

(4)(i) The requirements of the annual supervisory committee audit may be satisfied by one or more of the following:

(A) An audit of the credit union's financial statements performed by an independent, licensed, certified public accountant in accordance with GAAS;

(B) An "agreed-upon procedures engagement" performed by an independent, licensed, certified public accountant in accordance with applicable GAAS, which by itself or in combination with procedures performed by the supervisory committee, fulfills the required scope of the supervisory committee audit;

(C) A supervisory committee audit performed by an independent, compensated auditor other than an independent, licensed, certified public accountant in accordance with applicable GAAS, which by itself or in combination with procedures performed by the supervisory committee, fulfills the scope of a supervisory committee audit; or

(D) A supervisory committee audit by the supervisory committee or its designated, uncompensated representative, performed in accordance with applicable GAAS.

(i) In all cases, an independent, compensated auditor is required to contract directly with the supervisory committee for the audit engagement and to deliver its written reports directly to the supervisory committee.

(d) *Engagement letter.* (1) The engagement of a compensated auditor to perform all or part of the scope of a supervisory committee audit shall be evidenced by an engagement letter. The engagement letter shall be signed by the compensated auditor and acknowledged therein by the supervisory committee prior to commencement of a supervisory committee audit. The engagement letter shall:

(i) Specify the terms, conditions, and objectives of engagement;

(ii) Identify the basis of accounting to be used, e.g., GAAP or an "other comprehensive basis" as defined in paragraph (a)(11) of this section;

(iii) Include an appendix setting forth the procedures to be performed (if not an opinion audit);

(iv) Specify the compensation to be paid for audit;

(v) Provide that the auditor shall, upon completion of the engagement, deliver to the supervisory committee written reports. All such reports may be based on work performed during the normal course of the audit; separate engagements are not required to report on the credit union's system of internal accounting control or its compliance

with laws and regulations. The written reports shall consist of:

(A) The supervisory committee audit;

(B) Any internal control exceptions or reportable conditions noted in the internal control review phase of the audit; and

(C) Any irregularities or illegal acts noted during the audit;

(vi) Specify a date of delivery of the written reports required by paragraph (d)(1)(v) of this section; and

(vii) In the case of a compensated auditor, certify that NCUA staff or its designated representative will be provided unconditional access to a complete set of original working papers, as defined in paragraph (a)(17) of this section, either at the credit union or at a mutually agreeable location.

(2) In the case of a supervisory committee audit engagement which will address all of the financial statement elements and attributes prescribed in paragraph (c)(2) of this section, the engagement letter shall, in addition to the requirements of paragraph (d)(1) of this section, include a certification that the audit is a complete supervisory committee audit.

(3)(i) In the case of a supervisory committee audit engagement which will exclude any financial statement elements and attributes prescribed in paragraph (c)(2) of this section, the engagement letter shall, in addition to requirements of paragraph (d)(1) of this section:

(A) Specifically identify the elements and attributes excluded from the audit;

(B) State that, because of the exclusion(s), the resulting audit will not, in and of itself, fulfill the scope of a supervisory committee audit; and

(C) Caution that the supervisory committee will remain responsible for fulfilling the scope of a supervisory committee audit with respect to the excluded elements and attributes.

(ii) A compensated audit fully satisfies the requirements of a supervisory committee audit when it meets the requirements of paragraphs (b) and (c)(1) of this section and addresses all of the financial statement elements and attributes prescribed in paragraphs (c)(2) and (c)(3) of this section.

(e) *Audit reports and working paper access.* (1) Upon completion or receipt of the supervisory committee audit reports prescribed in paragraph (d)(1)(v) of this section, the supervisory committee shall provide the reports to the board of directors. The supervisory committee shall ensure that the compensated auditor and its reports comply with the terms of the engagement letter prescribed by

paragraph (d) of this section. The supervisory committee shall, upon request, provide to the National Credit Union Administration a copy of each of the written reports received from the auditor.

(2) The supervisory committee shall be responsible for preparing and maintaining, or making available, a complete set of original working papers (as defined in paragraph (a)(17) of this section) supporting each supervisory committee audit. The supervisory committee shall, upon request, provide NCUA staff unconditional access to such complete set of original working papers either at the offices of the credit union or at a mutually agreeable location.

