

The Commission is requesting pre-filed testimony from any interested person. Pre-filed testimony must include the name, address and occupation of the witness and a sworn notarized statement indicating that the testimony is presented based upon the author's personal knowledge and belief. Pre-filed testimony must be received in the Commission office no later than 5:00 p.m. March 29, 1999 to insure distribution to Commission members prior to the public hearing.

Pre-filed testimony, comments and exhibits should be sent to: Northeast Dairy Compact Commission, 34 Barre Street, Suite 2, Montpelier, Vermont 05602 or by facsimile to (802) 229-2028.

#### List of Subjects in 7 CFR Part 1301

Milk.

#### Codification in Code of Federal Regulations

For reasons set forth in the preamble, the Northeast Dairy Compact Commission proposes to amend 7 CFR Part 1301 as follows:

#### PART 1301—DEFINITIONS

1. The authority citation for Part 1301 continues to read as follows:

**Authority:** 7 U.S.C. 7256.

2. Section 1301.13 is amended by revising paragraph (e) to read as follows:

##### **§ 1301.13 Exempt milk.**

\* \* \* \* \*

(e) All fluid milk distributed by handlers in eight-ounce containers under open and competitive bid contracts for the school milk contract year with School Food Authorities in New England, as defined by 7 CFR 210.2, to the extent that the school authorities can demonstrate and document that the costs of such milk have been increased by operation of the Compact over-order obligation. In no event shall such increase exceed the amount of the Compact over-order obligation. Documentation of increased costs shall be in accordance with a memorandum of understanding entered into between the Compact Commission and the appropriate state agencies for the school milk contract year. The memorandum of understanding shall include provisions for certification by supplying vendor/processors that their bid and contract cost structures do in fact incorporate the over-order obligation, in whole or in part, and provisions for defining the components of cost structure to be provided in support of such certification. The memorandum shall also establish the procedure for providing reimbursement

to the school food authorities, including the scheduling of payments and the amount to be escrowed by the Commission to account for such payments.

Dated: March 9, 1999.

**Kenneth M. Becker,**

*Executive Director.*

[FR Doc. 99-6213 Filed 3-12-99; 8:45 am]

BILLING CODE 1650-01-P

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 92-ANE-15]

RIN 2120-AA64

#### Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines

**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 Pratt & Whitney JT8D-200 series turbofan engines, that currently requires installation of high pressure turbine (HPT) containment hardware. This action proposes the removal of low pressure turbine (LPT)-to-exhaust case bolts and nuts and replacement with improved LPT-to-exhaust case bolts and nuts, and installation of improved HPT containment hardware. This proposal is prompted by uncontained HPT events resulting from HPT shaft fractures and LPT flange separations resulting from LPT blade failures. The actions specified by the proposed AD are intended to prevent damage to the aircraft resulting from uncontained engine debris following an HPT shaft fracture or an LPT blade failure.

**DATE:** Comments must be received by May 14, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 92-ANE-15, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@faa.gov". Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m.,

Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Pratt & Whitney, Publications Department, Supervisor Technical Publications Distribution, M/S 132-30, 400 Main St., East Hartford, CT 06108; telephone (860) 565-7700, fax (860) 565-4503. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

**FOR FURTHER INFORMATION CONTACT:** James Rosa, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7152, fax (781) 238-7199.

#### 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 should 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 92-ANE-15." 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, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 92-ANE-15, 12 New England Executive Park, Burlington, MA 01803-5299.

### Discussion

On November 19, 1993, the Federal Aviation Administration (FAA) issued airworthiness directive AD 93-23-10, Amendment 39-8746 (57 FR 57705, December 17, 1993), applicable to certain Pratt & Whitney JT8D-200 series turbofan engines, to require installation of high pressure turbine (HPT) containment hardware. That action was prompted by reports of HPT shaft fractures, which caused uncontained HPT failures. That condition, if not corrected, could result in damage to the aircraft resulting from uncontained engine debris following an HPT shaft fracture.

Since the issuance of that AD, the FAA has received reports of two uncontained HPT events in PW JT8D-219 engines. Liberated blade debris deflected off, and escaped forward of, the leading edge of the containment hardware. These events were caused by HPT shaft fractures, which resulted from oil fires in the No. 4/5 bearing compartment. Any PW JT8D-209, -217, -217A, -217C and -219 engine produced prior to issuance of Alert Service Bulletin (ASB) No. 6053 could have the previous version of the containment shield installed in accordance with AD 93-23-10; those engines produced after ASB 6053 was issued have containment shields as shipped from Pratt & Whitney.

The FAA has also received reports of uncontained low pressure turbine (LPT) failures caused by worn 3rd and 4th stage turbine shrouds which resulted in fatigue cracking and subsequent LPT blade failures. The impact of failed blades caused separation of the LPT and turbine exhaust case flange allowing uncontained failures to occur. The FAA has determined that only -217C and -219 models are in danger of uncontained failures from HPT shaft fractures but all -209, -217, -217A, -217C and -219 model engines are in danger of uncontained failures due to LPT blade failures.

