the same time that compliance was required by the existing AD. As indicated in the existing AD, this time represents what the FAA considers the maximum interval of time allowable for the affected airplanes to continue to operate prior to accomplishing the required installation without compromising safety. This compliance time interval also will allow the installation to be accomplished during the time of a regularly scheduled maintenance for most affected operators.

There are approximately 112 Model 382, 382E, and 382G series airplanes of the affected design in the worldwide fleet. The FAA estimates that 18 airplanes of U.S. registry would be affected by this proposed AD.

The actions that are currently required by AD 95-12-05 take approximately 8 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$90,000 per airplane. Based on these figures, the cost impact on U.S. operators of the actions currently required is estimated to be \$1,628,640, or \$90,480 per airplane. Since this proposed AD only revises certain information and part numbers, it would add no new costs to the affected operators.

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. However, the FAA has been advised that the only U.S. operator of the affected Lockheed Model

382 series airplanes has already equipped half of its fleet (9 airplanes) with the valve housing assembly that will be required by this proposed rule. Therefore, the future economic cost of this proposed rule on U.S. operators is now only \$814,320.

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 removing amendment 39-9255 (60 FR 28715, June 2, 1995), and by adding a new airworthiness directive (AD), to read as follows:

Lockheed: Docket 96-NM-35-AD.

Supersedes AD 95-12-05, Amendment 39-9255.

*Applicability:* Model 382, 382E, and 382G series airplanes; equipped with a servo-type valve housing assembly having part number

714325-3 or -7 installed on any outboard engine; 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 (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 ensure that the airplane maintains adequate thrust decay characteristics in the event of critical engine failure during takeoff, accomplish the following:

(a) Within 60 days after August 10, 1994 (the effective date of AD 94-14-09, amendment 39-8961), revise the Limitations and Performance Data Sections of the FAA-approved Airplane Flight Manual (AFM) to include information specified in Lockheed Airplane Flight Manual Supplement 382-16, dated August 11, 1993, and operate the airplane accordingly thereafter. The requirements of this paragraph may be accomplished by inserting AFM Supplement 382-16 into the AFM.

(b) Within 12 months after the effective date of this AD, replace the servo-type valve housing assemblies having part number 714325-3 or -7 with a governor assembly control number 577888 on the propeller governors installed on the outboard engines, in accordance with Lockheed Document SMP-515C, Card No. CO-135. Replacement of these assemblies with governor assembly control numbers 577888, constitutes terminating action for the requirements of paragraph (a) of this AD; once the replacement is accomplished, the AFM revision may be removed.

Note 2: Propeller governors with servo-type valve housing assemblies having part number 714325-3 or -7 may be retained or replaced with a governor assembly control number 577888 for use on the inboard engine positions.

(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, Atlanta Aircraft Certification Office (ACO), FAA, Small 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, Atlanta ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta 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 14, 1996.

Darrell M. Pederson,

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

[FR Doc. 96-3833 Filed 2-20-96; 8:45 am]

BILLING CODE 4910-13-U

#### **14 CFR Part 39**

[Docket No. 95-NM-191-AD]

#### **Airworthiness Directives; McDonnell Douglas Model MD-11 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 McDonnell Douglas Model MD-11 series airplanes. This proposal would require inspections to detect damage of the sidewall vent box diaphragms, and repair, if necessary. This proposal also would require eventual installation of stops on the vent box diaphragm, which would terminate the inspection requirements of the proposed AD. This proposal is prompted by reports of damage to sidewall vent box diaphragms, which can result in non-functional diaphragms during a rapid decompression. The actions specified by the proposed AD are intended to prevent buckling of the floor beams due to insufficient air flow of the cabin sidewall vent box diaphragms during rapid decompression, and subsequent reduction in the controllability of the airplane.

**DATES:** Comments must be received by April 1, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-191-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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). This information may be examined at the