

Proposed Rules

Federal Register

Vol. 62, No. 116

Tuesday, June 17, 1997

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-NM-119-AD]

RIN 2120-AA64

Airworthiness Directives; Dornier Model 328-100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to all Dornier Model 328-100 series airplanes, that currently requires repetitive tightening of the screws and quick-release fasteners on the wing/body fairing panels. This proposed action would continue to require the repetitive tightening of these parts on certain airplanes. The proposed AD also would require the installation of new fastener systems for those panels on certain airplanes and the application of new torque values. Accomplishment of these actions would terminate the requirement for repetitive tightening of the screws and fasteners of those airplanes. In addition, the proposed AD would limit the applicability of the existing AD by removing certain airplanes. This proposal is prompted by the manufacturer's development of new fastener systems that will not vibrate and loosen. The actions specified by the proposed AD are intended to prevent separation of loosened wing/body fairing panels from the airplane, which, if not corrected, could lead to structural damage to the horizontal or vertical stabilizer, and potential injury to persons on the ground.

DATES: Comments must be received by July 28, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-

119-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Connie Beane, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2796; fax (425) 227-1149.

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 shall 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 summarizing 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 Number 96-NM-119-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, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-119-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On October 3, 1994, the FAA issued AD 94-21-02, amendment 39-9043 (59 FR 51361, October 11, 1994), applicable to all Dornier Model 328-100 series airplanes, to require repetitive tightening of the screws and quick-release (camlock) fasteners on the wing/body fairing panels. That action was prompted by reports of loosened wing/body fairing panels. The requirements of that AD are intended to prevent structural damage to the horizontal or vertical stabilizer and potential injury to persons on the ground due to loosened wing/body fairing panels that may separate from the airplane.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, which the FAA considered to be interim action, the manufacturer has developed new fastener systems to keep these panels from separating from the airplane. The relative movement between the wing spar box and adjacent fairing parts, as well as settling of the panels in the area where the attachment screws are located, causes the old fasteners to become loose. The newly developed fastener systems are designed to eliminate vibration and loosening of the fasteners.

Explanation of Relevant Service Information

Dornier has issued Service Bulletin SB-328-53-144, Revision 2, dated September 18, 1996, which describes procedures for the installation of new fastener systems for the wing/body fairing panels on certain airplanes, and application of new torque values to these fasteners. These new systems are composed of such parts as anchor nuts with longer threads, larger screws and anchor nuts for areas where fairing panels are connected to the flange of the wing spar, flange washers and rubber rings to prevent direct contact between the fairing panels and the flange of the wing spar, and intermediate slide strips between the fairing panels and the airplane structure. Installation of these

new systems, with an increase in the torque values of those fasteners, would eliminate the need to repetitively tighten those fasteners.

The service bulletin also limits its effectivity to airplanes having serial number 3005 through 3047 inclusive. Airplanes having serial number 3048 and subsequent had the new fastener systems installed during manufacture.

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, classified Revision 1 of this service bulletin as mandatory and issued German airworthiness directive 94-009/4, dated February 1, 1996, in order to assure the continued airworthiness of these airplanes in Germany. (Revision 1, dated January 18, 1996, only differs from Revision 2 in its notes and the dimensions of certain figures.)

FAA's Conclusions

This airplane model is manufactured in Germany 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 LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 94-21-02 to continue to require repetitive tightening of the screws and quick-release fasteners on the wing/body fairing panels. The proposed action also would require the installation of new fastener systems for these panels, and the application of new torque values to these fasteners. Accomplishment of this installation would terminate the current requirement for repetitive tightening of the fasteners for these panels on certain airplanes. Furthermore, the proposed AD would not apply to airplanes on which the installation of these fastener systems had been accomplished during production.

The installation of the new fastener systems would be required to be accomplished in accordance with the service bulletin described previously.

Cost Impact

There are approximately 8 Dornier Model 328-100 series airplanes of U.S. registry that would be affected by this proposed AD.

The actions that are currently required by AD 94-21-02 take approximately 3 work hours per airplane to accomplish, at an average rate of \$60 per work hour. Based on these figures, the cost impact on U.S. operators of the actions currently required is estimated to be \$1,440, or \$180 per airplane.

