

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. 2000-NM-239-AD]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 767-300 Series Airplanes Modified by Supplemental Type Certificate SA7019NM-D

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 Boeing Model 767-300 series airplanes modified by supplemental type certificate SA7019NM-D. This proposal would require modification of the in-flight entertainment (IFE) system to install a switch to remove power from the IFE system and revision of flight crew and cabin crew procedures. This action is necessary to ensure that the flight crew and cabin crew are able to remove electrical power from the IFE system when necessary and are advised of appropriate procedures for such action. Inability to remove power from the IFE system during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by August 13, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-239-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. Comments may be

submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-239-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from BFGoodrich Aerospace, 3100 112th Street SW., Everett, Washington 98204-3500. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Stephen S. Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2793; fax (425) 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 action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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 action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-239-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. 2000-NM-239-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Federal Aviation Administration (FAA) recently completed a review of in-flight entertainment (IFE) systems certified by supplemental type certificate (STC) and installed on transport category airplanes. The review focused on the interface between the IFE system and airplane electrical system, with the objective of determining if any unsafe conditions exist with regard to the interface. STC's issued between 1992 and 2000 were considered for the review.

The type of IFE systems considered for review were those that contain video monitors (cathode ray tubes or liquid crystal displays; either hanging above the aisle or mounted on individual seat backs or seat trays), or complex circuitry (i.e., power supplies, electronic distribution boxes, extensive wire routing, relatively high power consumption, multiple layers of circuit protection, etc.). In addition, in-seat power supply systems that provide power to more than 20 percent of the total passenger seats were also considered for the review. The types of IFE systems not considered for review include systems that provide only audio signals to each passenger seat, ordinary in-flight telephone systems (e.g., one telephone handset per group of seats or bulkhead-mounted telephones), systems that only have a video monitor on the forward bulkhead(s) (or a projection system) to provide passengers with basic airplane and flight information, and in-seat power supply systems that

provide power to less than 20 percent of the total passenger seats.

Items considered during the review include the following:

- Can the electrical bus(es) supplying power to the IFE system be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing?
- Can IFE system power be removed when required without pulling IFE system circuit breakers? (i.e., is there a switch (dedicated to the IFE system or a combination of loads) located in the flight deck or cabin that can be used to remove IFE power?)
- If the IFE system requires changes to flight crew procedures, has the airplane flight manual (AFM) been properly amended?
- If the IFE system requires changes to cabin crew procedures, have they been properly amended?
- Does the IFE system require periodic or special maintenance?

In all, approximately 180 IFE systems approved by STC were reviewed by the FAA. The review results indicate that potential unsafe conditions exist on some IFE systems installed on various transport category airplanes. These conditions can be summarized as:

- Electrical bus(es) supplying power to the IFE system cannot be deenergized when necessary without removing power from systems that may be required for continued safe flight and landing.
- Power cannot be removed from the IFE system when required without pulling IFE system circuit breakers (i.e., there is no switch dedicated to the IFE system or combination of systems for the purpose of removing power).
- Installation of the IFE system has affected crew (flight crew and/or cabin crew) procedures, but the procedures have not been properly revised.

FAA's Determination

As part of its review of IFE systems, the FAA has determined that an unsafe

condition exists on Boeing Model 767–300 series airplanes modified by STC SA7019NM–D, dated July 14, 1995. The IFE system on these airplanes is connected to an electrical bus that cannot be deactivated without also removing power from airplane systems necessary for continued safe flight and landing. There is no means available to the flight or cabin crew to remove power from the IFE system without pulling circuit breakers for the system. Also, the AFM and cabin crew manual do not provide clear instructions on how to remove power from the IFE system when responding to an emergency. This condition, if not corrected, could result in inability to remove power from the IFE system during a non-normal or emergency situation, and consequent inability to control smoke or fumes in the airplane flight deck or cabin.

Explanation of Relevant Service Information

The FAA has reviewed and approved BFGoodrich Engineering Order 23–32–767–031, dated August 16, 2000, which describes procedures for modification of the IFE system. The modification involves installation of a master power control switch for the video system on the video control center in the cabin and installation of associated wiring.

The FAA has also reviewed and approved BFGoodrich Flight Attendant Manual Supplement D2000–160, dated August 16, 2000, which advises the cabin crew on the use of the master power switch for the video system.

The FAA has also reviewed and approved BFGoodrich AFM Supplement D2001–025, dated February 26, 2001, which revises the Emergency Procedures section of the AFM to advise the flight crew on procedures for removing power from the IFE system during an emergency situation related to electrical smoke or fire.

