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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-16-AD; Amendment 39-8178; AD 92-04-07]

Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Boeing 737-300, -400, and -500 series airplanes. This action requires repetitive visual inspections of wire bundles located above the cockpit-to-cabin door header frame for damage due to chafing or interference against the door header frame, and repair and rework, if necessary. This amendment is prompted by a report of burned wire bundles caused by short circuits resulting from chafed wiring. The actions specified in this AD are intended to prevent fire and smoke in the passenger cabin and cockpit.

DATES: Effective February 21, 1992.

Comments for inclusion in the Rules Docket must be received on or before April 13, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-16-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

FOR FURTHER INFORMATION CONTACT: Stephen Slotte, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S, FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue

SW., Renton, Washington 98055-4056; telephone (206) 227-2797; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: The FAA has recently received a report of an electrical wiring short circuit and subsequent fire in the forward cabin ceiling area above the cockpit-to-cabin door in a Model 737-300 airplane. Investigation has revealed that a wire bundle containing galley power and several other systems had come into contact with the right upper corner of the cockpit-to-cabin door frame and shorted out. The burned wires were the result of electrical short circuits caused by damage to wire insulation; the insulation was damaged due to chafing of the wire bundle with the cockpit-to-cabin door header frame. This condition, if not corrected, could result in fire and smoke in the passenger cabin and cockpit.

The ceiling panel and wire bundle installation design is common on Model 737-300, -400, and -500 series airplanes. Therefore, the potentially unsafe condition could exist on any of these models.

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 737-300, -400, and -500 series airplanes of the same type design, this AD is being issued to prevent an electrical wiring short circuit in the forward cabin ceiling area, above the cockpit-to-cabin door, and subsequent cabin fire. This AD requires repetitive visual inspections of certain wire bundles located above the cockpit-to-cabin door header frame for damage due to chafing or interference against the door header frame, and repair and rework, if necessary. (Necessary repairs are to be accomplished in accordance with the Boeing Standard Wiring Practices Document. That document describes generalized procedures for wiring repairs on Boeing airplanes.)

This is considered interim action. The FAA may consider further rulemaking when a corrective modification is developed and approved.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 AD 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-NM-16-AD". The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major

under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures. (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from 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.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-04-07, Boeing; Amendment 39-8178, Docket 92-NM-16-AD.

Applicability: All Model 737-300, 737-400, and 737-500 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the occurrence of fire and smoke in the passenger cabin and cockpit, accomplish the following:

(a) Within 20 days after the effective date of this AD, visually inspect the wire bundles above the cockpit-to-cabin door header frame for damage due to chafing or interference with the door header frame. Pay particular attention to the wire bundle crossing over the right-hand corner of the header frame. Proper inspection requires removal of the aft center ceiling panel located just forward of the cockpit-to-cabin door. Ensure that the wire bundle clamps above the cockpit-to-cabin door header frame located approximately at Station 282.5, stringers 2R and 2L, are connected securely to stringer clip standoffs. (These should not be free floating clamps.) If any damaged wire bundle or loose clamp is found, prior to further flight, repair and/or secure it, in accordance with Boeing Standard Wiring Practices Document.

(b) Repeat the inspection procedure required by paragraph (a) of this AD at intervals not to exceed 120 days.

(c) Within 30 days after the effective date of this AD, sleeve the wire bundles in the area where they cross the cockpit-to-cabin door header frame with Expando PT or equivalent protective sleeving. Ensure that there is a minimum of 0.25 inch of clearance between these bundles and the cockpit-to-cabin door frame header, to prevent chafing or interference. If rework is necessary, perform it prior to further flight, in accordance with Boeing Standard Wiring Practices Document.

(d) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle Aircraft Certification Office (ACO).

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) This amendment (39-8178), AD 92-04-07, becomes effective February 21, 1992.

Issued in Renton, Washington, on January 30, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 92-3170 Filed 2-10-92; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1203b

RIN 2700-AA80

Security Programs; Arrest Authority and Use of Force by NASA Security Force Personnel

AGENCY: National Aeronautics and Space Administration (NASA)

ACTION: Final rule.