(3) Failure of a supervisory committee and/or its compensated auditor to comply with the requirements of this section, or the terms of an engagement letter required by this section, may be grounds for:

(i) The Regional Director to reject the supervisory committee audit; and

(ii) The NCUA to seek formal administrative sanctions against the supervisory committee and/or its compensated auditor pursuant to section 206(r) of the FCU Act, 12 U.S.C. 1786(r).

* * * * *

§ 701.13 [Amended]

3. Section 701.13 is amended in paragraph (a)(2) by revising "§ 701.12(e)" to read "§ 701.12(g)".

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-120-AD]

Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes and Model MD-11F (Freighter) 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 Model DC-10 series airplanes and MD-11F airplanes. Among other things, this proposal would require repetitive leak checks of the lavatory drain system and repair, if necessary; would provide for

the option of revising the FAA-approved maintenance program to include a schedule of leak checks; and would require the installation of a cap on the flush/fill line. This proposal is prompted by continuing reports of damage to engines and airframes, separation of engines from airplanes, and damage to property on the ground, caused by "blue ice" that forms from leaking lavatory drain systems on transport category airplanes and subsequently dislodges from the airplane fuselage. The actions specified by this proposed AD are intended to prevent such damage associated with the problems of "blue ice."

DATES: Comments must be received by January 30, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-120-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Walter Eierman, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5336; fax (310) 627-5210.

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 95-NM-120-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. 95-NM-120-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

Over the past ten years, the FAA has received numerous reports of leakage from the lavatory service systems on in-service transport category airplanes that resulted in the formation of "blue ice" on the fuselage. In some instances, the "blue ice" subsequently dislodged from the fuselage and was ingested in to an engine. In several of these incidents, the ingestion of "blue ice" into an engine resulted in the loss of an engine fan blade, severe engine damage, and the in-flight shutdown of the engine. In two cases, the loads created by the "blue ice" being ingested into the engine resulted in the engine being physically torn from the airplane. Damage to an engine, or the separation of an engine from the airplane, could result in reduced controllability of the airplane.

The FAA also has received reports of at least three incidents of damage to the airframe caused by foreign objects from the forward toilet drain valve and flush/fill line on transport category airplanes. One report was of a dent on the right horizontal stabilizer leading edge on a Model 737 series airplane that was caused by "blue ice" that had formed from leakage through a flush/fill line; in this case, the flush/fill cap was missing from the line at the forward service panel. Numerous operators have stated that leakage from the flush/fill line is a significant source of problems associated with "blue ice." Such

damage caused by blue ice could adversely affect the integrity of the fuselage skin or surface structures.

Additionally, there have been numerous reports of "blue ice" dislodging from airplanes and striking houses, cars, buildings, and other occupied areas on the ground. Although there have been no reports of any person being struck by "blue ice," the FAA considers that the large number of reported cases of "blue ice" falling from lavatory drain system is sufficient to support the conclusion that "blue ice" presents an unsafe condition to people on the ground. Demographic studies have shown that population density has increased around airports, and probably will continue to increase. These are populations that are at greatest risk of damage and injury due to "blue ice" dislodging from an airplane during descent. Without actions to ensure that leaks from the lavatory drain systems are detected and corrected in a timely manner, "blue ice" incidents could go unchecked and eventually someone may be struck, perhaps fatally, by falling "blue ice."

Current Rules

In response to these incidents, the FAA has issued several AD's applicable to various transport category airplanes:

1. *AD 86-05-07, Amendment 39-5250 (51 FR 7767, March 6, 1986):* Issued on February 26, 1986, this AD required periodic leak checks of all Model 727 aircraft forward lavatory drain systems (both dump valve and drain valve) at intervals not to exceed 15 months, and corrective action, if necessary.

2. *AD 94-23-10, Amendment 39-9073 (59 FR 59124, November 16, 1994):* Issued on November 9, 1994, this AD supersedes AD 86-05-07. It continues to require various leak checks of Boeing Model 727 series airplanes, but adds requirements for leak checks of other lavatory drain systems; provides for the option of revising the FAA-approved maintenance program to include a schedule of leak checks; requires the installation of a cap on the flush/fill line; and requires either a periodic leak check of the flush/fill line cap or replacement of the seals on both that cap and the toilet tank anti-siphon (check) valve.

3. *AD 89-11-03, Amendment 39-6223 (54 FR 21933, May 22, 1989):* Issued on May 9, 1989, this AD is applicable to certain Boeing Model 737-300 and -400 airplanes. It requires repetitive leak checks of the forward lavatory service system at intervals of 200 hours time-in-service, and repair, if necessary. That AD also provided operators with an optional action in lieu of performing

these periodic checks, which entails draining the system, locking the lavatory, and placarding the lavatory inoperative.

