

Proposed Rules

Federal Register

Vol. 62, No. 160

Tuesday, August 19, 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. 95-CE-92-AD]

RIN 2120-AA64

Airworthiness Directives; Twin Commander Aircraft Corporation 500, 600, and 700 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 Twin Commander Aircraft Corporation 500, 600, and 700 series airplanes. The proposed action would require installing access holes in both wing leading edges and repetitively inspecting the forward attach brackets and straps for cracks. Reports of cracks in the wing to fuselage attachment brackets and straps, wing station (WS) 24, and fuselage frames prompted the proposed action. The actions specified by the proposed AD are intended to detect cracks at the wing to fuselage attach points, which, if not detected and corrected, could cause structural failure and loss of control of the airplane.

DATES: Comments must be received on or before October 24, 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-92-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 Twin Commander Aircraft Corporation, P.O. Box 3369, Arlington, Washington, 98223; telephone (360) 435-9797; facsimile (360) 435-1112. This

information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Morfitt, Aerospace Engineer, FAA, Seattle Aircraft Certification Office, 1601 Lind Ave. S.W., Renton, Washington, 98055-4056; telephone (425) 227-2595; facsimile (425) 227-1181.

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-92-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-92-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

There have been 14 reports of cracking at the wing leading edge spar and fuselage attach point in recent years

on certain Twin Commander 500, 600, and 700 series airplanes. Two Australian airplanes out of the 14 were reported to have extensive cracking in the wing leading edge spar, the wing station (W.S.) 24 rib, the fuselage station (F.S.) 100 frame, and in the attachment brackets between the kick fitting and the leading edge spar. Further investigation found 12 other Twin Commander airplanes with similar cracking. In addition, Twin Commander Models 690D and 695A airplanes were found to have adjacent detail cracking while undergoing full scale fatigue tests. The Twin Commander Models 690D and 695A airplanes are currently inspected in the wing structure under Airworthiness Directive (AD) 95-12-23 which mandates the procedures and actions in Twin Commander Service Bulletin No. 213, dated July 24, 1994. This proposed action would cover additional series airplanes as well as require repetitively inspecting and modifying the wing leading edge by installing access holes for thorough access to the fatigued areas.

Relevant Service Information

Twin Commander has issued Service Bulletin (SB) No. 223, dated October 24, 1996 as amended by Revision Notice No. 1, dated May 8, 1997, which specifies installing access holes in both wing leading edges, inspecting for cracks, and replacing or repairing any cracked part and continuing to repetitively inspect.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to detect cracks at the wing to fuselage attach points, which, if not detected and corrected, could cause structural failure and 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 Twin Commander 500, 600, and 700 series airplanes of the same type design, the proposed AD would require the following actions:

	A	B	C
Part I	Installing access holes in left and right wing leading edges and inspecting forward attach brackets and straps for cracks..	If cracked, prior to further flight, replacing the brackets and straps or repairing the part with an approved repair scheme. Then accomplish PART II of this AD.	If no cracks, repeat the inspection at regular intervals until cracks are found, then accomplish PART II.
Part II	Inspecting for cracks on both wing leading edge close-outs, upper & lower return flange radius, fuselage frame where tee bracket attaches, inboard side of attach bracket and frame tee bracket.	If cracked, prior to further flight, replacing any cracked part or repairing the part with an approved repair scheme.	After repairing or replacing the damaged part, continuing to inspect at regular intervals.
Part III	Inspecting fuselage station (f.s.) 100 for cracks.	If cracked, prior to further flight, repairing with an approved repair scheme, and continuing to inspect at regular intervals.	If no cracks, repeating the inspection at regular intervals until cracks are found, then accomplishing PART III B of this AD.

Note: Models 520 and 560 airplanes only are excluded from installing the wing leading edge access holes and inspection proposed in PART I of the above table.

Note: Models 690C and 695 airplanes are excluded from the proposed inspection in PART III in the above table.

