

# 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. 96-CE-17-AD]

RIN 2120-AA64

#### Airworthiness Directives; Pilatus Britten-Norman Ltd. BN-2, BN-2A, BN-2B, and BN-2T Series 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 Pilatus Britten-Norman Ltd. (Pilatus) BN-2, BN-2A, BN-2B, and BN-2T series airplanes. The proposed action would require modifying the upper engine mounting brackets on the wing front spar as terminating action for the repetitive inspections that were required in AD 84-23-06, which is the subject of a proposal to eliminate the Pilatus BN-2, BN-2A, BN-2B, and BN-2T series airplanes from its applicability in a separate action. The proposed action is prompted by several reports of cracks in the upper engine mounting brackets and a new terminating action to eliminate the repetitive inspections for Pilatus BN-2, BN-2A, BN-2B, and BN-2T series airplanes. The actions specified by the proposed AD are intended to prevent the failure of the engine mounting brackets on the wing mounted engines which could possibly cause structural failure of the airplane.

**DATES:** Comments must be received on or before May 12, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-17-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 Pilatus Britten-Norman Ltd., Bembridge, Isle of Wight, United Kingdom PO35 5PR; telephone 44-1983 872511; facsimile 44-1983 873246. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Project Engineer, FAA, Brussels Aircraft Certification Division, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium; telephone (322) 513.3830, ext. 2716; facsimile (322) 230.6899; or Mr. S. M. Nagarajan, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64105; 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. 96-CE-17-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 Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-17-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

#### Events Leading to the Proposed Action

The Civil Airworthiness Authority (CAA), which is the airworthiness authority for the United Kingdom (UK), notified the FAA that an unsafe condition may exist on Pilatus BN-2, BN-2A, BN-2B, and BN-2T series airplanes. The UK CAA reports cracking in the upper engine mounting brackets on the wing mounted engines attached to the wing front spar. This condition, if not detected and corrected, could result in failure of the engine mounting brackets of the wing mounted engines and possible structural failure and loss of control of the airplane.

The Pilatus BN-2, BN-2A, BN-2B, and BN-2T series airplanes are included in the applicability section of AD 84-23-06. A proposal to remove these airplanes from the applicability of AD 84-23-06 is being issued in a separate revised Notice of Proposed Rulemaking. The repetitive inspections that have been required by AD 84-23-06 would be terminated with a modifying action that is only applicable to the BN-2, BN-2A, BN-2B, and BN-2T series airplanes in this proposed action.

#### The FAA's Aging Aircraft Policy

The FAA has determined that reliance on critical repetitive inspections on aging commuter-class airplanes 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 if the known problem is not detected during the inspection; (2) the probability of the problem not being detected during the inspection; (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.

These factors have led the FAA to establish an aging commuter-class

aircraft policy that requires incorporating a known design change when it could replace a critical repetitive inspection.

Based on its aging commuter-class aircraft policy and after reviewing all available information, the FAA has determined that AD action should be taken to modify the upper engine wing mounting brackets of the affected airplanes to eliminate the repetitive short-interval inspections, and to prevent failure of the upper engine wing mounting brackets on wing mounted engines which could possibly cause structural failure of the airplane.

#### Related Service Information

Pilatus issued Service Bulletin No. BN-2/SB.61, Issue 5, dated December 9, 1981, which specifies procedures for modifying the engine mounting brackets on the wing mounted engines and terminating the repetitive inspection after accomplishing the modification.

The UK CAA classified these service bulletins as mandatory and has issued AD No. 0619 in order to assure the continued airworthiness of these airplanes in the United Kingdom.

#### FAA's Determination

This airplane model is manufactured in the United Kingdom 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 UK CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the UK CAA, reviewed all available information including the service information referenced above, 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 in other Pilatus BN-2, BN-2A, BN-2B, and BN-2T series airplanes of the same type design registered in the United States, the proposed AD would require initially inspecting the upper engine mounting brackets on the wing mounted engines for:

- (1) Cracks at the bolt-holes,
  - (2) Elongation of the bolt holes,
  - (3) Fretting within the holes,
  - (4) Cracks at the rivet holes,
  - (5) Distortion or delamination of the lugs, and that
  - (6) The bearings are the correct length and the bolts are not threadbound.
- If there is no evidence of damage or defects similar to any of the above-

mentioned items, continue to repetitively inspect at regular intervals until the accumulation of 2,000 hours time-in-service after the effective date of the proposed AD, at which time the proposed AD would require accomplishing Pilatus Modification NB/M/1147.

If any damage or defects are found similar to any of the six items previously mentioned, prior to further flight, the proposed action would require accomplishing Pilatus Modification NB/M/1147. This modification consists of replacing damaged brackets, bolts, and bushes with parts of an improved design. Accomplishing this modification is considered a terminating action to the proposed repetitive inspections.

#### Cost Impact

The FAA estimates that 112 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 37 workhours per airplane to accomplish the initial inspection and modification, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$800 per airplane to accomplish the modification. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$338,240 or \$3,020 per airplane. This figure is based on the initial inspection and modification only. It does not take into account the cost for the repetitive inspections that may be incurred over the life of the airplane until the modification is accomplished. The FAA has no way to determine the number of owners/operators that may have already accomplished the proposed action.