4. The FAA is planning to amend AD 89-11-03 to make it applicable to all Model 737 series airplanes, and to require additional inspections and other actions similar to those of AD 94-23-10.

5. The FAA is currently considering additional rulemaking to address the problems associated with "blue ice" on various other transport category airplanes, including those manufactured by Airbus, British Aerospace, Fokker, and Lockheed.

Discussion of the 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 FAA is proposing an AD would require the following actions:

Paragraph (a) of the proposed AD would require repetitive leak checks of the lavatory dump valve and drain valve (either service panel or in-line drain valve). The intervals for performing these leak checks would vary from 200 flight hours to 1,000 flight hours, depending upon what type of valve is installed at each location. The leak check of panel valves would be required to be performed with a minimum of 3 PSID applied across the valve. If any leak is discovered during the leak checks, operators would be required either to repair the leak and retest it, or drain the lavatory system and placard it inoperative until repairs can be made.

In cases where the panel valve has an inner seal, in lieu of pressure testing, operators are provided with the option of performing a visual inspection for damage or wear of the outer cap seal and seal surface. Any damaged parts detected would be required to be repaired or replaced prior to further flight, or the lavatory drained and placarded inoperative until repairs can be made.

Additionally, the flush/fill line cap would be required to be leak checked. In lieu of this particular check, operators may elect to replace the seals on the toilet tank anti-siphon (check) valve and flush/fill line cap.

Paragraph (b) of this proposed AD would provide an optional procedure for complying with the rule, which would entail revising the FAA-approved maintenance program to incorporate a schedule to conduct leak checks of the lavatory drain systems. The maintenance program change would also require that procedures be provided for accomplishing the visual inspections to detect leakage, for reporting leakage. Additionally, a training program must

be provided to maintenance and servicing personnel, which would include information on "blue ice" awareness and the hazards of "blue ice."

Operators electing to comply with this option would be required to obtain approval from the Manager of the FAA's Los Angeles Aircraft Certification Office (ACO) for any revision to the leak check intervals. Requests for such revisions would be required to be accompanied by certain data when submitted to the ACO [through the appropriate FAA Principal Maintenance Inspector (PMI)] for approval. In paragraph (c) of the proposed rule, the FAA proposes a "data collection format" for these requests. Data submitted in accordance with the proposed format, if favorable to an increase in the leak check interval, will allow the FAA to justify increasing the leak check interval with assurance that the valves involved have the required reliability. The data provided also will be important in assisting the FAA in making future determinations of appropriate leak check intervals for new valves that have shown promising, but not conclusive, service data.

Paragraph (d) of the proposed AD also would require that all operators install a lever/lock cap on the flush/fill lines for all service panels. The cap must be either an FAA-approved cap or one installed in accordance with McDonnell Douglas Service Bulletin 38-65 or 38-39.

Paragraph (e) of the proposed AD would require that, before an operator places an airplane subject to the AD into service, the operator must establish a schedule for accomplishment of the subject leak checks. This provision is intended to ensure that transferred airplanes are inspected in accordance with the AD on the same basis as if there were continuity in ownership, and that scheduling of the leak checks for each airplane is not delayed or postponed due to a transfer of ownership.

Airplanes that have previously been subject to the AD would have to be checked in accordance with either the previous operator's or the new operator's schedule, whichever would result in the earlier accomplishment date for that leak check. Other airplanes would have to be inspected before an operator could begin operating them or in accordance with a schedule approved by the FAA PMI, but within a period not exceeding 200 flight hours.

Economic Impact

There are approximately 435 Model DC-10 series airplanes and Model MD-11F airplanes of the affected design in the worldwide fleet. The FAA estimates

that 285 airplanes of U.S. registry, and 18 U.S. operators, would be affected by this proposed AD.

For airplanes in the passenger configuration, the estimated costs associated with the requirements of this proposed AD would be as follows:

1. *Leak checks.* It would take approximately 4 work hours per airplane lavatory drain to accomplish each leak check, at an average labor cost of \$60 per work hour. There normally are two drains per airplane. Depending upon the type of valve installed and the flight utilization rate of the airplane, airplanes could be required to be inspected as few as 3 times per year or as many as 15 times per year. Based on these figures, the total cost impact of the proposed leak check requirement on U.S. operators would be between \$1,440 and \$7,200 per airplane per year.