SUMMARY: NASA implements section 304(f) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2456a). By establishing guidelines for the exercise of arrest authority and for the exercise of physical force, including deadly force, in conjunction with such arrest authority.

EFFECTIVE DATE: February 11, 1992.

ADDRESSES: NASA Security Office, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Erwin V. Minter, (202) 453-2911.

SUPPLEMENTARY INFORMATION: The National Aeronautics and Space Administration has determined that:

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small business entities.

2. This rule is not a major rule as defined in Executive Order 12291.

List of Subjects in 14 CFR Part 1203b

Security programs, Arrest authority, Use of force.

Title 14 of the Code of Federal Regulations is amended by adding a new part 1203b to read as follows:

PART 1203b—SECURITY PROGRAMS; ARREST AUTHORITY AND USE OF FORCE BY NASA SECURITY FORCE PERSONNEL

Sec.	
1203b.100	Purpose.
1203b.101	Scope.
1203b.102	Definitions.
1203b.103	Arrest authority.
1203b.104	Exercise of arrest authority—general guidelines.
1203b.105	Use of non-deadly physical force when making an arrest.
1203b.106	Use of deadly force.
1203b.107	Use of firearms.
1203b.108	Management oversight.
1203b.109	Disclaimer.

Authority: Sec. 304(f) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2456a).

§ 1203b.100 Purpose.

This regulation implements section 304(f) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2456a), by establishing guidelines for the exercise of arrest authority and for the exercise of physical force, including deadly force, in conjunction with such arrest authority.

§ 1203b.101 Scope.

This part applies to only those NASA and NASA contractor security force personnel who are authorized to exercise arrest authority in accordance with 42 U.S.C. 2456a and this regulation.

§ 1203b.102 Definitions.

Accredited Course of Training. A course of instruction offered by the Federal Law Enforcement Training Center, or an equivalent course of instruction offered by another Federal agency. See § 1203b.103(a)(1).

Arrest. An act, resulting in the restriction of a person's movement, other than a brief detention for purposes of questioning about a person's identity and requesting identification.

accomplished by means of force or show of authority under circumstances that would lead a reasonable person to believe that he/she was not free to leave the presence of the officer.

Contractor. NASA contractors and subcontractors at all tiers.

§ 1203b.103 Arrest authority.

(a) NASA security force personnel may exercise arrest authority, provided that:

- (1) They graduate from an accredited training course (see § 1203b.102(a)); and
- (2) They have been certified in writing by the Associate Administrator for Management Systems and Facilities, or designee, as specifically authorized to exercise arrest authority.

(b) The authority of NASA security force personnel to make a warrantless arrest is subject to the following conditions:

- (1) The arresting officer must be guarding and protecting property owned or leased by, or under the control of, the United States under the administration and control of NASA or one of its contractors or subcontractors, at facilities owned by or contracted to NASA; and

(2) The person to be arrested has committed in the arresting officer's presence any offense against the United States; or

(3) The arresting officer has reasonable grounds to believe that the person to be arrested has committed or is committing any felony cognizable under the laws of the United States.

(c) The Office of the General Counsel, NASA Headquarters, or the Installation Chief Counsel's Office, as appropriate, shall provide guidance as to the applicability of these regulations.

§ 1203b.104 Exercise of arrest authority—general guidelines.

(a) In making an arrest, the security force officer should announce his/her authority and that the person is under arrest prior to taking the person into custody. If the circumstances are such that making such announcements would be useless or dangerous to the security force officer or others, the security force officer may dispense with these announcements.

(b) The security force officer at the time and place of arrest may search the arrested person and the area immediately surrounding the arrested person for weapons and criminal evidence. This is to protect the arresting officer and to prevent the destruction of evidence.

(c) After the arrest is effected, the arrested person shall be advised of his/

her constitutional right against self-incrimination. If the circumstances are such that making such advisement is dangerous to the officer or others, this requirement may be postponed until the immediate danger has passed. However, no interrogation of the individual may occur until he/she has been properly advised of his/her right against self-incrimination.

(d) Custody of the person arrested should be transferred to other Federal law enforcement personnel (e.g., United States Marshals or FBI agents) or to local law enforcement agency personnel, as appropriate, as soon as possible, in order to ensure that the person is brought before a magistrate without unnecessary delay.