Cost Impact

The FAA estimates that 1,887 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 82 workhours for PART I; 100 workhours for PART II (if required); and 7 workhours for PART III per airplane to accomplish the proposed action. The average labor rate is approximately \$60 an hour. Parts cost approximately \$410 for PART I and approximately \$450 for PART II (if required) per airplane. Based on these figures, the total cost impact for PART I would be \$5,330 per airplane, PART II (if required) would be \$6,450 per airplane, and PART III would be \$420 per airplane. The U.S. fleet cost is estimated to be \$11,127,650, or \$5,950 per airplane if no damage is found; and \$23,021,400 for the U.S. fleet, or \$12,200 per airplane if damage is found. For purposes of estimating the cost of the proposed AD, the FAA is presuming that none of the owners/operators of the affected airplanes have accomplished any of the actions on any of the affected airplanes. In addition, the cost impact does not take into consideration the costs of the repetitive inspections. The FAA has no way of determining the number of repetitive inspections that may be incurred over the life of the airplane.

Regulatory Flexibility Act Economic Analysis

Because the estimated cost for the proposed inspection and possible repairs are expensive, the FAA conducted a Cost Analysis and Initial Regulatory Flexibility Determination and Analysis for the proposed AD.

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to assure that small entities are not unnecessarily and disproportionately burdened by Government regulations. The RFA requires agencies to review rules that may have a "significant economic impact on a substantial number of small entities," and, in cases where they would, to conduct a Regulatory Flexibility Analysis in which alternative actions are considered.

FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, defines "significant economic impact" as an annualized net compliance cost, adjusted for inflation, which is greater than a threshold cost level for defined entity types. A "substantial number" is defined as a number that is at least eleven and that is more than one-third of the small entities subject to a proposed rule, or any number of small entities subject to a rule which is substantial in the judgment of the rulemaking official. *Small entities* are defined as small businesses, small not-for-profit organizations which are independently owned and operated, or airports operated by small governmental jurisdictions.

With limited information available to airplane specific costs, a range of per airplane costs can be estimated by constructing hypothetical low- and high-cost scenarios. These scenarios are based on three general presumptions: first, that these airplanes have accumulated 6,000 hours TIS, and will be subject to the proposed AD within the next 100 hours TIS; second, that all of these airplanes are at the minimum and maximum extremes of annual TIS (200 or 300 hours), remaining operating life (10 and 20 years), and the extent of cracking (no cracking or cracking in the inspected areas); and third, that these airplanes are of the model types incurring either the lowest or highest costs.

The total low-cost scenario in 1997 dollars would be \$5,570 (\$4,805 discounted) per airplane over 10 years, with \$5,330 of the costs incurred in the first year. The annualized cost (again over 10 years) would be \$641 per airplane.

The total high-cost scenario in 1997 dollars would be \$25,285 per airplane (\$16,487 discounted) over 30 years, with \$15,865 of the costs incurred in the first year. The annualized cost (again over 30 years) would be \$1,556.

The proposed AD would affect approximately 1,464 airplanes, of which 366 are owned by individuals, 38 are owned by federal and state agencies, and 847 are owned by 697 separate entities. Of the 697 entities, 1 entity owns 28 airplanes, 3 entities own between 10 and 12 airplanes, 19 separate entities own between 3 and 9 airplanes, thirty-two entities own 2 airplanes, and 642 entities own 1 airplane. The FAA cannot determine the size of all 697 owner entities, or the type of business each entity is engaged in. The FAA also cannot conclusively determine the costs of this AD. For illustration purposes, it was calculated that the proposed AD would have hypothetical annualized costs between \$641 (the low-cost scenario) and \$1,556 (the high-cost scenario) per airplane. Due to the uncertainties involved with these calculations, as well as with the ownership information, no determinations can be made regarding "significant economic impact on a substantial number of small entities."

The FAA has considered three alternatives to this proposed AD: (1) take no federal action and rely on voluntary compliance with the Twin Commander Service Bulletin No. 223. The FAA finds this alternative unacceptable because of the consequences that could result; (2) mandate inspecting fewer parts, and at longer intervals in the areas where the wings attach to the fuselage. This

alternative is unacceptable because less stringent inspections could fail to locate cracking in key parts of the airplane for too long a period of time; (3) defer Federal action pending review of additional data to determine whether to require the specified inspections. This alternative is unacceptable because evidence already exists of cracking in the wing and fuselage at the attach points which would be considered structural failure.