2. *Inspections.* Should an operator elect to perform the inspection of the service panel drain valve cap/door seal and seal mating surface, the inspection would take approximately 2 work hours to accomplish, at an average labor cost of \$60 per work hour. Depending upon the type of valves installed and the flight utilization rate of the airplane, airplanes could be required to be inspected as few as 3 times per year or as many as 15 times per year. Based on these figures, the total cost impact of the proposed inspection requirement on U.S. operators would be between \$360 and \$1,800 per airplane per year.

3. *Installation of cap on flush/fill line.* The proposed installation would take approximately 2 work hours to accomplish, at an average labor cost of \$60 per work hour. The cost of required parts is estimated to be \$275 per airplane. There are 8 flush/fill lines per airplane. There currently are 175 passenger-configured airplanes of U.S. registry that would be subject to this requirement. Based on these figures, the total cost impact of the proposed installation requirement on U.S. operators would be \$553,000, or \$3,160 per airplane.

For airplanes in the freighter configuration, the estimated costs associated with the requirements of this proposed AD would be as follows:

1. *Leak checks.* It would take approximately 4 work hours per airplane lavatory drain to accomplish each leak check, at an average labor cost of \$60 per work hour. There normally is one per airplane. Depending upon the type of valve installed and the flight utilization rate of the airplane, airplanes could be required to be inspected as few as 3 times per year or as many as 15 times per year. Based on these figures, the total cost impact of the proposed

leak check requirement on U.S. operators would be between \$720 and \$3,600 per airplane per year.

2. *Inspections.* Should an operator elect to perform the inspection of the service panel drain valve cap/door seal and seal mating surface, the inspection would take approximately 1 work hour to accomplish, at an average labor cost of \$60 per work hour. Depending upon the type of valves installed and the flight utilization rate of the airplane, airplanes could be required to be inspected as few as 3 times per year or as many as 15 times per year. Based on these figures, the total cost impact of the proposed inspection requirement on U.S. operators would be between \$180 and \$900 per airplane per year.

3. *Installation of cap on flush/fill line.* The proposed installation would take approximately 2 work hours to accomplish, at an average labor cost of \$60 per work hour. The cost of required parts is estimated to be \$275 per airplane. There is 1 flush/fill line per airplane. There currently are 110 freighter-configured airplanes of U.S. registry that would be subject to this requirement. Based on these figures, the total cost impact of the proposed installation requirement on U.S. operators would be \$43,450, or \$395 per airplane.

The number of required work hours, as indicated above, is presented as if the accomplishment of the actions proposed in this AD were to be conducted as "stand alone" actions. However, in actual practice, these actions could be accomplished coincidentally or in combination with normally scheduled airplane inspections and other maintenance program tasks. Therefore, the actual number of necessary "additional" work hours would be minimal in many instances. Additionally, any costs associated with special airplane scheduling should be minimal.

In addition to the costs discussed above, for those operators who elect to comply with proposed paragraph (b) of this AD action, the FAA estimates that it would take approximately 40 work hours per operator to incorporate the lavatory drain system leak check procedures into the maintenance programs, at an average labor cost of \$60 per work hour. Based on these figures, the total cost impact of the proposed maintenance revision requirement of this AD on the 18 affected U.S. operators is estimated to be \$43,200, or \$2,400 per operator.

The "total cost impact" figures discussed above are 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.

The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent operators would accomplish the required actions even if they were not required to do so by the AD.

A full cost-benefit analysis has not been accomplished for this proposed AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this AD, makes a finding of an unsafe condition, this means that the original cost-beneficial level of safety is no longer being achieved and that the required actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this AD would be redundant and unnecessary.

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), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 95-NM-120-AD.

Applicability: All Model DC-10 series airplanes and Model MD-11F 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 use the authority provided in paragraph (f) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless previously accomplished.

To prevent engine damage, airframe damage, and/or hazard to persons or property on the ground as a result of "blue ice" that has formed from leakage of the lavatory drain system and dislodged from the airplane, accomplish the following:

Note 2: The toilet dump valve leak checks required by this AD may be performed by filling the toilet tank with water/rinsing fluid

to a level such that the bowl is approximately half full (at least 2 inches above the flapper in the bowl) and checking for leakage after a period of 5 minutes.

