

Proposed Rules

Federal Register

Vol. 62, No. 142

Thursday, July 24, 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. 90-CE-65-AD]

RIN 2120-AA64

Airworthiness Directives; The New Piper Aircraft, Inc. Models PA-31, PA-31-300, PA-31-325, PA-31-350, and PA-31P Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 79-01-04, which currently requires repetitively inspecting the elevator bungee spring for cracks or surface deformities on certain Piper Aircraft Corporation (known currently as The New Piper Aircraft, Inc.) Model PA-31-350 airplanes, and replacing any elevator bungee spring with cracks or surface deformities. The proposed AD would retain the repetitive inspection and replacement requirements from AD 79-01-04 on The New Piper Aircraft, Inc. (Piper) Model PA-31-350 airplanes until an elevator bungee spring of improved design is installed; would require these repetitive inspection and replacement requirements on other Piper PA-31 and PA-31P series airplanes not affected by AD 79-01-04; and would require replacing the elevator bungee link with a link of improved design on all airplanes except for the Piper Model PA-31P airplanes, and repetitively replacing the elevator bungee spring on all airplanes. The proposed AD results from reports of cracked elevator bungee springs on airplanes incorporating the older design elevator bungee spring that are not affected by AD 79-01-04, and by reports of cracked elevator bungee springs on airplanes that have improved design elevator bungee springs installed. The actions specified by the proposed AD

are intended to prevent failure of the elevator bungee spring, which could result in a reduction in elevator control and consequent loss of control of the airplane.

DATES: Comments must be received on or before September 22, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-CE-65-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 The New Piper Aircraft, Inc., Customer Services, 2926 Piper Drive, Vero Beach, Florida 32960. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Christina Marsh, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7362; facsimile (404) 305-7348.

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. 90-CE-65-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. 90-CE-65-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 79-01-04, Amendment 39-3381, currently requires repetitively inspecting the elevator bungee spring, Piper part number (P/N) 42377-02, for cracks or surface deformities on certain Piper Aircraft Corporation (known currently as The New Piper Aircraft, Inc.) Model PA-31-350 airplanes, and replacing any elevator bungee spring with cracks or surface deformities. AD 79-01-04 also provides the option of installing an improved design elevator bungee spring, Piper P/N 71056-02, as terminating action for the repetitive inspection requirement of that AD.

Actions Since Issuance of Previous AD

The FAA has received six reports of elevator bungee spring failure on airplanes incorporating elevator bungee spring, Piper P/N 42377-02, that are not affected by AD 79-01-04. In addition, the FAA has received reports of cracking in the Piper P/N 71056-02 elevator bungee spring on Piper Model PA-31-350 airplanes that had this part installed as terminating action for the repetitive inspection requirement of AD 79-01-04, as well as other Piper airplane models that had the improved design elevator spring installed at manufacture. This includes certain Piper Models PA-31, PA-31-300, PA-31-325, PA-31-350, and PA-31P airplanes. These cracks are occurring when the affected airplanes incur over 1,000 hours time-in-service (TIS) on the elevator bungee spring.

Analysis performed by Piper and the FAA reveals that repetitive inspections should not be required on the Piper P/N 71056-02 elevator bungee springs provided they are repetitively replaced

at intervals not to exceed 1,000 hours TIS. The FAA's policy is to not rely on repetitive inspections to detect cracks when an improved design part is available.

In addition, Piper has developed P/N 71056-03 elevator bungee springs that are of almost identical design to the P/N 71056-02 elevator bungee springs.

Relevant Service Information

Piper has revised Service Bulletin No. 626B to the 626C level to include procedures for inspecting elevator bungee springs on Piper PA-31 series airplanes.

