

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 98-CE-113-AD]

RIN 2120-AA64

Airworthiness Directives; Overland Aviation Services Fire Extinguishing System Bottle Cartridges**AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Overland Aviation Services fire extinguishing system bottle cartridges that were distributed during a certain time period. The proposed AD would require removing from service any of these fire extinguishing system bottle cartridges. The proposed AD is the result of several incidents where the fire extinguishing system bottle cartridges activated with excessive energetic force. In one instance, the discharge valve outlet screen fractured and the screen material went through the distribution manifold. The actions specified by the proposed AD are intended to prevent damage to fire extinguishing system components caused by a fire extinguishing system bottle cartridge activating with excessive energetic force, which could result in the fire extinguishing system operating improperly.

DATES: Comments must be received on or before September 3, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-113-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Overland Aviation Services, 10271 Bach Boulevard, St. Louis, Missouri; telephone: (314) 428-2062; facsimile: (314) 428-3403. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Jeffrey D. Janusz, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas

67209; telephone: (316) 946-4148; facsimile: (316) 946-4407.

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 that summarizes 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 No. 98-CE-113-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, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-113-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received reports of several incidents where fire extinguishing system bottle cartridges that were manufactured by Overland Aviation Services activated with excessive energetic force. In one instance, the discharge valve outlet screen fractured and the screen material went through the distribution manifold.

The fire extinguishing system bottle cartridges are considered critical parts. The fire extinguishing system is only required to function after a failure or series of failures have occurred and developed into the potential for a fire. In the above-referenced incidents, the fire extinguishing system could not be

relied on because of the potential for damage to the fire extinguishing system components that could result from a cartridge activating with excessive energetic force. Overland Aviation Services distributed fire extinguishing system bottle cartridges that could incorporate this problem from April 1, 1996, through September 15, 1997.

Relevant Service Information

Overland Aviation Services issued Service Bulletin 22-09-97, not dated, which contains information pertaining to the above-referenced condition.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent damage to fire extinguishing system components caused by a fire extinguishing system bottle cartridge activating with excessive energetic force, which could result in the fire extinguishing system operating improperly.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in Overland Aviation Services fire extinguishing system bottle cartridges that were distributed from April 1, 1996, through September 15, 1997, the FAA is proposing AD action. The proposed AD would require removing from service any of these fire extinguishing system bottle cartridges.

Compliance Time of the Proposed AD

The unsafe condition described in this proposed AD is not a direct result of aircraft operation. The fire extinguishing system bottle cartridges could activate with excessive energetic force the first time they are used during flight. This could occur on an aircraft with 50 hours time-in-service (TIS) or an aircraft with 10,000 hours TIS. Therefore, to assure that the unsafe condition is corrected in a timely manner, the proposed AD is utilizing a compliance time of 120 days after the effective date of the AD.

Cost Impact

The FAA estimates that 5,128 fire extinguishing system bottle cartridges would be affected by the proposed AD, that it would take approximately 8 workhours per cartridge to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Warranty credit from Overland Aviation Services will cover the cost of replacement cartridges. Based on these

figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$2,461,440, or \$480 per fire extinguishing system bottle cartridge.

Overland Aviation Services reports that 2,100 parts have been removed from service. This reduces the cost impact of the proposed AD from \$2,504,640, to \$1,453,440.

The number of cartridges utilized varies from airplane to airplane. The FAA has no way of determining which airplanes have the affected fire extinguishing system bottle cartridges incorporated. Therefore, the FAA has presented the cost impact of the proposed AD based upon the number of fire extinguishing system bottle cartridges manufactured instead of the number of airplanes affected.

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 action: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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 has been placed 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 a new airworthiness directive (AD) to read as follows:

Overland Aviation Services: Docket No. 98–CE–113–AD.