(a) Except as provided in paragraph (b) of this AD, accomplish the applicable procedures specified in paragraphs (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5) of this AD. If the individual waste drain system panel incorporates more than one type of valve, the inspection interval that applies to that panel is determined by the component with the longest inspection interval allowed. Each of the components must be inspected or tested at that time at each service panel location.

(1) For each lavatory drain system that has a service panel drain valve installed, Kaiser Electroprecision part number series 0218-0032; or Shaw Aero Devices part number 1010100C-N (or higher dash number); or Shaw Aero Devices part number 1010100B-A-1, serial numbers 0115 through 0121, 0146 through 0164, and -0180 and higher; or Pneudraulics part number series 9527: Within 1,000 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 1,000 flight hours, accomplish the following procedures:

(i) Conduct a leak check of the dump valve and drain valve. The service panel drain valve leak check must be performed with a minimum of 3 PSID applied across the valve. Both the inner door/closure device and the outer cap/door must be leak checked.

(ii) For service panel valves that have an inner seal: In lieu of pressure testing, the outer cap seal and seal surface may be visually inspected for damage or wear. Any damaged parts must be replaced or repaired prior to further flight, or the affected lavatory(s) must be drained and placarded inoperative until repairs can be accomplished.

(2) For each lavatory drain system that has a service panel drain valve installed, Kaiser Electroprecision part number series 0218-0026, or Shaw Aero Devices part number series 1010100C (except as called out in paragraph (a)(1) above), or Shaw Aero Devices part number 1010100B (except as called out in paragraph (a)(1) above): Within 600 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 600 flight hours, accomplish the following procedures:

(i) Conduct a leak check of the dump valve and the service panel drain valve. The service panel drain valve leak check must be performed with a minimum 3 PSID applied across the valve. Both the inner door/closure device and the outer cap/door must be leak checked.

(ii) For service panel valves that have an inner seal: In lieu of pressure testing, the outer cap seal and seal surface may be visually inspected for damage or wear. Any damaged parts must be replaced or repaired prior to further flight, or the affected lavatory(s) must be drained and placarded inoperative until repairs can be accomplished.

(3) For each lavatory drain system not addressed in paragraph (a)(1) or (a)(2) of this AD: Within 200 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 200 flight hours, accomplish the following procedures:

(i) Conduct a leak check of the dump valve and the service panel drain valve. The service panel drain valve leak check must be performed with a minimum 3 PSID applied across the valve. If the service panel drain valve has an inner door with a second positive seal, both the inner door and the outer cap/door must be leak checked.

(ii) For service panel valves that have an inner seal: In lieu of pressure testing, the outer cap seal and seal surface may be visually inspected for damage or wear. Any damaged parts must be replaced or repaired prior to further flight, or the affected lavatory(s) must be drained and placarded inoperative until repairs can be accomplished.

(4) For flush/fill lines: Within 5,000 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 5,000 flight hours, accomplish either of the procedures specified in paragraph (a)(4)(i) or (a)(4)(ii) of this AD:

(i) Conduct a leak check of the flush/fill line cap. This leak check must be made with a minimum of 3 PSID applied across the cap. Or

(ii) Replace the seals on the toilet tank anti-siphon (check) valve and the flush/fill line cap. Additionally, perform a leak check of the toilet tank anti-siphon (check) valve with a minimum of 3 PSID across the valve.

Note 3: The Inspection/Check procedure specified in DC-10 Maintenance Manual, chapter 38-30-00, pages 601 and 602, dated June 1, 1993, may be referred to as guidance for the procedures required by this paragraph.

(5) If a leak is discovered during any leak check required by paragraph (a) of this AD, prior to further flight, accomplish either of the procedures specified in paragraph (a)(5)(i) or (a)(5)(ii) of this AD:

(i) Repair the leak and retest. Or

(ii) Drain the affected lavatory system and placard the lavatory inoperative until repairs can be accomplished.

(b) As an alternative to the requirements of paragraph (a) of this AD: Within 180 days after the effective date of this AD, revise the FAA-approved maintenance program to include the requirements specified in paragraphs (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), and (b)(6) of this AD.

