(b) Basic models which consist of units of identical design and are tested on a sampling basis:

- Per NEMA TP 2 Section 7.2.2, take a sample of at least five units of each basic model per month over a 180 calendar day period and compute from the test results the estimated mean of each basic model from the sample.
- Demonstrate the compliance of the aggregate as in TP 2.
- Additionally, demonstrate the compliance of each basic model for which 50 or more units have been manufactured during 180 calendar days.
- Discard all units whose losses exceed 8% of the rated value for the basic model as required by TP 2.

For small population basic models of fewer than 5 units, all units must be tested.

(2) A sampling plan similar to that in the NOPR, allowing some form of aggregation for small production basic models.

(3) The requirement of a certification of compliance or compliance statement only, in which the manufacturer would provide a written explanation of how it has demonstrated, verified, and certified compliance. In the written material accompanying the certificate, the manufacturer must demonstrate the basic premise for compliance.

A sampling plan would be included in the final test procedures rule primarily for the purpose of demonstrating compliance with possible future standards. The Department acknowledges that a sampling plan is not necessary for the test procedure itself. However, the sampling plan might be used in the evaluation of possible future standards. The Department also recognizes that although some of the sampling plans under consideration may be adequate to demonstrate compliance with a minimum efficiency standard, these plans may not be adequate to address the question of efficiency representations. The Department is deliberating over whether labeling of particular efficiency values is appropriate for this product. The issue of representations will need to be addressed at a future time.

5. Definition of ''Basic Model''

ERMCO, Howard industries, ACEEE, and NEMA supported the definition of ''basic model'' in the proposed rule. (ERMCO, No. 13 at 2; Howard Industries, No. 18 at 3; ACEEE, No. 20 at 2–3; and NEMA, No. 21 at 6.) ACEEE also suggested that industry sources provide guidance for ensuring manufacturers do not intentionally design some high efficiency models to counterbalance other low efficiency models within the same basic model. (ACEEE, No. 20 at 2–3.)

After further examination, the Department believes the definition of basic model in the proposed rule may be problematic. As set forth in the NOPR, a basic model is intended to be a group of models, produced by a given manufacturer, that have performance, design, mechanical, functional, and electrical characteristics that are essentially identical, and do not have refinements that affect energy consumption. 63 FR 63365. The general Part 430 definition of basic model was modified for distribution transformers in the proposed rule (Part 432). 63 FR at 63365–66, 63369. However, the proposed Part 432 definition of basic model may need some further modification.

All products within the same basic model should be in the same product class. (In its standards rulemakings, the Department establishes a separate ''class'' with its own efficiency standard for a product when the record indicates that the product includes a utility or performance-related feature that affects energy efficiency.) The following is an example depicting how the proposed basic model definition may be problematic:

A special impedance distribution transformer model, because of its inherently inferior efficiency, would likely be in a class separate from regular distribution transformers. The proposed basic model definition specifies that the following characteristics must be used to group different models of distribution transformers in a basic model: output power rating, voltage range, insulation type, and number of phases. These features of a special impedance distribution transformer, however, could be the same as for a regular distribution transformer. Consequently, under the proposed definition of basic model, these two transformers could be within the same basic model even though they would have significantly different efficiencies. This example illustrates that the current definition of basic model will likely categorize, within the same basic model, transformers that should be in different classes.

The Department would appreciate comments on how the Department should deal with this problem. The Department realizes that manufacturers would prefer special classes of distribution transformers to be exempted from regulation. However, as previously stated, the Department does not find that solution to be appropriate in this test procedures rulemaking.

In grouping transformers into basic models, we have to look at all the features, and the ones that have widely differing effects on efficiency should not be grouped together. In the final rule, the Department is considering adding some other features that affect efficiency (such as physical material of the windings and core, physical size, and impedance range) to the definition of basic model. The Department is open to suggestions as to what other features should be considered for the basic model definition, so that we do not have the problem outlined above. The Department also is considering adding the words ''and the other features of which have comparable effect on efficiency'' to the proposed definition of ''basic model'' to alleviate this problem.

Issued in Washington, D.C., on June 17, 1999.

Dan W. Reicher,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 99–16020 Filed 6–22–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–26–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Tay 620–15, Tay 650–15, and Tay 651–54 Series Turbofan Engines

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 Rolls-Royce plc Tay 620–15, Tay 650–15, and Tay 651–54 series turbofan engines. This proposal would require initial and repetitive visual inspections of the emergency fuel shutoff cable for broken strands or failed cables, and, if necessary, replacement with serviceable parts. This proposal is prompted by reports of broken strands and failed emergency fuel shutoff cables. The actions specified by the proposed AD are intended to prevent emergency fuel shutoff cable failure, which could result in the non-operation of the emergency fuel shut-off system in the event of a low pressure shaft failure.