In addition, Piper issued Service Bulletin No. 1002, dated June 5, 1997, which includes procedures for replacing the elevator bungee springs on Piper Model PA-31P airplanes.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that (1) repetitive inspections should not be relied on to detect cracks on the Piper P/N 42377-02 elevator bungee springs because improved Piper P/N 71056-02 and P/N 71056-03 elevator bungee springs exist; and (2) AD action should be taken to prevent failure of the elevator bungee spring, which could result in a reduction in elevator control and consequent loss of control of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Piper PA-31 and PA-31 series airplanes of the same type design, the FAA is proposing an AD to supersede AD 79-01-04. The proposed AD would retain the repetitive inspection and replacement requirements from AD 79-01-04 on Piper Model PA-31-350 airplanes until an elevator bungee spring of improved design is installed; would require these repetitive inspection and replacement requirements on other Piper PA-31 and PA-31P series airplanes not affected by AD 79-01-04; and would require the following:

- Replacing the elevator bungee link with a Piper part number (P/N) 71086-03 (or FAA-approved equivalent part number) elevator bungee link on all Piper PA-31 series airplanes, except for the Piper Model PA-31P airplanes; and
- Repetitively replacing the elevator bungee spring with a Piper P/N 71056-02 (or FAA-approved equivalent part number) or P/N

71056-03 (or FAA-approved equivalent part number) elevator bungee spring.

Accomplishment of the proposed inspections would be in accordance with Piper SB No. 626C, dated February 28, 1997. Accomplishment of the proposed replacements would be in accordance with *Section IV, Surface Controls*, of the applicable maintenance manual for all PA-31 series airplanes, except for the Model PA-31P airplanes. Accomplishment of the proposed replacements for the Model PA-31P airplanes would be in accordance with Piper Service Bulletin No. 1002, dated June 5, 1997.

The affected airplanes could have elevator bungee springs and links installed that have Parts Manufacturer Approval (PMA). For those airplanes having PMA parts that are equivalent (PMA by equivalency) to those referenced in the proposed AD, the phrase "or FAA-approved equivalent part number" means that the proposed actions, if followed by a final rule, would also apply to airplanes with PMA by equivalency elevator bungee springs and links installed.

Differences Between the Proposed AD and Piper Service Bulletins

Piper Service Bulletin No. 626C, dated February 28, 1997, specifies replacing the bungee links every 1,000 flight hours, and specifies repetitive inspections of both the Piper P/N 42377-02 (or FAA-approved equivalent part number) and P/N 71056-02 (or FAA-approved equivalent part number) elevator bungee springs on Piper PA-31 series airplanes, except for Model PA-31P airplanes. The proposed AD would only require a one-time replacement of the elevator bungee link on these airplanes, and would not require repetitive inspections of the Piper P/N 71056-02 (or FAA-approved equivalent part number) elevator bungee spring. The FAA has determined that:

- Based on history and design data, a life limit is not required for the P/N 71086-03 (or FAA-approved equivalent part number) elevator bungee links; and
- Because the Piper P/N 71056-02 (or FAA-approved equivalent part number) and P/N 71056-03 (or FAA-approved equivalent part number) elevator bungee springs have the same structural design, repetitive inspections are only needed on the Piper P/N 42377-02 (or FAA-approved equivalent part number) elevator bungee springs.

In addition, Piper Service Bulletin No. 1002, dated June 5, 1997, specifies

repetitively replacing the P/N 42376-05 elevator bungee link on the Piper Model PA-31P airplanes. The FAA has determined that the P/N 42376-05 elevator bungee link is compatible with the P/N 42377-02 and P/N 71056-03 elevator bungee springs and replacement of the elevator bungee links on Piper Model PA-31P airplanes is not necessary.

Cost Impact

The FAA estimates that 1,325 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 1 workhour per airplane to accomplish the proposed replacement, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$60 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$159,000.

The above figures only take into account the cost of the initial replacement and do not take into account the cost of repetitive replacements. The FAA has no way of determining how many repetitive replacements each owner/operator may incur over the life of an affected airplane. The figure also does not include the cost of the repetitive inspections for the Piper PA-31 and PA-31P series airplanes that would be required until mandatory replacement of the elevator bungee spring. The FAA has no way of determining how many of the affected airplanes would still have the old design elevator bungee spring still installed and would be subject to the proposed repetitive inspections. The FAA believes that most Piper PA-31 and PA-31P series airplane owners/operators have already exceeded 1,000 hours TIS and would replace the elevator bungee spring within 100 hours TIS of the effective date of the AD (if eventually adopted as a final rule) instead of repetitively inspecting the older design elevator bungee spring.