(1) For each lavatory drain system: Within 5,000 flight hours after revision of the maintenance program in accordance with paragraph (b) of this AD, and thereafter at intervals not to exceed 18 months, replace the valve seals. Any revision to this replacement schedule must be approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(2) Conduct periodic leak checks of the lavatory drain systems in accordance with the applicable schedule specified in paragraphs (b)(2)(i), (b)(2)(ii), and (b)(2)(iii) of this AD. If the individual waste drain system panel incorporates more than one type of valve, the inspection interval that applies to that panel is determined by the component with the longest inspection interval allowed. Each of the components must be inspected/tested at that time at each service panel location. Any revision to the leak check

schedule must be approved by the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate.

(i) For each lavatory drain system that has a service panel drain valve installed, Kaiser Electroprecision part number series 0218-0032, or Kaiser Electroprecision part number series 0218-0026, or Shaw Aero Devices part number series 1010100C, or Shaw Aero Devices part number series 1010100B, or Pneudraulics part number series 9527: Within 1,000 flight hours after revising the maintenance program in accordance with paragraph (b) of this AD, and thereafter at intervals not to exceed 1,000 flight hours, accomplish both of the following procedures:

(A) Conduct leak checks of the dump valve and service panel drain valve. The service panel drain valve leak check must be performed with a minimum of 3 PSID applied across the valve. Only the inner door/closure device of the service panel drain valve must be leak checked. And

(B) Visually inspect the service panel drain valve outer cap/door seal and seal mating surface for wear or damage that may cause leakage. Any worn or damaged seal must be replaced, and any damaged seal mating surface must be repaired or replaced, prior to further flight, in accordance with the valve manufacturer's maintenance manual.

(ii) For each lavatory drain system with a lavatory drain system valve that either incorporates "donut" assemblies (or substitute assemblies from another manufacturer) Kaiser Electroprecision part number 4259-20 or 4259-31, or incorporates Kaiser Roylyn part number 2651-231 or 2651-259: Within 200 flight hours after revising the maintenance program in accordance with paragraph (b) of this AD, and thereafter at intervals not to exceed 200 flight hours, accomplish either one of the following procedures:

(A) Conduct leak checks of the dump valve and the service panel drain valve. The service panel drain valve leak check must be performed with a minimum 3 PSID applied across the valve. Both the donut and the outer cap/door must be leak checked.

(B) For service panel valves that have an inner seal: In lieu of pressure testing, visually inspect the outer cap seal and seal surface for damage or wear. Any damaged parts must be replaced or repaired prior to further flight, or the affected lavatory(s) must be drained and placarded inoperative until repairs can be accomplished.

(iii) For each lavatory drain system that incorporates any other type of approved valves: Within 400 flight hours after revising the maintenance program in accordance with paragraph (b) of this AD, and thereafter at intervals not to exceed 400 flight hours accomplish both of the following procedures:

(A) Conduct leak checks of the dump valve and the service panel drain valve. The service panel drain valve leak check must be performed with a minimum 3 PSID applied across the valve. If the service panel drain valve has an inner door/closure device with a second positive seal, only the inner door must be leak checked. And

(B) If the valve has an inner door/closure device with a second positive seal: Visually inspect the service panel drain valve outer

door/cap seal and seal mating surface for wear or damage that may cause leakage. Any worn or damaged seal must be replaced and any damaged seal mating surface must be repaired or replaced, prior to further flight, in accordance with the valve manufacturer's maintenance manual.

(3) For flush/fill lines: Within 5,000 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 5,000 flight hours, accomplish either of the following procedures:

(i) Conduct a leak check of the flush/fill line cap. This leak check must be made with a minimum of 3 PSID applied across the cap. Or

(ii) Replace the seals on the toilet tank anti-siphon (check) valve and the flush/fill line cap. Additionally, perform a leak check of the toilet tank anti-siphon (check) valve with a minimum of 3 PSID across the valve.

Note 4: The Inspection/Check procedure specified in DC-10 Maintenance Manual, chapter 38-30-00, pages 601 and 602, dated June 1, 1993, may be referred to as guidance for the procedures required by this paragraph.

(4) Provide procedures for accomplishing visual inspections to detect leakage, to be conducted by maintenance personnel at intervals not to exceed 4 calendar days or 45 flight hours, whichever ever occurs later.

(5) Provide procedures for reporting leakage. These procedures shall provide that any "horizontal blue streak" findings must be reported to maintenance and that, prior to further flight, the leaking system shall either be repaired, or be drained and placarded inoperative.

(6) Provide training programs for maintenance and servicing personnel that include information on "Blue Ice Awareness" and the hazards of "blue ice."