Accomplishment of the actions specified in the engineering order, and revision of the flight attendant manual

and AFM by insertion of the manual supplements, is intended to adequately address the identified unsafe condition.

Explanation of Requirements of 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 proposed AD would require accomplishment of the actions specified in the engineering order described previously, revision of the flight attendant manual to ensure that the cabin crew is advised of proper procedures for use of the master power switch for the video system, and revision of the AFM to ensure that the flight crew is advised of appropriate procedures for removing power from the IFE system during an emergency situation related to electrical smoke or fire.

Calculation of Compliance Time

In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the amount of time necessary to accomplish the proposed actions, and the practical aspect of accomplishing the proposed actions within an interval of time that parallels normal scheduled maintenance for the affected operators. In consideration of these factors, the FAA has determined that 18 months after the effective date of this AD represents an appropriate interval of time allowable wherein an acceptable level of safety can be maintained.

Other Relevant Proposed Rulemaking

This proposed action is one of a number of proposed AD's on airplanes modified by STC's that have been determined to be subject to similar unsafe conditions. Other currently proposed AD's include the following airplanes and STC's:

Model/Series	STC No.	Docket No.
Boeing 757–200	SA1727GL	2000–NM–228–AD
McDonnell Douglas DC–9–51 and DC–9–83	SA8026NM	2000–NM–229–AD
McDonnell Douglas DC–10–30	ST00054SE	2000–NM–231–AD
Boeing 767–300 and 767–300ER	SA5765NM	2000–NM–232–AD
	SA5978NM	
Boeing 767–300	ST00157SE	2000–NM–233–AD
Boeing 747–100 and –200	ST00196SE	2000–NM–234–AD
Boeing 767–200	SA5134NM	2000–NM–235–AD
Boeing 767–300	ST00118SE	2000–NM–236–AD
Boeing 737–300	ST00171SE	2000–NM–237–AD
Boeing 767–200	SA4998NM	2000–NM–238–AD
Boeing 747–100 and –200	SA8622SW	2000–NM–240–AD
McDonnell Douglas DC–10–30	SA8452SW	2000–NM–241–AD
Boeing 737–700	ST09100AC–D	ST09104AC–D
	ST09105AC–D	2000–NM–242–AD

Model/Series	STC No.	Docket No.
Boeing 767-200	ST09106AC-D	2000-NM-243-AD
Boeing 747SP	ST09022AC-D	2000-NM-244-AD
Boeing 747-400	ST09097AC-D	2000-NM-245-AD
Airbus A340-211	SA8843SW	2000-NM-246-AD
	ST0902AC-D	

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would take approximately 40 work hours per airplane to accomplish the proposed modification, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$2,740 per airplane. Based on these figures, the cost impact of the proposed modification would be \$5,140 per airplane.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would take approximately 1 work hour per airplane to accomplish the proposed manual revisions, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the proposed manual revisions would be \$60 per airplane.

The 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 proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect 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, it is determined that this proposal

would not have federalism implications under Executive Order 13132.

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 2000-NM-239-AD.

Applicability: Model 767-300 series airplanes modified by supplemental type certificate (STC) SA7019NM-D, dated July 14, 1995; 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 flight crew and cabin crew are able to remove electrical power from the in-flight entertainment (IFE) system when necessary and are advised of appropriate procedures for such action, accomplish the following:

Modification and Manual Revisions

(a) Within 18 months after the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD.

(1) Install a master power control switch for the video system and associated wiring, in accordance with BFGoodrich Engineering Order 23-32-767-031, dated August 16, 2000.

(2) Following installation of the master power control switch in accordance with paragraph (a)(1) of this AD, prior to further flight, insert BFGoodrich Flight Attendant Manual Supplement D2000-160, dated August 16, 2000, into the Flight Attendant Manual, and insert BFGoodrich Airplane Flight Manual (AFM) Supplement D2001-025, dated February 26, 2001, into the Emergency Procedures section of the AFM.

Spares

(b) As of the effective date of this AD, no person shall install an IFE system in accordance with STC SA7019NM-D, dated July 14, 1995, on any airplane, unless it is modified, and the Flight Attendant Manual and AFM are revised, in accordance with this AD.

Alternative Methods of Compliance

(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, Seattle Aircraft Certification Office (ACO), FAA. 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.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 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 June 21, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane

Directorate, Aircraft Certification Service.