Applicability: The fire extinguishing system bottle cartridges presented below that were distributed from April 1, 1996, through September 15, 1997, and are installed on, but not limited to the following aircraft:

Overland Aviation Services (OAS) cartridge part Nos.	Walter Aerospace (WKA) fire extinguishing system (Firex) bottle assembly basic part No.	Make/model of applicable aircraft	Cartridge lot No.
OA47200	472073, 472420, 472467, 897885, 897878, 899170.	Aerospatiale ATR72 Series ATR42–200, –300, –320.	SBI 1–1 SBI 1–2
OA841155	898768, 890532, 890598, 890599, 891070, 891147, 891814, 893675, 892308.	Embraer EMB–120 Series. Boeing 707–100, –100B Series, –300 Series, 720B. McDonnell Douglas DC–8, –8F Series. Lockheed 382, 382E, 382F, 382G. Sabreliner NA–265 Series. Bell 204B.	SBI 1–3 OAS 1–2
OA873364	893523, 893524, 893456, 893726, 472049, 472162, 895353, 894703, 472389, 472390, 893572, 897770, 898066, 898006.	Gulfstream G–1159, G–1159B, G–1159A Cessna 425, 441, 550, S550, 551, 552. Fokker F.28 Series. SAAB 340 Series. Bell 412.	SBI 1–3
OA873571	893244, 899827, 899927, 892807, 892857	Boeing 707–100, –100B Series, –300 Series, 720B. McDonnell Douglas DC–8, –8F Series, DC–9 Series. Lockheed 382, 382E, 382F, 382G.	SBI 2–2
OA876296	895240, 895678, 895683, 895564, 898150, 472603, 472602, 473598, 896054, 895877.	McDonnell Douglas DC–9–81, DC–9–82, DC–9–83, DC–10 Series. Airbus A300 Series.	SBI 1–1 OAS 1–1
OA876299	895656, 895752, 895848, 897785, 897797, 897798, 472268, 896166, 896165.	Lockheed L–1011 Series	SBI 1–1
OA897776	897869, 899486, 897899, 897885, 899170, 472258, 472428, 899074, 897775, 899066.	Canadair CL–600–1A11, CL–600–2A12, CL–600–2B16. Embraer EMB–120, EMB–120RT Sikorsky S–76A SAAB 340 Series	SBI 1–4 SBI 1–15 SBI 1–16 OAS 1–1

Note 1: Overland Aviation Services distributed the affected fire extinguishing system bottle cartridges from April 1, 1996, through September 15, 1997. Those cartridges incorporated on the aircraft prior to April 1, 1996, would not be affected by this AD. This AD allows the aircraft owner

or pilot to check the maintenance records to determine whether the fire extinguishing system bottle cartridges were installed since April 1, 1996. See paragraph (d) of this AD for authorization.

Note 2: Procurement records may show if the owner/operator has ever bought affected

parts, for spares or time replacements, for airplane installation, or to support a repair shop. These could be cross-referenced to the lots that are suspect. Additionally, a review of procurement records with respect to the part number, lot number, and distribution date of the suspect lots would also reduce the

owners'/operators' workload of having to examine all applicable Air Transport Association (ATA) codes in the databases. A search of the maintenance/inspection records and logbooks of a specific airplane make and model and serial number could be beneficial.

Note 3: The fire extinguishing system parts are installed up to a hex wrenching flat on the cartridge body. These wrenching flats have the part number, lot number, and date of manufacture stamped on them, as well as safety wire holes. When installed, the safety wire will probably cover up at least one bit of the above information. Inspecting the wrenching flats could help determine whether the fire extinguishing system bottle cartridges contain an affected part number or lot number.

Note 4: This AD applies to each aircraft that incorporates one of the fire extinguishing system bottle cartridges identified in the preceding applicability provision, regardless of whether the aircraft has been modified, altered, or repaired in the area subject to the requirements of this AD. For aircraft 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 (f) 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 in the body of this AD, unless already accomplished.

Note 5: "Unless already accomplished" credit may be extended to the records check allowed by this AD provided that the records are checked to cover any time period that has elapsed since the previous check.