(c) For operators who elect to comply with paragraph (b) of this AD: Any revision to (i.e., extension of) the leak check intervals required by paragraph (b) of this AD must be approved by the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate. Requests for such revisions must be submitted to the Manager of the Los Angeles ACO through the FAA Principal Maintenance Inspector (PMI), and must include the following information:

- (1) The operator's name;
- (2) A statement verifying that all known cases/indications of leakage or failed leak tests are included in the submitted material;
- (3) The type of valve (make, model, manufacturer, vendor part number, and serial number);
- (4) The period of time covered by the data;
- (5) The current FAA leak check interval;
- (6) Whether or not seals have been replaced between the seal replacement intervals required by this AD;

(7) Whether or not leakage has been detected between leak check intervals required by this AD, and the reason for leakage (i.e., worn seals, foreign materials on sealing surface, scratched or damaged sealing surface or valve, etc.);

(8) Whether or not any leak check was conducted without first inspecting or cleaning the sealing surfaces, changing the seals, or repairing the valve. [If such

activities have been accomplished prior to conducting the periodic leak check, that leak check shall be recorded as a "failure" for purposes of the data required for this request submission. The exception to this is the normally scheduled seal change in accordance with paragraph (b)(1) of this AD. Performing this scheduled seal change prior to a leak check will not cause that leak check to be recorded as a failure.]

Note 5: Requests for approval of revised leak check intervals may be submitted in any format, provided that the data give the same level of assurance specified in paragraph (c) of this AD.

Note 6: For the purposes of expediting resolution of requests for revisions to the leak check intervals, the FAA suggests that the requester summarize the raw data; group the data gathered from different airplanes (of the same model) and drain systems with the same kind of valve; and provide a recommendation from pertinent industry group(s) and/or the manufacturer specifying an appropriate revised leak check interval.

(d) For all airplanes: Within 5,000 flight hours after the effective date of this AD, install a lever/lock cap on the flush/fill lines for all lavatory service panels. The cap must be either an FAA-approved lever/lock cap; or a lever/lock cap installed in accordance with McDonnell Douglas Service Bulletin 38-65 (for Model DC-10 series airplanes) or Service Bulletin 38-39 [for Model MD-11F series airplanes (freighter)], as applicable.

(e) For any affected airplane acquired after the effective date of this AD: Before any operator places into service any airplane subject to the requirements of this AD, a schedule for the accomplishment of the leak checks required by this AD shall be established in accordance with either paragraph (e)(1) or (e)(2) of this AD, as applicable. After each leak check has been performed once, each subsequent leak check must be performed in accordance with the new operator's schedule, in accordance with either paragraph (a) or (b) of this AD as applicable.

(1) For airplanes previously maintained in accordance with this AD, the first leak check to be performed by the new operator must be accomplished in accordance with the previous operator's schedule or with the new operator's schedule, whichever would result in the earlier accomplishment date for that leak check.

(2) For airplanes that have not been previously maintained in accordance with this AD, the first leak check to be performed by the new operator must be accomplished prior to further flight, or in accordance with a schedule approved by the FAA PMI, but within a period not to exceed 200 flight hours.

(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, Los Angeles ACO, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA PMI, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 7: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Note 8: For any valve that is not eligible for the extended leak check intervals of this AD: To be eligible for the leak check interval specified in paragraphs (a)(1) and (b)(2)(i), the service history data of the valve must be submitted to the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate, with a request for an alternative method of compliance with this AD. The request should include an analysis of known failure modes for the valve, if it is an existing design, and known failure modes of similar valves. Additionally, the request should include an explanation of how design features will preclude these failure modes, results of qualification tests, and approximately 25,000 flight hours or 25,000 flight cycles of service history data, including a winter season, collected in accordance with the requirements of paragraph (c) of this AD or a similar program.

(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.

Issued in Renton, Washington, on October 26, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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14 CFR Part 39

[Docket No. 95-NM-111-AD]

Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 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 Boeing Model 737-300 and -400 series airplanes, that currently requires either repetitive leak checks on the forward lavatory service system and repair as necessary, or draining of the system and placarding the lavatory inoperative. This action would expand the applicability of the rule to include all Model 737 series airplanes. It would also add a requirement to perform leak checks of other lavatory drain systems; provide for the option of revising the FAA-approved maintenance program to include a schedule of leak checks; require the installation of a cap or vacuum break on the flush/fill line; and require either a periodic replacement of the seal for the cap and tank anti-siphon valve or periodic maintenance of the