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 14 CFR part 39 of the Federal Aviation Regulations 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) 79-01-04, Amendment 39-3381, and by adding a new AD to read as follows:

The New Piper Aircraft, Inc.: Docket No. 90-CE-65-AD; Supersedes 79-01-04, Amendment 39-3381.

Applicability: The following airplane model and serial numbers, certificated in any category:

Models	Serial numbers
PA-31, PA-31-300, and PA-31-325.	31-2 through 31-8312019.
PA-31-350	31-5001 through 31-8553002.
PA-31P	31P-1 through 31P-7730012.

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 as indicated in the body of this AD, unless already accomplished.

To prevent failure of the elevator bungee spring, which could result in a reduction in elevator control and consequent loss of control of the airplane, accomplish the following:

Note 2: The airplanes affected by this AD could have elevator bungee springs and links installed that have Parts Manufacturer Approval (PMA). For those airplanes having PMA parts that are equivalent (PMA by equivalency) to those referenced in the proposed AD, the phrase "or FAA-approved equivalent part number" means that this AD applies to airplanes with PMA by equivalency elevator bungee springs and links installed.

(a) For any affected airplane incorporating a Piper part number (P/N) 42377-02 (or FAA-approved equivalent part number) elevator bungee spring where the elevator bungee spring has 900 hours TIS or less, accomplish the following:

(1) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished (compliance with AD 79-01-04), and thereafter at intervals not to exceed 100 hours TIS until the replacement required by paragraph (b) of this AD is accomplished, inspect the elevator bungee spring for cracks or surface deformities in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Piper Service Bulletin No. 626C, dated February 28, 1997.

Note 3: The 100-hour TIS repetitive inspection compliance time is the same as that in AD 79-01-04 (superseded by this action). This compliance time is being retained to provide credit and continuity for already-accomplished and future inspections.

Note 4: Piper Service Bulletin No. 626C, dated February 28, 1997, lists Piper Models PA-31, PA-31-300, PA-31-325, and PA-31-350 airplanes in the Models Affected section. For purposes of this AD, the inspection procedures included in this service bulletin also apply to the Piper Model PA-31P airplanes.

(2) If any cracks or surface deformities are found during any inspection required by paragraph (a)(1) of this AD, prior to further flight, accomplish the following:

(i) For all affected Models PA-31, PA-31-300, PA-31-325, and PA-31-350 airplanes, replace the elevator bungee link with a Piper P/N 71086-03 (or FAA-approved equivalent part number) elevator bungee link;

(ii) For all the affected airplanes, replace the elevator bungee spring with a Piper P/N 71056-02 (or FAA-approved equivalent part number) or Piper P/N 71056-03 (or FAA-approved equivalent part number) elevator bungee spring. Accomplish this in accordance with *Section IV, Surface Controls*, of the applicable maintenance manual.

(b) Upon accumulating 1,000 hours TIS on a Piper P/N 42377-02, 1056-02, or 71056-03 (or FAA-approved equivalent part number) elevator bungee spring or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, accomplish the following:

(1) For all affected Models PA-31, PA-31-300, PA-31-325, and

PA-31-350 airplanes, replace the elevator bungee link with a Piper P/N 71086-03 (or FAA-approved equivalent part number) elevator bungee link in accordance with *Section IV, Surface Controls*, of the applicable maintenance manual, unless already accomplished.

(2) For all affected airplanes, replace the elevator bungee spring with a Piper P/N 71056-02 (or FAA-approved equivalent part number) or Piper P/N 71056-03 (or FAA-approved equivalent part number).

(i) For all affected Models PA-31, PA-31-300, PA-31-325, and

PA-31-350 airplanes, accomplish this replacement in accordance with *Section IV, Surface Controls*, of the applicable maintenance manual.