[FR Doc. 01-16204 Filed 6-27-01; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Honolulu 01-047]

RIN 2115-AA97

Safety Zone; Japanese Fisheries High School Training Vessel EHIME MARU Relocation and Crew Member Recovery, Pacific Ocean, South Shores of the Island of Oahu, HI

AGENCY: U.S. Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish four temporary safety zones south of Oahu, Hawaii to protect vessels and mariners from the hazards associated with vessel relocation and crew member recovery operations of the Japanese Fisheries High School Training Vessel EHIME MARU, which sank after being struck by the submarine USS GREENEVILLE (SSN 772). Entry into these zones will be prohibited unless authorized by the Captain of the Port Honolulu, HI.

DATES: Comments and related material must reach the Coast Guard on or before July 30, 2001.

ADDRESSES: You may mail comments and related material to U.S. Coast Guard Marine Safety Office Honolulu, 433 Ala Moana Boulevard, Honolulu, HI, 96813, who maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Coast Guard Marine Safety Office Honolulu between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Mark Willis, U.S. Coast Guard Marine Safety Office Honolulu, Hawaii at (808) 522-8260.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and

address, identify the docket number for this rulemaking [COTP Honolulu 01-047], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know your comments reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them. We are providing a 30-day comment period on this proposal so that we can seek public input on the proposed safety zones and still publish the final rule before the start of the vessel relocation and crew member recovery operation. We anticipate the rule will be effective less than 30 days after its publication in the **Federal Register**.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to U.S. Coast Guard Marine Safety Office Honolulu, HI, at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

On February 9, 2001, the Japanese Fisheries High School Training Vessel EHIME MARU was struck by the submarine USS GREENEVILLE (SSN 772) approximately 9 nautical miles south of Diamond Head on the island of Oahu, Hawaii. The EHIME MARU sank in approximately 2,000 feet of water. At the time of the sinking, 26 of the 35 crewmembers were successfully rescued. An extensive search failed to locate additional personnel and it is assumed that some, or all, of the nine missing crewmembers were trapped inside the vessel. The EHIME MARU is resting upright on the seafloor at position 21°-04.8'N, 157°-49.5'W. The U.S. Navy plans to recover crewmembers, personal effects, and certain unique characteristic components from the EHIME MARU. In its present location, the vessel is beyond diver capability to safely conduct recovery operations. Therefore, the current recovery plan calls for use of a specially equipped offshore construction vessel to lift the EHIME MARU from the bottom and transport the vessel to a shallow water work site. The EHIME MARU would then be

placed back on the seafloor, in approximately 115 feet of water, where Navy divers would enter the hull and attempt to recover crewmembers, personal effects, and uniquely characteristic components found inside. To limit the impact on the marine environment, diesel fuel, lubricating oil, loose debris, and any other hazardous materials will be removed to the maximum extent practicable at the shallow water work site. The hull will then be lifted back off the ocean floor and moved to a deep water relocation site approximately 13 nautical miles south of Barbers Point on the island of Oahu, Hawaii. To support the vessel relocation and crew member recovery operation, the Coast Guard proposes to establish safety zones as follows:

1. A fixed safety zone, with a radius of 1 nautical mile, centered at 21°-04.8'N, 157°-49.5'W; the present location of the EHIME MARU.

2. A moving safety zone, with a radius of 1 nautical mile, will be in effect during the transit of the EHIME MARU and associated recovery vessels from the present location of the EHIME MARU to the shallow water work site, located within the Naval Defensive Sea Area at approximate position 21°-17.5'N, 157°-56.4'W.

3. A moving safety zone, with a radius of 1 nautical mile, will be in effect during transit of the EHIME MARU and associated recovery vessels from the shallow water work site to the deep water relocation site at approximate position 21°-05.0'N, 157°-07.0'W.

4. A fixed safety zone, with a radius of 1 nautical mile, centered at the coordinates of the deep water relocation site, will be in effect until the EHIME MARU is placed back on the ocean floor. The portion of the safety zone extending beyond the territorial boundary is advisory only.

The safety zones would be enforced sequentially, the exact dates will be dependent on the phase of the operation. The safety zones would become effective at the beginning of August, 2001, and would remain in effect until the operation, which will take about 3½ months, ends in mid-November. The purpose of these safety zones is to protect vessels and mariners from hazards associated with vessel relocation and crew member recovery operations of the Japanese Fisheries High School Training Vessel EHIME MARU. Since oil spills may result due to damaged and ruptured fuel tanks, the safety zone would also protect vessels and mariners from the hazards of any pollution response operations that may be necessary. Entry into these safety zones will be prohibited unless