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. 96–NM–31–AD]

Airworthiness Directives; Boeing Model 727 and Model 737 Series Airplanes Equipped With J.C. Carter Company Fuel Valve Actuators

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 Boeing Model 727 and Model 737 series airplanes. This proposal would require replacement of the actuator of the engine fuel shutoff valve and the fuel system crossfeed valve with an improved actuator. This proposal is prompted by a report indicating that, during laboratory tests, the actuator clutch on the engine shutoff and crossfeed valves slipped at cold temperatures due to improper functioning. The actions specified by the proposed AD are intended to prevent improper functioning of these actuators, which could result in a fuel imbalance due to the inability of the flightcrew to crossfeed fuel; improperly functioning actuators could also prevent the pilot from shutting off the fuel to the engine following an engine failure and/or fire.

DATES: Comments must be received by May 6, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–31–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 J.C. Carter Company Inc., Aerospace Components and Repair Service, 673 W. 17th Street, Costa Mesa, California 92627–3605. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Stephen S. Bray, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2681; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–31–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–31–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On July 7, 1995, the FAA issued AD 95–15–06, amendment 39–9309 (60 FR 37811, July 24, 1995), applicable to certain Boeing Model 727 and Model 737 series airplanes, to require replacement of the actuator of the engine fuel shutoff valve and the fuel system crossfeed valve with an improved actuator. That action was prompted by reports indicating that, during laboratory tests on Model 737 series airplanes, the actuator clutch on the engine shutoff and crossfeed valves slipped at cold temperatures due to improper functioning. The requirements of that AD are intended to prevent improper functioning of these actuators, which could result in a fuel imbalance due to the inability of the flightcrew to crossfeed fuel; improperly functioning actuators could also prevent the pilot from shutting off the fuel to the engine following an engine failure and/or fire.

Since issuance of that AD, the FAA has received a report indicating that an additional fuel valve actuator having part number (P/N) 40574–5 (Kearfott Model 3715–9) installed on certain Model 727 and Model 737 series airplanes is also subject to the same failure. Therefore, the FAA has determined that this additional actuator is subject to the same unsafe condition addressed in AD 95–15–06.

The FAA has reviewed and approved J.C. Carter Company Service Bulletin 61163–28–09, dated September 28, 1995. The service bulletin describes procedures for replacement of actuators having P/N 40574–5 (Kearfott Model 3715–9) and P/N 40574–2 (Kearfott Model 3715–7 and 3715–8) on the fuel system crossfeed valve and the engine shutoff valves. These actuators are replaced with new actuators having P/N 40574–4; or with actuators having P/N 40574–2 (Kearfott Model 3715–7) with nameplates indicating that they were manufactured by General Design, Midland Ross, Janitrol Aero Division, or FL Aerospace/General Design (except FL Aerospace/General Design serial numbers 0001 through 0200, inclusive).

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require replacement of the actuator having P/N 40574–5 (Kearfott Model 3715–9) on the fuel system crossfeed valve and the engine shutoff valves

either with a new actuator having P/N 40574–4, or with an actuator having P/N 40574–2 and an appropriate nameplate. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Operators should note that, although the service bulletin specifies replacement of actuators having P/N 40574–5 (Kearfott Model 3715–9) and P/N 40574–2 (Kearfott Model 3715–7 and 3715–8), this proposed AD would require replacement of only P/N 40574–5. Actuators having P/N 40574–2 currently are required to be replaced in accordance with AD 95–15–06.

[Note: The FAA's normal policy is that when an AD requires a substantive change, such as a change (expansion) in its applicability, the ''old'' AD is superseded by removing it from the system and a new AD is added. In the case of this AD action, the FAA normally would have proposed superseding AD 95–15–06 to expand its applicability to include the J.C. Carter Company fuel valve actuator having P/N 40574–5 as an additional affected actuator. However, in reconsideration of the entire fleet size that would be affected by a supersedure action, and the consequent workload associated with revising maintenance record entries, the FAA has determined that a less burdensome approach is to issue a separate AD applicable only to the additional actuator. This AD does not supersede AD 95–15–06; airplanes listed in the applicability of AD 95–15–06 are required to continue to comply with the requirements of that AD. This proposed AD is a separate AD action, and is applicable only to airplanes equipped with J.C. Carter Company fuel valve actuator having P/N 40574–5.]

There are approximately 4,137 Boeing Model 727 and Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 2,190 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be supplied by J.C. Carter Company at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $394,200, or $180 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.

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:

Boeing: Docket 96–NM–31–AD.

Applicability: All Model 727 and Model 737 series airplanes; equipped with J.C. Carter Company fuel valve actuator having part number (P/N) 40574–5; 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 (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent improper functioning of a certain actuator, which could result in a fuel imbalance due to the inability of the flightcrew to crossfeed fuel, or which could prevent the pilot from shutting off the fuel to the engine following an engine failure and/or fire, accomplish the following:

(a) Within 36 months after the effective date of this AD, replace the actuator having P/N 40574–5 (Kearfott Model 3715–9) on the fuel system crossfeed valve and the engine shutoff valves with either a new actuator having P/N 40574–4, or an actuator having P/N 40574–2 with a nameplate identified in paragraph III, Material of J.C. Carter Company Service Bulletin 61163–28–09, dated September 28, 1995. The replacement shall be done in accordance with J.C. Carter Company Service Bulletin 61163–28–09, dated September 28, 1995.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 25, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–7663 Filed 3–28–96; 8:45 am]

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DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

29 CFR Part 500

RIN 1215–AA93

Migrant and Seasonal Agricultural Worker Protection Act

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Notice of proposed rulemaking, request for comments.

SUMMARY: This document proposes regulations to amend the definition of