

# 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-95-AD]

RIN 2120-AA64

#### Airworthiness Directives; Burkhart Grob, Luft-und Raumfahrt, GmbH. Model G102 Astir CS Sailplanes

**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 the Burkhart Grob, Luft-und Raumfahrt, GmbH. (Grob) Model G102 Astir CS sailplanes. The proposed action would require replacing the elevator control lever. This proposed action is prompted by the discovery of cracks in the elevator control lever during a routine inspection of a Grob Model G102 Astir CS sailplane. The action specified by the proposed AD is intended to prevent failure of the elevator control lever, which could result in loss of control of the sailplane.

**DATES:** Comments must be received on or before February 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. 95-CE-95-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 Grob Luft-und Raumfahrt, GmbH, Postfach 1257, D-87712, Mindelheim, Germany. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. J. Mike Kiesov, Project Officer,

Sailplanes, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri, 64106; telephone (816) 426-6934; 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-95-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. 95-CE-95-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

##### Events Leading to the Proposed Action

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Grob Model Astir CS sailplanes. The LBA reports that cracks have been found in the elevator control lever, which if

not corrected, could cause loss of control of the sailplane.

Grob has issued Service Bulletin (SB) TM 306-33, dated September 15, 1994, and Grob Installation Instructions No. 306-30/1, dated October 11, 1994, which specifies inspecting for cracks in the elevator control lever and replacing any cracked elevator control lever, prior to further flight, or replacing the elevator control lever prior to a certain date.

The LBA classified these service bulletins as mandatory and issued AD 94-317/2 Grob, date of issue: April 21, 1995, in order to assure the continued airworthiness of these airplanes in Germany.

##### Proposed Compliance Time

The FAA has reviewed the compliance times recommended by the manufacturer in the Grob SB 306-33, and by the LBA AD and has determined that one compliance time for all operators is more equitable and would not present any undue burden on any of the owner/operators of any U.S. registered sailplanes. Therefore, the compliance time stated in the body of the proposed AD would take precedence over the compliance time recommended by the manufacturer and the foreign airworthiness authority for Germany.

##### Explanation of the Provisions of This AD

This sailplane 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. The FAA has also determined that it is more beneficial and less cumbersome to the owners/operators to require a replacement of the elevator control lever within the next 20 hours time-in-service, instead of requiring an initial inspection for cracks and if cracks are found, replacing the part prior to further flight, and then if no cracks are found, replacing the part prior to a certain date, as required by the

LBA and the manufacturer. The one time replacement is more time and labor efficient.

Since an unsafe condition has been identified that is likely to exist or develop in other Grob G102 Astir CS sailplanes of the same type design, the proposed AD would require replacing the elevator control lever, part number (P/N) 102-3542 with an improved elevator control lever, P/N 102-3543.

#### Related Service Information

Accomplishment of the proposed action would be in accordance with Grob SB TM 306-33, dated September 15, 1994 and Grob Installation Instructions No. 306-30/1, dated October 11, 1994.

#### Cost Impact

The FAA estimates that 53 sailplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 12 hours per sailplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$180 per sailplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$47,700.

Grob has informed the FAA that no parts have been distributed to equip any sailplane in the United States. The FAA has no way of determining how many owners/operators may have incorporated the proposed actions on their sailplane.

#### 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, 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 AD to read as follows:

Burkhart Grob Luft-Und Raumfahrt, GMBH:  
Docket No. 95-CE-95-AD.

*Applicability:* Model G102 Astir CS sailplanes (serial numbers 1001 through 1536), certificated in any category.

Note 1: This AD applies to each sailplane 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 sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any aircraft from the applicability of this AD.

Compliance: Required within the next 20 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent failure of the elevator control lever, which could result in loss of control of the sailplane, accomplish the following:

(a) Replace the elevator control lever, Grob part number (P/N) 102-3542, with an elevator control lever of improved design (Grob P/N 102-3543) in accordance with the "Procedure" section of the Grob Installation Instructions No. 306-30/1, dated October 11, 1994, which are referenced in the "Actions: 2" section of Grob service bulletin (SB) TM 306-33, dated September 15, 1994.

Note 2: The instructions in this AD do not reflect the instructions given in the Grob service bulletin or the LBA AD discussed in the preamble of this AD; therefore, the instructions in the body of this AD take precedence over the Grob service bulletin and the LBA AD.

(b) 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 sailplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 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, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri, 64106.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request Grob Luft-und Raumfahrt, GmbH, Postfach 1257, D-87712, Mindelheim, Germany 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 December 2, 1996.

Michael Gallagher,  
Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-31265 Filed 12-9-96; 8:45 am]

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#### **14 CFR Part 39**

[Docket No. 95-CE-98-AD]

RIN 2120-AA64

**Airworthiness Directives; Aerospace Technologies of Australia Pty Ltd. (Formerly Government Aircraft Factory) Models N22B, N22S, and N24A 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 Aerospace Technologies of Australia Pty Ltd. (ASTA) Models N22B, N22S, and N24A airplanes. The proposed action would require repetitively inspecting the stub wing upper front spar cap flanges for cracks, and repairing any cracked part. The proposed AD results from fatigue tests that show that the stub wing upper front spar cap flanges could fail over time because of fatigue. The actions specified by the proposed AD are intended to prevent structural failure of