#### The Proposed Action's Impact Utilizing the FAA's Aging Commuter Class Aircraft Policy

The intent of the FAA's aging commuter airplane program is to ensure safe operation of commuter-class airplanes that are in commercial service without adversely impacting private operators. Of the approximately 112 airplanes in the U.S. registry that would be affected by the proposed AD, the FAA has determined that approximately 18 percent are operated in scheduled passenger service by 11 different operators. A significant number of the remaining 82 percent are operated in other forms of air transportation such as air cargo and air taxi.

The proposed AD allows 2,000 hours time-in-service (TIS) after the effective date of the proposed AD before mandatory accomplishment of the design modification. The average utilization of the fleet for those

airplanes in commercial commuter service is approximately 25 to 50 hours TIS per week. Based on these figures, operators of commuter-class airplanes involved in commercial operation would have to accomplish the proposed modification within 5 to 10 calendar months after the proposed AD would become effective. For private owners, who typically operate between 100 to 200 hours TIS per year, this would allow 5 to 10 years before the proposed modification would be mandatory.

#### 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:

Pilatus Britten-Norman Ltd.: Docket No. 96-CE-17-AD.

*Applicability: Models BN-2 (serial numbers 1 through 2033), BN-2T (serial numbers 419, and 2030 through 2033), and Models BN-2A and BN-2B (serial numbers 1 through 2116), certificated in any category.*

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 (g) 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 within the next 500 hours time-in-service (TIS) after the last compliance with AD 84-23-06, or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished.

To prevent failure of the upper mounting brackets on both wing mounted engines which could possibly cause structural failure of the airplane, accomplish the following:

(a) Inspect the upper mounting brackets, bolts, and bushings on both wing mounted engines for:

- (1) Cracks at the bolt holes,
- (2) Elongation of the bolt holes,
- (3) Fretting within the bolt holes,
- (4) Cracks at the rivet holes,
- (5) Distortion or delamination of the lugs, and

(6) Correct bearing length and inspect for bolts that are threadbound, in accordance with the "ACTION—Inspection" section in Pilatus Britten-Norman (Pilatus) Service Bulletin (SB) No. BN-2/SB.61, Issue 5, dated December 9, 1981.

(b) If the inspection reveals any evidence of damage or defects similar to the items in paragraphs (a)(1) through (a)(6), prior to further flight, accomplish Pilatus Modification NB/M/1147 by replacing the brackets, bushes, and bolts with brackets (part number (P/N) NB-20-D-7165), bushes (P/N NB-20-A4-7171), and bolts of improved design in accordance with paragraphs 1, 2, 3, and 5 of the "ACTION—Rectification/Modification" section in Pilatus SB No. BN-2/SB.61, Issue 5, dated December 9, 1981.

(c) If damage or defects are found on just one of the two brackets on each engine, then both brackets must be replaced, prior to further flight, in accordance with paragraph 1 of the "ACTION—Rectification/Modification" section in Pilatus SB No. BN-2/SB.61, Issue 5, dated December 9, 1981.

(d) If no damage or defects are found similar to the items in paragraphs (a)(1)

through (a)(6) of this AD, continue to inspect at intervals not to exceed 500 hours TIS until the accumulation of 2,000 hours TIS after the effective date of this AD, at which time Modification NB/M/1147 must be accomplished on both upper mounting brackets on both engines in accordance with paragraphs 1, 2, 3, and 5 of the "ACTION—Rectification/Modification" section of Pilatus SB No. BN-2/SB.61, Issue 5, dated December 9, 1981.

(e) Accomplishing Modification NB/M/1147 in the "ACTION—Rectification/Modification" section of Pilatus SB No. BN-2/SB.61, Issue 5, dated December 9, 1981, is considered terminating action to the repetitive inspections required in paragraph (d) of this AD.

(f) 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.

(g) 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, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium or the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Division or the Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Division or the Small Airplane Directorate.

(h) All persons affected by this directive may obtain copies of the document referred to herein upon request to Pilatus Britten-Norman Ltd., Bembridge, Isle of Wight, United Kingdom PO35 5PR; 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.

Issued in Kansas City, Missouri, on February 28, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-5846 Filed 3-7-97; 8:45 am]

BILLING CODE 4910-13-U

**14 CFR Part 39**

[Docket No. 84-CE-18-AD]

RIN 2120-AA64

**Airworthiness Directives; Pilatus Britten-Norman Ltd. BN-2, BN-2A, BN-2B, BN-2T, and BN-2A Mk 111 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to revise 84-23-06, which currently requires repetitively inspecting the upper mounting brackets, bolts, and bushings on wing mounted engines for cracks, wear, and insufficient fit on certain Pilatus Britten-Norman Ltd. (Pilatus) BN-2, BN-2A, BN-2B, BN-2T, and BN-2A Mk 111 series airplanes, and replacing any cracked, worn, or ill-fitting part. The proposed action would retain the same action required in AD 84-23-06, except the action would only be applicable to the BN-2A Mk 111 series airplanes. The proposed action is prompted by a terminating modification only applicable to the Pilatus BN-2, BN-2A, BN-2B, BN-2T series airplanes that would remove them from the applicability of AD 84-23-06. The actions specified by the proposed AD are intended to prevent failure of the upper mounting brackets on wing mounted engines which could possibly cause structural failure of the airplane.

**DATES:** Comments must be received on or before May 12, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 84-CE-18-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 Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, United Kingdom PO35 5PR; telephone 44-1983 872511; facsimile 44-1983 873246. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Tom Rodriguez, Program Officer, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, b-1000 Brussels, Belgium; telephone (322) 508-2715; facsimile (322) 230-6899;

or

Mr. S. M. Nagarajan, 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