Consequently, the FAA is unable to conclusively make an economic impact evaluation based on information available.

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, could have a significant

economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act (a determination was not able to be made). 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:

Twin Commander Aircraft Corporation:

Docket No. 95-CE-92-AD.

Applicability: Models 500, 500A, 500B, 500S, 500U, 520, 560, 560A, 560E, 560F, 680,

680E, 680F, 680FL, 680FLP, 680FP, 680T, 680V, 680W, 681, 685, 690, 690A, 690B, 690C, 690D, 695, 695A, 695B and 720 airplanes (all serial numbers), 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 (f) 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 cracks at the wing to fuselage attach points, which, if not detected and corrected, could cause structural failure and loss of control of the airplane, accomplish the following:

(a) For all models except Models 520, 560, 690C and 695, accomplish the actions in the following table in accordance with the Compliance section and PART I, II, and III of the ACCOMPLISHMENT INSTRUCTIONS sections of Twin Commander Aircraft Corporation (Twin Commander) Service Bulletin (SB) No. 223, dated October 24, 1996 as amended by Revision Notice No. 1, dated May 8, 1997:

	A	B	C
PART I	Upon the accumulation of 6,000 hours total time-in-service (TIS) or within the next 100 hours TIS, whichever occurs later, install access holes in left and right wing leading edges and inspect the forward attach brackets and straps for cracks. (Accomplish in accordance with PART I of Compliance Section in Twin Commander SB 223, dated Oct. 24, 1996 as amended by Revision Notice No. 1, dated May 8, 1997.)	If cracked, prior to further flight, replace the brackets and straps or repair the part by an approved repair scheme (see paragraph (b) of this AD). Then, accomplish PART II of this AD. (Accomplish in accordance with PART I of Compliance Section in Twin Commander SB 223, dated Oct. 24, 1996 as amended by Revision Notice No. 1, dated May 8, 1997.)	If no cracks are found, repeat inspection at 1,000 hour (hr.) intervals until cracks are found, replace the cracked part or repair by an approved repair scheme (see paragraph (b) of this AD), then accomplish PART II. (Accomplish in accordance with PART I of Compliance Section in Twin Commander SB 223, dated Oct. 24, 1996 as amended by Revision Notice No. 1, dated May 8, 1997.)
PART II	Inspect for cracks at the wing leading edge close-outs, upper & lower return flange radius, fuselage frame where tee bracket attaches, inboard side of attach bracket and frame tee bracket. (Accomplish in accordance with PART II of Compliance Section in Twin Commander SB 223, dated Oct. 24, 1996 as amended by Revision Notice No. 1, dated May 8, 1997.)	If cracked, prior to further flight, replace any cracked part or repair the part with an approved repair scheme (see paragraph (b) of this AD). If no cracks are found, continue to repetitively inspect at 1,000 hour TIS intervals. (Accomplish in accordance with PART II of Compliance Section in Twin Commander SB 223, dated Oct. 24, 1996 as amended by Revision Notice No. 1, dated May 8, 1997.)	After repair or replacement is accomplished, continue to inspect at 6,000 hr. intervals. (Accomplish in accordance with PART II of Compliance Section in Twin Commander SB 223, dated Oct. 24, 1996 as amended by Revision Notice No. 1, dated May 8, 1997.)

	A	B	C
PART III	<p>For pressurized airplanes, at 6,000 hr. total TIS or within the next 100 hours TIS whichever occurs later, inspect fuselage station (F.S.) 100 for cracks.</p> <p>For non-pressurized airplanes, at 12,000 hr. total TIS or within the next 100 hours TIS whichever occurs later, inspect F.S. 100 for cracks..</p> <p>(Accomplish in accordance with PART III of Compliance Section in Twin Commander SB 223, dated Oct. 24, 1996 as amended by Revision Notice No. 1, dated May 8, 1997.)</p>	<p>If cracked, prior to further flight, repair with an approved repair scheme (see paragraph (b) of this AD), and continue to inspect at 1,000 hr. intervals.</p> <p>(Accomplish in accordance with PART III of Compliance Section in Twin Commander SB 223, dated Oct. 24, 1996 as amended by Revision Notice No. 1, dated May 8, 1997.)</p>	<p>If no cracks, repeat inspection at 1,000 hr. intervals until cracks are found, then accomplish PART III B of this AD</p> <p>(Accomplish in accordance with PART III of Compliance Section in Twin Commander SB 223, dated Oct. 24, 1996 as amended by Revision Notice No. 1, dated May 8, 1997.)</p>

(b) Obtain an FAA-approved repair scheme from the manufacturer through the Manager of the Seattle Aircraft Certification Office at the address specified in paragraph (f) of this AD.

