

# Proposed Rules

Federal Register

Vol. 62, No. 150

Tuesday, August 5, 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-230-AD]

RIN 2120-AA64

#### Airworthiness Directives; Dassault Model Mystere-Falcon 50 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 Dassault Model Mystere-Falcon 50 series airplanes. This proposal would require installation of a reinforcement fitting at the junction of the baggage floor and frame 35 on both the left and right-hand sides of the airplane. This proposal is prompted by a report that, during fatigue testing, fatigue cracking was found in the subject areas due to insufficient reinforcement. The actions specified by the proposed AD are intended to prevent such fatigue cracking, which could result in reduced structural integrity of the airframe.

**DATES:** Comments must be received by September 15, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-230-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Dassault Falcon Jet Corporation, Teterboro Airport, P. O. Box 2000, South Hackensack, New Jersey 07606. This information may be examined at the FAA, Transport Airplane

Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Tom Groves, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1503; 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-230-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-230-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Dassault

Model Mystere-Falcon 50 series airplanes. The DGAC advises that, during routine fatigue testing on a Model Mystere-Falcon test article, a fatigue crack was found at the junction of the baggage floor and frame 35. The cause of this condition has been attributed to insufficient reinforcement of the affected area. Such fatigue cracking, if not detected and corrected in a timely manner, could result in reduced structural integrity of the airframe.

##### Explanation of Relevant Service Information

Dassault has issued Service Bulletin AMD-BA F50-122, dated June 25, 1986, which describes procedures for installing a reinforcement fitting at the junction of the baggage floor and frame 35 on both the left and right-hand sides of the airplane. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 86-74-5(B), dated June 25, 1986, in order to assure the continued airworthiness of these airplanes in France.

Additionally, Dassault has issued Service Bulletin AMD-BA F50-163, dated April 10, 1996, which describes procedures for extending the normal maximum operating altitude of 45,000 feet to 49,000 feet. Dassault has issued this service bulletin as an optional incorporation, and the DGAC has not classified this service bulletin as mandatory.

##### FAA's Conclusions

This airplane model is manufactured in France 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 DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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 require installation of a reinforcement fitting at the junction of the baggage floor and frame 35 on both the left and right-hand sides of the airplane. The actions would be required to be accomplished in accordance with Dassault Service Bulletin AMD-BA F50-122, as described previously.

For airplanes that have accumulated 10,000 or more total landings and on which Dassault Service Bulletin AMD-BA F50-163 (which is optional) is accomplished after the effective date of this proposed AD, this proposed AD would require that the installation of a reinforcement fitting in accordance with Dassault Service Bulletin AMD-BA F50-122 be accomplished concurrently with the procedures specified in Dassault Service Bulletin AMD-BA F50-163. Since airplanes that have accomplished service bulletin AMD-BA F50-163 are permitted to fly at higher altitudes than unmodified airplanes, the FAA finds that the risk of developing fatigue cracking in the fuselage pressure vessel increases. Installation of a reinforcement fitting (as required by this proposed AD), in conjunction with the accomplishment of the procedures specified in Dassault Service Bulletin AMD-BA F50-163, will prevent fatigue cracking in the area of the junction of the baggage floor and frame 35, which could result in reduced structural integrity of the airframe.

#### Cost Impact

The FAA estimates that 26 Dassault Model Mystere-Falcon 50 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 50 work hours per airplane to accomplish the proposed installation, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$7,000 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$260,000, or \$10,000 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the 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 adding the following new airworthiness directive:

**Dassault Aviation:** Docket 96-NM-230-AD.

**Applicability:** Model Mystere-Falcon 50 series airplanes, serial numbers 1 through 49 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 (b) 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 fatigue cracking at the junction of the baggage floor and frame 35, which could result in reduced structural failure of the airframe, accomplish the following:

(a) Install a reinforcement fitting at the junction of the baggage floor and frame 35 on both the left and right-hand sides of the airplane, in accordance with Avions Marcel Dassault-Breguet Aviation (AMD-BA) Service Bulletin F50-122, dated June 25, 1986, at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) For airplanes on which AMD-BA Service Bulletin F50-163 has been incorporated as of the effective date of this AD: Prior to the accumulation of 10,000 total flights or 6 months after the effective date of this AD, whichever occurs later.

(2) For airplanes on which AMD-BA Service Bulletin F50-163 has not been incorporated as of the effective date of this AD: Perform the requirements of paragraph (a) of this AD at the time specified in either paragraph (a)(2)(i) or (a)(2)(ii) of this AD, as applicable.

(i) Except for those airplanes identified in paragraph (a)(2)(ii), prior to the accumulation of 14,000 total flights or 6 months after the effective date of this AD, whichever occurs later.

(ii) If incorporation of AMD-BA Service Bulletin F50-163 is accomplished at or after the accumulation of 10,000 total flights and prior to the accumulation of 14,000 total flights: Perform the requirements of paragraph (a) of this AD concurrently with the incorporation of AMD-BA Service Bulletin F50-163.

(b) 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 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) 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 July 30, 1997.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 97-20539 Filed 8-4-97; 8:45 am]

BILLING CODE 4910-13-P