

Proposed Rules

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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. 95-CE-10-AD]

RIN 2120-AA64

Airworthiness Directives; Jetstream Aircraft Limited HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of the comment period.

SUMMARY: This document proposes to revise an earlier proposed airworthiness directive (AD), which would have superseded AD 81-20-01. That AD currently requires repetitively inspecting the nose landing gear (NLG) actuator support structure and the front pressure bulkhead for cracks on Jetstream Aircraft Limited (JAL) HP137 Mk1 and Jetstream series 200 airplanes, and replacing any cracked part. The previous document would have: retained the repetitive inspections required by AD 81-20-01; required repetitively inspecting the NLG retraction jack upper mounting fitting and attachment hardware for security bolt failure and for bolts with improper torque levels on the HP137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplanes; required replacing any failed security bolts and adjusting any bolt with an improper torque level; and required modifying the NLG retraction jack on all affected airplanes as terminating action for the repetitive inspections. As currently written, the document allows continued flight if cracks are found in the front pressure bulkhead membrane and actuator support structure when cracks do not exceed certain limits. Since publication of that proposal, the Federal Aviation Administration (FAA) has established a policy to disallow airplane

operation when known cracks exist in primary structure (the affected airplane parts are considered primary structure). The actions specified by the proposed AD are intended to prevent failure of the NLG caused by a cracked NLG actuator support structure or cracked front pressure bulkhead, which could lead to nose gear collapse and damage to the airplane. Since the comment period for the original proposal has closed and the change described above goes beyond the scope of what was originally proposed, the FAA is allowing additional time for the public to comment.

DATES: Comments must be received on or before December 27, 1996.

ADDRESSES: Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-10-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 Jetstream Aircraft Limited, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, telephone (44-292) 79888; facsimile (44-292) 79703; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, D.C. 20041-6029; telephone (703) 406-1161; facsimile (703) 406-1469. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Rodriguez, Program Manager, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium; telephone (32 2) 508.2717; facsimile (32 2) 230.6899; or Mr. Larry D. Malir, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; facsimile (816) 426-2169.

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. 95-CE-10-AD." The postcard will be date stamped and returned to the commenter.

Availability of Supplemental NPRM

Any person may obtain a copy of this supplemental NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-10-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain JAL HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes that do not have an improved design attachment bracket (Modification JM 5285) installed for the nose landing gear (NLG) retraction jack was published in the Federal Register on September 19, 1995 (60 FR 48429). The action proposed to supersede AD 81-20-01 with a new AD that would:

—Retain the requirement contained in AD 81-20-01 of repetitively inspecting (using dye penetrant methods) the NLG actuator support structure and the front pressure bulkhead for cracks on JAL HP137 Mk1 and Jetstream series 200 airplanes that do not have the front

pressure bulkhead strengthened in the area of the NLG jack attachment fitting (Modification No. 5127), and replacing or repairing any cracked NLG actuator support structure or cracked front pressure bulkhead. Accomplishment of the proposed inspections as specified in the notice of proposed rulemaking (NPRM) would be in accordance with Jetstream Service Bulletin (SB) No. 6/5, dated September 4, 1978.

- Require repetitively inspecting the NLG retraction jack upper mounting fitting and attachment hardware for security bolt failure and bolts with improper torque levels on the HP137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplanes, and replacing any failed security bolts and adjusting any bolt with an improper torque level. Accomplishment of the proposed inspections as specified in the NPRM would be in accordance with Jetstream SB 53-A-JA870510, which consists of the following pages and revision levels:

Pages	Revision level	Date
3, 5, 6, 8, 9, and 10.	Original Issue	May 26, 1987.
1, 2, 4, and 7	Revision 1	Nov. 10, 1987.

- Require modifying the NLG retraction jack on the HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes as terminating action for all the repetitive inspections, including the inspections referenced in the Model 3201 maintenance manual. Accomplishment of the proposed modification as specified in the NPRM would be in accordance with Jetstream SB 53-JM 5285, which consists of the following pages and revision levels:

Pages	Revision level	Date
1 and 4	Revision 2	Nov. 12, 1992.
2, 3, and 5 through 26.	Revision 1	May 18, 1992.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received regarding the proposed rule. An analysis of the comment follows:

The commenter provides information on the company's fleet size and the estimated projection on when the proposed replacement would be mandatory on the affected airplanes in the company's fleet, as well as the number of repetitive inspections that

would be required during that time. The commenter states that it is more economical for the company to incorporate the modification on its entire fleet immediately rather than continuing to repetitively inspect. The commenter also mentions that parts to modify the NLG retraction jack cost \$1,800 instead of \$1,600. The economic portion of this supplemental NPRM has been modified to reflect this change.

The FAA's Aging Commuter Aircraft Policy

The actions specified in the NPRM are part of the FAA's aging commuter aircraft policy, which briefly states that, when a modification exists that could eliminate or reduce the number of required critical inspections, the modification should be incorporated. This policy is based on the FAA's determination that reliance on critical repetitive inspections on airplanes utilized in commuter service carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. In determining what inspections are critical, the FAA considers (1) the safety consequences of the airplane if the known problem is not detected by the inspection; (2) the reliability of the inspection such as the probability of not detecting the known problem; (3) whether the inspection area is difficult to access; and (4) the possibility of damage to an adjacent structure as a result of the problem.