(c) For Twin Commander Models 520 and 560 airplanes, upon the accumulation of 6,000 hours total TIS or within the next 100 hours TIS whichever occurs later, accomplish PART II of the table in paragraph (a) of this AD. Accomplish PART III in accordance with the compliance times in the above table of paragraph (a). These models are excluded from the wing leading edge access hole installation in PART I of the table in paragraph (a) of this AD.

(d) For Twin Commander Models 690C and 695 airplanes, accomplish PARTS I and II in accordance with the compliance times in the above table of paragraph (a). These Models are excluded from PART III of the table in paragraph (a) of this AD.

(e) 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.

(f) 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, Seattle Aircraft Certification Office, 1601 Lind Ave. SW., Renton, Washington 98055-4056. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Seattle Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle Aircraft Certification Office.

(g) All persons affected by this directive may obtain copies of the document referred to herein upon request to Twin Commander Aircraft Corporation, P.O. Box 3369, Arlington, Washington 98223; telephone (360) 435-9797; facsimile (360) 435-1112; 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 August 12, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-21873 Filed 8-18-97; 8:45 am]

BILLING CODE 4910-13-P

FEDERAL TRADE COMMISSION

16 CFR Part 403

Deceptive Use of "Leakproof," "Guaranteed Leakproof," Etc., as Descriptive of Dry Cell Batteries

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Trade Commission (the "FTC" or "Commission") announces the commencement of a rulemaking proceeding for the Trade Regulation Rule on Deceptive Use of "Leakproof," "Guaranteed Leakproof," Etc., as Descriptive of Dry Cell Batteries ("the Dry Cell Battery Rule" or "the Rule"), 16 CFR Part 403. The proceeding will address whether or not the Dry Cell Battery Rule should be repealed. The Commission invites interested parties to submit written data, views, and arguments on how the Rule has affected consumers, businesses and others, and on whether there currently is a need for the Rule. This document includes a description of the procedures to be followed, an invitation to submit written comments, a list of questions and issues upon which the Commission particularly desires comments, and instructions for prospective witnesses and other interested persons who desire to participate in the proceeding.

DATES: Written comments must be submitted on or before September 18, 1997. Notifications of interest in testifying must be submitted on or

before September 18, 1997. If interested parties request the opportunity to present testimony, the Commission will publish a document in the **Federal Register**, stating the time and place at which the hearings will be held and describing the procedures that will be followed in conducting the hearings. In addition to submitting a request to testify, interested parties who wish to present testimony must submit, on or before September 18, 1997, a written comment or statement that describes the issues on which the party wishes to testify and the nature of the testimony to be given.

ADDRESSES: Written comments and requests to testify should be submitted to Office of the Secretary, Federal Trade Commission, Room H-159, Sixth and Pennsylvania Ave., NW., Washington, DC 20580, (202) 326-2506. Comments and requests to testify should be identified as "16 CFR Part 403 Comment—Dry Cell Battery Rule" and "16 CFR Part 403 Request to Testify—Dry Cell Battery Rule," respectively. If possible, submit comments both in writing and on a personal computer diskette in Word Perfect or other word processing format (to assist in processing, please identify the format and version used). Written comments should be submitted, when feasible and not burdensome, in five copies.

FOR FURTHER INFORMATION CONTACT: Neil Blickman, Attorney, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, Sixth and Pennsylvania Ave., NW., Washington, DC 20580, (202) 326-3038.

SUPPLEMENTARY INFORMATION:

I. Introduction

Pursuant to the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. 41-58, and the Administrative Procedure Act, 5 U.S.C. 551-59, 701-06, by this Notice of Proposed Rulemaking