(ii) For the affected Model PA-31P airplanes, accomplish the replacement in accordance with the INSTRUCTIONS section to Piper Service Bulletin No. 1002, dated June 5, 1997.

(c) For all affected airplanes, repetitively replace the elevator bungee spring with a Piper P/N 71056-02 (or FAA-approved equivalent part number) or Piper P/N 71056-03 (or FAA-approved equivalent part number) elevator bungee spring at intervals not to exceed 1,000 hours TIS.

(1) Accomplish the repetitive replacements in accordance with the applicable service information specified in either paragraph (b)(2)(i) or (b)(2)(ii) of this AD.

(2) If an affected airplane already had the elevator bungee spring and link replaced as specified in paragraphs (b)(1) and (b)(2) of this AD, then only the repetitive replacements of the elevator bungee spring as specified in paragraph (c) of this AD are required.

(d) The repetitive inspections required by paragraph (a) of this AD may be terminated when the replacements specified in paragraphs (a)(2) and (b)(1) and (b)(2) of this AD are accomplished.

(e) As of the effective date of this AD, no person shall install either a Piper P/N 42377-02 (or FAA-approved equivalent part number) elevator bungee spring or a Piper P/N 42376-02 (or FAA-approved equivalent part number) elevator bungee link.

Note 5: The actions specified by this AD are different from those in Piper SB No. 626C, dated February 28, 1997. This AD takes precedence over the service bulletin. Piper SB No. 626C, dated February 28, 1997, specifies replacing the bungee links every 1,000 flight

hours, and specifies repetitive inspections of both the Piper P/N 42377-02 and P/N 71056-02 elevator bungee springs. This AD requires a one-time replacement of the elevator bungee link, and does not require repetitive inspections of the Piper P/N 71056-02 elevator bungee springs.

(f) Special flight permits may be issued in accordance with 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 compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

(2) Alternative methods of compliance approved in accordance with AD 79-01-04 (superseded by this action) are not considered approved as alternative methods of compliance with this AD.

Note 6: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(h) All persons affected by this directive may obtain copies of the documents referred to herein upon request to The New Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; 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.

(i) This amendment supersedes AD 79-01-04, Amendment 39-3381.

Issued in Kansas City, Missouri, on July 17, 1997.

Carolanne L. Cabrini,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-19437 Filed 7-23-97; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-274-AD]

RIN 2120-AA64

Airworthiness Directives; Raytheon Model DH.125-400A; BH.125-400A and -600A, HS.125-600A and -700A; BAe 125-800A; and Hawker 800 and Hawker 800 XP Series Airplanes Including Military Variants

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 Raytheon Model DH.125-400A; BH.125-400A and -600A; HS.125-600A and -700A; BAe 125-800A; and Hawker 800, and Hawker 800 XP series airplanes including military variants (C29A, U125, U125A). This proposal would require a one-time inspection to determine if certain high pressure oxygen hose assemblies are installed, and, if installed, replacement of those hose assemblies with new, improved hose assemblies. This proposal is prompted by a report that certain high pressure oxygen hose assemblies are susceptible to leakage due to those hose assemblies not meeting design specifications during manufacturing. The actions specified by the proposed AD are intended to prevent leaks in high pressure oxygen hose assemblies, which, if not detected and corrected, could result in insufficient oxygen available to the passengers or crew if the cabin pressure altitude should rise to a level requiring emergency oxygen.

DATES: Comments must be received by September 3, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-274-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 Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201-0085. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Michael Imbler, Aerospace Engineer, Systems and Propulsion Branch, ACE-115W, FAA, Small Airplane Directorate, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4147; fax (316) 946-4407.

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-274-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-274-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The FAA has received a report indicating that certain high pressure oxygen hose assemblies installed on Raytheon Model DH.125-400A; BH.125-400A and -600A; HS.125-600A and -700A; BAe 125-800A; and Hawker 800 and Hawker 800 XP series airplanes including military variants (C29A,