The new actions that are proposed in this AD action would take approximately 120 work hours per airplane to accomplish, at an average rate of \$60 per work hour. Required parts would be provided by the manufacturer at no cost to the operator. Based on these figures, the cost impact on U.S. operators of the proposed requirements of this AD is estimated to be \$57,600, or \$7,200 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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 proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the 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 is contained 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 amendment 39-9043 (59 FR 51361, October 11, 1994), and by adding a new airworthiness directive (AD), to read as follows:

Dornier: Docket 96-NM-119-AD.

Supersedes AD 94-21-02, Amendment 39-9043.

Applicability: All Model 328-100 series airplanes having serial number 3005 through 3047 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 (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 as indicated, unless accomplished previously.

To prevent structural damage to the horizontal or vertical stabilizer, and potential injury to persons on the ground due to loosened wing/body fairing panels that may separate from the airplane, accomplish the following:

Restatement of the Requirements of AD 94-21-02, Amendment 39-9043

(a) Within 25 hours time-in-service after October 26, 1994 (the effective date of AD 94-21-02, amendment 39-9043), tighten the screws and quick-release fasteners on the wing/body fairing panels, in accordance with Dornier Alert Service Bulletin ASB-328-53-004, dated August 2, 1994. Repeat these procedures thereafter at intervals not to exceed 100 hours time-in-service.

Note 2: The proper torque values are specified in the alert service bulletin.

Requirements of the Proposed AD

(b) Within 12 months after the effective date of this AD, modify the left and right top fairing attachments by installing new fastener systems and increasing the torque values applied to these fasteners, in accordance with

Dornier Service Bulletin SB-328-53-144, Revision 2, dated September 18, 1996. Accomplishment of this modification constitutes terminating action for the repetitive tightening actions required by paragraph (a) of this AD.

Note 3: Installation of the new fastener systems and the application of new torque values accomplished prior to the effective date of this AD in accordance with Dornier Service Bulletin SB-328-53-144, dated December 14, 1995, or Revision 1, dated January 18, 1996, is considered acceptable for compliance with the requirements of paragraph (b) of this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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.

Issued in Renton, Washington, on June 10, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-15768 Filed 6-16-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-02-AD]

RIN 2120-AA64

Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146-RJ Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 146 and Model Avro 146-RJ series airplanes. This proposal would require repetitive detailed visual inspections of the top wing skins for stress corrosion

cracks, damage, or missing surface protective finish of the metallic surfaces; and repair, if necessary. This proposal is prompted by reports of stress corrosion cracks found on the top wing skin during routine inspection on three airplanes. The actions specified by the proposed AD are intended to detect and correct such cracking, which could result in reduced structural integrity of the wing.

DATES: Comments must be received by July 28, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-02-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace Regional Aircraft Limited, Avro International Aerospace Division, Customer Support, Woodford Aerodrome, Woodford, Cheshire SK7 1QR, England. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2797; fax (425) 227-1149.

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 shall 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 summarizing 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 Number 97-NM-02-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, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-02-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain British Aerospace Model BAe 146 and Model Avro 146-RJ series airplanes. The CAA advises that airplanes with wing skins made from 7150-T651 aluminum are subject to stress corrosion cracking. During routine inspections, stress corrosion cracks on the top wing skin were found on three of the affected airplanes. Analysis has revealed that this stress corrosion cracking is only a problem on Model BAe 146 and Model Avro 146-RJ series airplanes with wing skins made from 7150-T651 aluminum. This condition, if not detected and corrected in a timely manner, could result in reduced structural integrity of the wing.

Explanation of Relevant Service Information

British Aerospace has issued Service Bulletin SB.57-49, dated June 4, 1996, which describes procedures for visually inspecting the top wing skin for stress corrosion cracks, damage, or missing surface protective finish of the metallic surfaces. The service bulletin also provides procedures for application of a protective finish of the metallic surfaces, if necessary. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 005-06-96, dated June 4, 1996, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

These airplane models are manufactured in the United Kingdom and are 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