

# Proposed Rules

Federal Register

Vol. 63, No. 40

Monday, March 2, 1998

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. 97–CE–116–AD]

RIN 2120–AA64

#### **Airworthiness Directives; SAFT America Inc. Part Number (P/N) 021929–000 (McDonnell Douglas P/N 43BO34LB02) and P/N 021904–000 (McDonnell Douglas P/N 43BO34LB03) Nickel Cadmium Batteries**

**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 SAFT America Inc. P/N 021929–000 (McDonnell Douglas P/N 43BO34LB02) and P/N 021904–000 (McDonnell Douglas P/N 43BO34LB03) nickel cadmium batteries that are installed on aircraft. The proposed AD would require replacing all battery terminal screws, verifying that the battery contains design specification cells, and replacing the cells if the battery contains non-design specification cells. The proposed AD is the result of an incident where the cell screws on one of the affected batteries were exposed to chloride, which caused the heads of some fasteners to shear off and eventually resulted in the battery exploding. The actions specified by the proposed AD are intended to prevent such an occurrence, which could result in loss of emergency power to electrical flight components or other emergency power systems required in the event of loss of the aircraft primary power source.

**DATES:** Comments must be received on or before May 8, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–

116–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 SAFT America Inc., 711 Industrial Boulevard, Valdosta, Georgia 31601; telephone: (912) 245–2820; facsimile: (912) 245–2827. This information also may be examined at the Rules Docket at the address above.

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

Hector Hernandez, Aerospace Engineer, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone: (770) 703–6069; facsimile: (770) 703 6097.

#### **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. 97–CE–116–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. 97–CE–116–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

#### **Discussion**

The FAA has received a report of an incident where a certain SAFT America Inc. nickel cadmium battery (installed on a McDonnell Douglas DC–9 aircraft) exploded during preflight. Examination revealed that the battery cell (terminal) screws were exposed to chloride. This caused the socket head of some fasteners to shear off.

Sheared fastener heads cause the possibility of other hardware in the battery to come into contact with the negative and positive battery terminals. This causes shorting of the battery with possible explosion.

The SAFT America Inc. batteries affected that are susceptible to this problem are part number (P/N) 021929–000 (McDonnell Douglas P/N 43BO34LB02) and P/N 021904–000 (McDonnell Douglas P/N 43BO34LB03).

#### **Relevant Service Information**

SAFT America Inc. has issued SAFT Aviation Batteries Mandatory Service Bulletin Document No. A00027, Rev. F, dated January 15, 1998, which specifies procedures for replacing all terminal screws in an affected battery and verifying that the battery contains design specification cells.

#### **The FAA's Determination**

After examining the circumstances and reviewing all available information related to the incidents described above, including the referenced service bulletin, the FAA has determined that AD action should be taken to prevent the battery from shorting out or exploding if the heads of fasteners become sheared off. This could result in loss of emergency power to electrical flight components or other emergency power systems required in the event of loss of the aircraft primary power source.

#### **Explanation of the Provisions of the Proposed AD**

Since an unsafe condition has been identified that is likely to exist or

develop in aircraft that have a SAFT P/N 021929-000 (McDonnell Douglas P/N 43BO34LB02) or P/N 021904-000 (McDonnell Douglas P/N 43BO34LB03) nickel cadmium battery installed, the FAA is proposing AD action. The proposed AD would require replacing all battery terminal screws, verifying that the battery contains design specification cells, and replacing the cells if the battery contains non-design specification cells. Accomplishment of the proposed actions would be in accordance with the previously referenced service information.

#### Cost Impact

The FAA estimates that 1,004 aircraft in the U.S. registry could have at least one of the affected batteries installed and would be affected by the proposed AD, that it would take approximately 16 workhours per aircraft to accomplish the proposed actions, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$78 per battery (two batteries per aircraft = \$156). Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$1,120,464, or \$1,116 per aircraft if all aircraft have two batteries installed.

#### Compliance Time of the Proposed AD

The unsafe condition specified by the proposed AD is caused by corrosion. Corrosion can occur regardless of whether the aircraft is in operation or is in storage. Therefore, to assure that the unsafe condition specified in the proposed AD does not go undetected for a long period of time, the compliance is presented in calendar time instead of hours time-in-service (TIS).

#### 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:

**Saft America Inc.:** Docket No. 97-CE-116-AD.

**Applicability:** Part Number (P/N) 021929-000 (McDonnell Douglas P/N 43BO34LB02) and P/N 021904-000 (McDonnell Douglas P/N 43BO34LB03) Nickel Cadmium Batteries that are installed on, but not limited to, McDonnell Douglas DC-9 and MD-80 aircraft, all serial numbers, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision that incorporates one of the affected batteries, regardless of whether it 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 (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 at the next scheduled battery maintenance that occurs 3 calendar months after the effective date of this AD or within the next 15 calendar months after the effective date of this AD, whichever occurs first, unless already accomplished.

To prevent the battery from shorting out or exploding if the heads of fasteners become sheared off, which could result in loss of emergency power to electrical flight components or other emergency power systems required in the event of loss of the

aircraft primary power source, accomplish the following:

(a) Replace all battery terminal screws, verify that the battery contains design specification cells, and replace the cells if the battery contains non-design specification cells. Accomplish these actions in accordance with the INSTRUCTIONS section of SAFT Aviation Batteries Mandatory Service Bulletin Document No. A00027, Rev F, dated January 15, 1998.

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

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

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

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to SAFT America Inc., 711 Industrial Boulevard, Valdosta, Georgia 31601; or may examine this document 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 February 23, 1998.

**Marvin R. Nuss,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 98-5203 Filed 2-27-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-CE-141-AD]

RIN 2120-AA64

#### Airworthiness Directives; Industrie Aeronautiche e Meccaniche Rinaldo Piaggio S.p.A. Model P-180 Airplanes

**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 Industrie Aeronautiche e Meccaniche Rinaldo Piaggio S.p.A. (Piaggio) Model