To prevent damage to fire extinguishing system components caused by a fire extinguishing system bottle cartridge activating with excessive energetic force, which could result in the fire extinguishing system operating improperly, accomplish the following:

(a) Within the next 120 calendar days after the effective date of this AD, remove from service any fire extinguishing system bottle cartridge referenced in the Applicability section of this AD, and replace it with an FAA-approved fire extinguishing system bottle cartridge that is not of the affected part numbers.

(b) As of the effective date of this AD, no person shall install, on any aircraft, any affected Overland Aviation Services fire extinguishing system bottle cartridge that was distributed from April 1, 1996, through September 15, 1997.

(c) The FAA requests that any fire extinguishing system bottle cartridge removed from service that has not been fired or cartridges that are held in inventory be sent to the manufacturer for analysis. Contact Jeff Janusz, Aerospace Engineer, at the FAA, Wichita Aircraft Certification Office (ACO), for shipping instructions; telephone: (316) 946-4148; e-mail: jeff.janusz@faa.gov.

(d) The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may check the maintenance records to determine whether any of the affected fire extinguishing system bottle cartridges were installed since April 1, 1996. If an affected fire extinguishing system bottle cartridge was installed prior to April 1, 1996, the AD does not apply and the owner/operator must make an entry into the aircraft records showing compliance with this AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(e) 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.

(f) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita ACO, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 6: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(g) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Overland Aviation Services, 10271 Bach Boulevard, St. Louis, Missouri; or may examine these documents at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on July 2, 1999.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 776

RIN 0703-AA54

Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General

AGENCY: Department of the Navy, DOD.
ACTION: Proposed rule.

SUMMARY: The Department of the Navy proposes to revise regulations concerning the professional conduct of attorneys practicing law under the cognizance and supervision of the Judge Advocate General of the Navy. This

revision will ensure the professional supervision of judge advocates, military trial and appellate military judges, and other lawyers who practice in Department of the Navy proceedings and other legal programs.

DATES: Submit comments on or before September 10, 1999.

ADDRESSES: Send comments to Deputy Assistant Judge Advocate General (Administrative Law), Office of the Judge Advocate General, Washington Navy Yard, 1322 Patterson Avenue SE, Suite 3000, Washington, DC 20374-5066.

FOR FURTHER INFORMATION CONTACT: Major Ed McDonnell, U.S. Marine Corps, 703-604-8228.

SUPPLEMENTARY INFORMATION: The Judge Advocate General of the Navy (JAG) is responsible for the professional supervision and discipline of military trial and appellate military judges, judge advocates, and other lawyers who practice in Department of the Navy proceedings governed by the Uniform Code of Military Justice and the Manual for Courts-Martial. See, 10 U.S.C. 806, 806a, 826, 827, and Rule for Courts-Martial 109. The JAG has further responsibilities to supervise the provision of legal advice and related services in the Department of the Navy's Legal Assistance Program and such other legal programs as assigned by the Secretary of the Navy. See, 10 U.S.C. 1044; Article 0331, U.S. Navy Regulations (1990); Secretary of the Navy Instruction 5430.27A. To discharge these responsibilities, the JAG has prescribed Rules of Professional Conduct (JAG Rules) for attorneys providing legal services or otherwise practicing in proceedings under JAG cognizance and supervision. These Rules, and the procedures by which JAG investigates and resolves allegations of professional misconduct, are found at 32 CFR part 776.

The Department of the Navy is proposing a complete revision of 32 CFR part 776. While there are numerous administrative changes in the revised text, the most significant substantive proposals are as follows:

1. The terms "covered attorney," "covered United States Government (USG) attorney," and "covered non-USG attorney" are introduced and incorporated throughout part 776. Currently, subpart B to 32 CFR part 776 uses the generic term "judge advocate" in fashioning rules of professional conduct, with the proviso that this term applies to all other attorneys who practice under the supervision of the JAG (to include civilian attorneys defending individual clients in courts-