§ 1203b.105 Use of non-deadly physical force when making an arrest.

When a security force officer has the right to make an arrest, as discussed in § 1203b.103, the officer may use only that non-deadly physical force which is reasonable and necessary to apprehend and arrest the offender; to prevent the escape of the offender; or to defend himself/herself or a third person from what the security force officer reasonably believes to be the use or threat of imminent use of non-deadly physical force by the offender. Verbal abuse alone by the offender cannot be the basis under any circumstances for use of non-deadly physical force by a security force officer.

§ 1203b.106 Use of deadly force.

Deadly force shall be used only in those circumstances where the security force officer reasonably believes that either he/she or another person is in imminent danger of death or serious bodily harm.

§ 1203b.107 Use of firearms.

(a) If it becomes necessary to use a firearm in any of the circumstances described in § 1203b.106, NASA security force personnel shall comply with the following precautions whenever possible:

- (1) Give an order to halt before firing.
- (2) Do not fire if shots are likely to harm innocent bystanders.
- (3) Aim to disable.
- (b) Warning shots are not authorized.
- (c) In the event that a security force officer discharges a weapon while in a duty status:

(1) The incident shall be reported by the security force officer to the NASA Security Office as expeditiously as possible, with as many details supplied as are available.

(2) The officer shall be promptly

suspended from duty with pay or reassigned to other duties not involving the use of a firearm, as the Installation Director or the Associate Administrator for Management Systems and Facilities deems appropriate, pending investigation of the incident.

(3) The cognizant Installation Director, or for incidents occurring at NASA Headquarters, the Associate Administrator for Management Systems and Facilities, shall appoint an investigating officer to conduct a thorough investigation of the incident. Additional personnel may also be appointed, as needed to assist the investigating officer. Upon conclusion of the investigation, the investigating officer shall submit a written report of findings and recommendations to the appropriate Installation Director or the Associate Administrator for Management Systems and Facilities.

(4) Upon conclusion of the investigation, the Installation Director or the Associate Administrator for Management Systems and Facilities, with the advice of Counsel, shall determine the disposition appropriate to the case.

(d) Firearms will be periodically inspected and kept in good working order by a qualified gunsmith. Ammunition, holsters, and related equipment will be periodically inspected for deterioration and kept in good working order. Firearms and ammunition will be securely stored separately in locked containers. Firearms will not be stored in a loaded condition. Neither firearms nor ammunition will be stored in the same containers as money, drugs, precious materials, or classified information. NASA Headquarters and each Installation shall adopt procedures for the maintenance of records with respect to the issuance of firearms and ammunition.

§ 1203b.108 Management oversight.

(a) The Administrator shall establish a committee to exercise management oversight over the implementation of arrest authority.

(b) The Administrator shall establish a reporting requirement for Headquarters and Field Installations.

(c) The Associate Administrator for Management Systems and Facilities, or designee, will ensure that all persons who are authorized to exercise arrest authority will, before performing these duties:

- (1) Receive instructions on regulations regarding the use of force, including deadly force; and

(2) Demonstrate knowledge and skill in the use of unarmed defense techniques and their assigned firearms.

(d) The Associate Administrator for Management Systems and Facilities, or designee, will also:

(1) Provide periodic refresher training to ensure continued proficiency and updated knowledge as to the use of unarmed defense techniques;

(2) Require security force officers exercising arrest authority to re-qualify annually with their assigned firearms; and

(3) Require periodic refresher training to ensure continued familiarity with regulations.

(e) The Associate Administrator for Management Systems and Facilities and Installation Directors shall issue local management instructions, subject to prior NASA Headquarters approval, which will supplement this regulation for Headquarters/Installation-specific concerns.

§ 1203b.109 Disclaimer.

These regulations are set forth solely for the purpose of internal National Aeronautics and Space Administration guidance. They are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal, and they do not place any limitations on otherwise lawful activities of security force personnel or the National Aeronautics and Space Administration.

Dated: February 4, 1992.

Richard H. Truly,

Administrator.

[FR Doc. 92-3157 Filed 2-10-92; 8:45 am]

BILLING CODE 7510-01-M

14 CFR Part 1212

RIN 2700-AB20

Privacy Act—NASA Regulations

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Interim final rule with request for comment.