Events Leading to the Issuance of This Supplemental NPRM

As currently written, the existing NPRM would allow continued flight if cracks are found in the front pressure bulkhead membrane or actuator support structure when the cracks do not exceed certain limits. Since issuing the NPRM, the FAA has established a policy to disallow airplane operation when known cracks exist in primary structure (the front pressure bulkhead and actuator support structure are considered primary structure). For this reason, the FAA has determined that the crack limits contained in the NPRM should be eliminated and that AD action should be taken to require immediate replacement of any cracked front pressure bulkhead membrane or actuator support structure.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other JAL HP137 Mk1, Jetstream series 200, and Jetstream

Models 3101 and 3201 airplanes of the same type design, the proposed AD would:

- Retain the requirement contained in AD 81-20-01 of repetitively inspecting (using dye penetrant methods) the NLG actuator support structure and the front pressure bulkhead for cracks on JAL HP137 Mk1 and Jetstream series 200 airplanes that do not have the front pressure bulkhead strengthened in the area of the NLG jack attachment fitting (Modification No. 5127), and replacing or repairing any cracked NLG actuator support structure or cracked front pressure bulkhead prior to further flight. Accomplishment of these proposed inspections would be in accordance with Jetstream Service Bulletin (SB) No. 6/5, dated September 4, 1978;
- Require repetitively inspecting the NLG retraction jack upper mounting fitting and attachment hardware for security bolt failure and bolts with improper torque levels on the HP137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplanes, and replacing any failed security bolts and adjusting any bolt with an improper torque level. Accomplishment of these proposed inspections would be in accordance with Jetstream SB 53-A-JA870510; and
- Require modifying the NLG retraction jack on the HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes as terminating action for all the repetitive inspections, including the inspections referenced in the Model 3201 maintenance manual. Accomplishment of this proposed modification would be in accordance with Jetstream SB 53-JM 5285.

Cost Impact

The FAA estimates that 170 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 41 workhours per airplane to accomplish the proposed modification, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$1,800 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$724,200 or \$4,260 per airplane. This figure only takes into account the cost of the proposed inspection-terminating modification and does not take into account the cost of the repetitive inspections. The FAA has no way of determining the number of proposed repetitive inspections each HP137 Mk1, Jetstream series 200, and Jetstream

Model 3101 airplane owner/operator would incur over the life of the airplane.

This figure is also based on the assumption that no affected airplane owner/operator has accomplished the proposed modification. The proposed action would eliminate the need for the repetitive inspections required by AD 81-20-01. The FAA has no way of determining the operation levels of each individual operator of the affected airplanes, and subsequently cannot determine the repetitive inspection costs that would be eliminated by the proposed action. The FAA estimates these costs to be substantial over the long term.

In addition, JAL has informed the FAA that parts have been distributed to owners/operators to equip approximately 39 of the affected airplanes. Assuming that each set of parts has been installed on an affected airplane, the cost impact of the proposed modification upon the public would be reduced \$166,140 from \$724,200 to \$558,060.

The intent of the FAA's aging commuter airplane program is to ensure safe operation of airplanes that are in commercial service without adversely impacting private operators. Of the approximately 170 airplanes in the U.S. registry that will be affected by this AD, the FAA has determined that approximately 95 percent are operated in scheduled passenger service by 10 different operators.

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 removing Airworthiness Directive (AD) 81-20-01, Amendment 39-4223, and adding a new AD to read as follows:

Jetstream Aircraft Limited: Docket No. 95-CE-10-AD. Supersedes AD 81-20-01, Amendment 39-4223.

Applicability: The following airplanes, certificated in any category, that do not have an improved design attachment bracket for the NLG retraction jack (Modification JM 5285) installed in accordance with the Accomplishment Instructions section of Jetstream SB 53-JM 5285:

- HP137 Mk1 airplanes, all serial numbers;
- Jetstream Series 200 airplanes, all serial numbers;
- Jetstream Model 3101 airplanes, all serial numbers; and
- Jetstream Model 3201 airplanes, serial numbers 601 through 840.

Note 1: This AD applies to each airplane 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 airplanes 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 (e) 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.

To prevent failure of the nose landing gear (NLG) caused by a cracked NLG actuator support structure or cracked front pressure bulkhead, which could lead to nose gear collapse and damage to the airplane, accomplish the following:

Note 2: The paragraph structure of this AD is as follows: Level 1: (a), (b), (c), etc.; Level

2: (1), (2), (3), etc.; Level 3: (i), (ii), (iii), etc.; Level 2 and Level 3 structures are designations of the Level 1 paragraph they immediately follow.