DATES: Comments must be received by August 23, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–26–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be submitted to the Rules Docket by using the following Internet address: ''9-ane-adcomment@faa.gov''. 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 Rolls-Royce plc, Technical Publications Department, PO Box 31, Derby DE24 8BJ England; telephone 1332 242424, fax 1332 37645. 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 Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7176, 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 99–NE–26–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, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–26–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom (UK), recently notified the Federal Aviation Administration (FAA) that an unsafe condition may exist on Rolls-Royce plc (R-R) Tay 620–15, Tay 650–15, and Tay 651–54 series turbofan engines. The CAA advises that they have received reports of broken strands and failed emergency fuel shutoff cables. This condition, if not corrected, could result in the non-operation of the emergency fuel shutoff system in the event of a low pressure shaft failure.

R–R has issued Service Bulletin (SB) No. Tay 76–1434, Revision 1, dated August 28, 1998, that specifies procedures for visual inspections of emergency fuel shutoff cables for broken strands or failed cables. The CAA classified this SB as mandatory and issued Airworthiness Directive (AD) 003–03-98 in order to assure the airworthiness of these engines in the UK.

This engine model is manufactured in the UK and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design registered in the United States, the proposed AD would require initial and repetitive visual inspections of the emergency fuel shutoff cable for broken strands or failed cables, and, if necessary, replacement with serviceable parts. The actions would be required to be accomplished in accordance with the SB described previously.

There are approximately 900 engines of the affected design in the worldwide fleet. The FAA estimates that 451 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 0.25 work hours to accomplish the inspections, 3 to 28 work hours per engine to remove and replace an unacceptable emergency fuel shutoff cable, depending on engine aircraft installation and position, and that the average labor rate is $60 per work hour. Required parts would cost approximately $86 per engine. The total cost for inspections is estimated to be $6,750. The total cost for replacing parts on the Fokker F70 and Fokker F100 aircraft is estimated to be $75,125. The total cost for replacing parts on the No.1 position engine on Boeing 727 aircraft is estimated to be $14,918. The total cost for replacing parts on the No. 2 and No. 3 position engines on Boeing 727 aircraft, since engine removal is required for these two engine positions, is $197,837. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $294,630.

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:

Rolls-Royce plc: Docket No. 99–NE–26–AD.

Applicability: Rolls-Royce plc (R–R) Tay 620–15, Tay 650–15, and Tay 651–54 series turbofan engines, installed on but not limited to Fokker F.28 Mark 0070 series, Fokker F.28 Mark 0100 series, and Boeing 727 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 (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 emergency fuel shutoff cable failure, which could result in the non-operation of the emergency fuel shut-off system in the event of a low pressure shaft failure, accomplish the following:

(a) Perform initial and repetitive visual inspections of the emergency fuel shutoff cable for broken strands or failed cables as follows:

(1) Initially inspect the emergency fuel shutoff cable within 1,000 hours time-in-service (TIS) after the effective date of this AD.

(i) If the emergency fuel shutoff cable has no strands broken, re-inspect within 1000 hours TIS after the inspection.

(ii) If the emergency fuel shutoff cable has 1, 2, or 3 strands broken, re-inspect within 800 hours TIS after the inspection.

(iii) If the emergency fuel shutoff cable has 4, 5, or 6 strands broken, replace the cable within 100 hours TIS after the inspection.

(iv) If the emergency fuel shutoff cable has 7 or more strands broken, or the cable has failed, replace the cable within 25 hours TIS after the inspection.

(2) Thereafter, perform inspections of the emergency fuel shutoff cable and replace the emergency fuel shutoff cable as provided in paragraph (a)(1) of this AD.

Note 2: Information on inspection of the emergency fuel shutoff cable and replacement of cables may be found in R–R Service Bulletin (SB) No. Tay 76–1434, Revision 1, dated August 28, 1998, and Maintenance Manual 76–23–00.

(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, Engine Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(c) 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 June 15, 1999.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 99–15904 Filed 6–22–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–72–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that currently requires repetitive inspections to detect cracking or damage of the forward and aft lugs of the diagonal brace of the nacelle strut, and follow-on actions, if necessary. That AD also provides optional terminating action for the repetitive inspections. This proposal would require accomplishment of the previously optional terminating action. This proposal is prompted by a report that a fractured diagonal brace lug was found during a routine maintenance inspection. The actions specified by the proposed AD are intended to prevent cracking of the diagonal brace of the nacelle strut, which could result in failure of the diagonal brace, and consequent fatigue failure of a strut secondary load path and separation of the engine and strut.

DATES: Comments must be received by August 9, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–72–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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: James G. Rehrl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2783; 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 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 99–NM–72–AD.'' The