SUMMARY: NASA is revising its regulations implementing the Privacy Act of 1974, 5 U.S.C. 552a, as amended, which currently appear at 14 CFR part 1212. These regulations establish procedures for individuals to access their Privacy Act records and to request amendment of information in records concerning them. It also provides for procedures for appeals and other remedies.

EFFECTIVE DATE: February 11, 1992.

Comments must be received in writing on or before March 12, 1992.

ADDRESSES: IRM Policy and Acquisition Management Office, Code JTD-1, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Wallace O. Keene, 202/453-1775.

SUPPLEMENTARY INFORMATION: This revision changes internal Agency responsibility with regard to the handling of appeals, sets forth general housekeeping policies and procedures, and makes changes to bring NASA's regulation in line with statutory requirements.

The National Aeronautics and Space Administration has determined that:

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small entities.

2. This rule is not a major rule as defined in Executive Order 12291.

List of Subjects in 14 CFR Part 1212

Privacy Act, Administrative practice and procedure.

For reasons set out in the Preamble, 14 CFR part 1212 is revised to read as follows:

PART 1212—PRIVACY ACT—NASA REGULATIONS

Subpart 1212.1—Basic Policy

Sec.

1212.100 Scope and purpose.

1212.101 Definitions.

Subpart 1212.2—Access to Records

1212.200 Determining existence of records subject to the Privacy Act.

1212.201 Requesting a record.

1212.202 Identification procedures.

1212.203 Disclosures.

1212.204 Fees.

1212.205 Exceptions to individuals' rights of access.

Subpart 1212.3—Amendments to Privacy Act Records

1212.300 Requesting amendment.

1212.301 Processing the request to amend.

1212.302 Granting the request to amend.

Subpart 1212.4—Appeals and Related Matters

1212.400 Appeals.

1212.401 Filing statements of dispute.

1212.402 Disclosure to third parties of disputed records.

Subpart 1212.5—Exemptions to Individuals' Rights of Access

1212.500 Exemptions under 5 U.S.C. 552a(j) and (k).

1212.501 Record systems determined to be exempt.

Subpart 1212.6—Instructions for NASA Employees

1212.600 General policy.

1212.601 Maintenance and publication requirements for systems of records.

1212.602 Requirements for collecting information.

1212.603 Mailing lists.

1212.604 Social security numbers.

1212.605 Safeguarding information in systems of records.

1212.606 Duplicate copies of records or portions of records.

Subpart 1212.7—NASA Authority and Responsibilities

1212.700 NASA employees.

1212.701 Assistant Deputy Administrator.

1212.702 Associate Administrator for Management Systems and Facilities.

1212.703 Headquarters and Field or Component Installations.

1212.704 System manager.

1212.705 Assistant Administrator for Procurement.

1212.706 Delegation of authority.

Subpart 1212.8—Failure to Comply With Requirements of This Part

1212.800 Civil remedies.

1212.801 Criminal penalties.

Authority: The National Aeronautics and Space Act of 1958, as amended, 72 Stat. 429, 42 U.S.C. 2473; the Privacy Act of 1974, as amended, 88 Stat. 1896, 5 U.S.C. 552a.

Subpart 1212.1—Basic Policy

§ 1212.100 Scope and purpose.

This part 1212 implements the Privacy Act of 1974, as amended (5 U.S.C. 552a). It establishes procedures for individuals to access their Privacy Act records and to request amendment of information in records concerning them. It also provides procedures for administrative appeals and other remedies. This part applies to systems of records located at or under the cognizance of NASA Headquarters, NASA Field Installations, and NASA Component Installations, as defined in part 1201 of this chapter.

§ 1212.101 Definitions.

For the purposes of this part, the following definitions shall apply in addition to definitions contained in the Privacy Act of 1974, as amended (5 U.S.C. 552a):

(a) The term *individual* means a living person who is either a citizen of the United States or an alien lawfully admitted for permanent residence.

(b) The term *maintain* includes maintain, collect, use or disseminate.

(c) The term *record* means any item, collection, or grouping of information about an individual including, but not limited to, education, financial transactions, medical history, and criminal or employment history, and that contains a name, or the identifying