The FAA has reviewed and approved the technical contents of PW JT8D Alert Service Bulletin (ASB) No. A6346, dated September 10, 1998, that describes procedures for installing improved HPT containment hardware, and PW Service Bulletin (SB) No. 6149, dated January 19, 1994, that describes procedures for installation of improved LPT to turbine exhaust case bolts and nuts.

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 93-23-10 to require, for PW Model JT8D-217C and -219

engines, installation of improved HPT containment hardware. This proposed AD would also require, for PW Model JT8D-209, -217, -217A, -217C and -219 engines, installation of improved LPT to turbine exhaust case bolts and nuts.

There are approximately 2,727 engines of the affected design in the worldwide fleet. The FAA estimates that 1,473 engines installed on aircraft of U.S. registry would be affected by this proposed AD, and that it would take no additional work hours per engine to accomplish the proposed actions since they should take place when an engine is already sufficiently disassembled for normal maintenance on those parts. Required parts would cost approximately \$19,911 per engine (hardware supplied by Pratt & Whitney free of charge for engines with current HPT containment hardware) for the 560 engines requiring improved (over AD 93-23-10) containment hardware, and \$3,275 for 1,473 engines requiring improved bolts and nuts. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$15,974,235. However, since Pratt and Whitney may provide HPT containment hardware free of charge, the actual cost to operators may be substantially reduced.

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 39-8746 (57 FR 57705, December 17, 1993) and by adding a new airworthiness directive to read as follows:

**Pratt & Whitney:** Docket No. 92-ANE-15. Supersedes AD 93-23-10, Amendment 39-8746.

**Applicability:** Pratt & Whitney (PW) Model JT8D-209, -217, -217A, -217C, and -219 turbofan engines, installed on but not limited to McDonnell Douglas MD-80 series aircraft.

**Note 1:** This airworthiness directive (AD) applies to each engine 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 engines 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 prevent damage to the aircraft resulting from uncontained engine debris following a high pressure turbine (HPT) shaft fracture or a low pressure turbine (LPT) blade failure, accomplish the following:

(a) For PW Model JT8D-217C and -219 engines, install improved HPT containment hardware at the next shop visit after the effective date of this AD but no later than December 31, 2004, in accordance with PW JT8D Alert Service Bulletin (ASB) No. A6346, dated September 10, 1998.

(b) For PW Model JT8D-209, -217, -217A, -217C and -219 engines, install improved LPT to turbine exhaust case bolts and nuts at the next shop visit after the effective date of this AD but no later than December 31, 2004, in accordance with paragraph 2.A.(1) and 2.B.(1) of PW Service Bulletin (SB) No. 6149, dated January 19, 1994.

(c) For the purpose of this AD, an engine shop visit is defined as engine maintenance that entails the separation of the J and K flanges.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(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 aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on March 8, 1999.

**David A. Downey,**

*Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 99-6214 Filed 3-12-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-328-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes**

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

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

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Fokker Model F.28 Mark 0070 and 0100 series airplanes. This proposal would require modification of the electrical wiring of the flight warning computer (FWC), and installation of upgraded computer software into the FWC. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent certain nuisance alerts generated by the FWC and to ensure annunciation of certain flight alerts by the FWC during initial climb. Such nuisance alerts or failures to annunciate certain alerts could result in an improper response by the flight crew and consequent reduced controllability of the airplane.

**DATES:** Comments must be received by April 14, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-328-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

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

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-328-AD." The postcard will be date stamped and returned to the commenter.

##### **Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-328-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

## **Discussion**

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on all Fokker Model F.28 Mark 0070 and 0100 series airplanes. The RLD advises that in-service experience has indicated that certain nuisance flight alerts may be generated by the flight warning computer (FWC) during critical flight phases. Investigation revealed that the nuisance flight alerts are a result of certain conditions established in an earlier version of the computer software of the FWC, which allows a flight-phase transitional delay (in some cases up to 8 seconds) between the moment all relevant input conditions are met and the moment the actual flight-phase switching occurs. Such nuisance flight alerts could prompt the flight crew to unnecessarily abort takeoffs at high speeds.

The RLD also advises that annunciation of the REVERSER ENG 1(2) alerts is suppressed during initial climb between 400 and 1,000 feet off the ground. During this flight phase, there is no warning to the flight crew enabling them to distinguish between a perceived autothrottle malfunction and an actual thrust reverser deployment.

These conditions (nuisance alerts and failures to annunciate flight alerts), if not corrected, could result in an improper response by the flight crew and consequent reduced controllability of the airplane.

##### **Explanation of Relevant Service Information**

The manufacturer has issued Fokker Service Bulletin SBF100-31-047, Revision 1, dated March 21, 1997, which describes, among other things, procedures for modification of the electrical wiring of the FWC. The modification involves removing the FWC and installing additional electrical wiring to accommodate the revised configuration of the FWC.

Fokker also has issued Service Bulletin SBF100-31-051, dated August 15, 1998, which describes procedures for installation of an upgraded computer software version (V11.45) into the FWC. (Fokker Service Bulletin SBF100-31-051 refers to AlliedSignal Grimes Aerospace Service Bulletin 80-0610-31-0031, dated May 14, 1998, as an additional source of service information for installation of the upgraded computer software version into the FWC.)

Accomplishment of the actions specified in the Fokker service bulletins described above is intended to