(a) For HP137 Mk1 and Jetstream series 200 airplanes that do not have the front pressure bulkhead strengthened in the area of the NLG jack attachment fitting (Modification 5127), upon accumulating 1,600 landings or within the next 200 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 200 landings until the modification required by paragraph (c) of this AD is incorporated, inspect (using dye penetrant methods) the nose landing gear actuator support structure, part number (P/N) 137139C-13 and P/N 137139C-25, and the membrane of the front pressure bulkhead for cracks. Accomplish the inspection in accordance with British Aerospace (BAe) Service Bulletin (SB) No. 6/5, dated September 4, 1978.

(1) Prior to further flight after any of the inspections required by paragraph (a) of this AD, replace any cracked P/N 137139C-13 NLG actuator support structure. This replacement does not eliminate the repetitive inspection requirement of this AD.

(2) Prior to further flight after any of the inspections required by paragraph (a) of this AD, repair any cracked P/N 137139C-25 NLG actuator support structure in accordance with the applicable maintenance manual. This repair does not eliminate the repetitive inspection requirement of this AD.

(3) Prior to further flight after any of the inspections required by paragraph (a) of this AD, repair any cracked front pressure bulkhead membrane in accordance with the applicable maintenance manual. This repair does not eliminate the repetitive inspection requirement of this AD.

(b) For all HP137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplanes, upon accumulating 3,500 landings or within the next 200 landings after the effective date of this AD, whichever occurs later, accomplish the following:

(1) Inspect the NLG retraction jack upper mounting fitting and attaching hardware for correct installation, security bolt failure, and bolts with improper torque levels in accordance with Part A and B of the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream SB 53-A-JA870510, which incorporates the following pages and revision levels:

Pages	Revision level	Date
3, 5, 6, 8, 9, and 10.	Original Issue	May 26, 1987.
1, 2, 4, and 7	Revision 1	Nov. 10, 1987.

Prior to further flight, replace any failed security bolt and adjust any bolt with an improper torque level in accordance with Jetstream SB 53-A-JA870510.

(2) Reinspect the NLG retraction jack upper mounting fitting and attaching hardware for security bolt failure and bolts with improper torque levels in accordance with Part A of the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream SB 53-A-JA870510 at intervals not to exceed 1,600 landings until

the modification required by paragraph (c) of this AD is incorporated. Prior to further flight, replace any failed security bolt and adjust any bolt with an improper torque level in accordance with Jetstream SB 53-A-JA870510.

(3) Reinspect the NLG retraction jack upper mounting fitting security nuts for correct installation in accordance with Part B of the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream SB 53-A-JA870510 at intervals not to exceed 200 landings until the modification required by paragraph (c) of this AD is incorporated. If correct installation is not evident, prior to further flight, accomplish the reinspection specified in paragraph (b)(2) of this AD.

(c) For all applicable HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes, upon accumulating 25,000 landings or within the next 2,000 landings after the effective date of this AD, whichever occurs later, install an improved design attachment bracket for the NLG retraction jack (Modification JM 5285) in accordance with the Accomplishment Instructions section of Jetstream SB 53-JM 5285, which incorporates the following pages and revision levels:

Pages	Revision level	Date
1 and 4	Revision 2	Nov. 12, 1992.
2, 3, and 5 through 26.	Revision 1	May 18, 1992.

(1) Incorporating Modification JM 5285 on Jetstream HP137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplanes terminates the repetitive inspection requirement of this AD.

(2) Incorporating Modification JM 5285 on Jetstream Model 3201 airplanes eliminates the need for the repetitive inspections specified in the applicable maintenance manual.

(3) Modification JM 5285 may be accomplished at any time prior to accumulating 25,000 landings or within the next 2,000 landings after the effective date of this AD, whichever occurs later, at which time it must be incorporated.

(d) 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.

(e) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Division, Europe, Africa, Middle East office, FAA, c/o American Embassy, 1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Division. Alternative methods of compliance approved in accordance with AD 81-20-01 (superseded by this action) are not considered approved as alternative methods of compliance with this AD.

Note 3: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Division.

(f) All persons affected by this directive may obtain copies of the document referred to herein upon request to Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) This amendment supersedes AD 81-20-01, Amendment 39-4223.

Issued in Kansas City, Missouri, on October 11, 1996.

Bobby W. Sexton,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-26861 Filed 10-18-96; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 71

[Airspace Docket No. 96-ASO-25]

Proposed Amendment of Class D Airspace; Hollywood, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Class D airspace at Hollywood, FL. A GPS RWY 9R Standard Instrument Approach Procedure (SIAP) has been developed for North Perry Airport. Additional controlled airspace extending upward from the surface is needed to accommodate this SIAP and for instrument flight rules (IFR) operations at North Perry Airport. The operating status of the airport will change from VFR to include IFR operations concurrent with publication of this SIAP.

DATES: Comments must be received on or before December 7, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 96-ASO-25, Manager, Operations Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305-5586.

FOR FURTHER INFORMATION CONTACT: Benny L. McGlamery, Operations Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5570.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 96-ASO-25." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Operations Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend Class D airspace at Hollywood, FL. A GPS RWY 9R Standard Instrument Approach Procedure (SIAP) has been developed for North Perry