

(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 February 20, 1997.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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14 CFR Part 39

[Docket No. 96-NM-210-AD]

RIN 2120-AA64

Airworthiness Directives; Mitsubishi Model MU-300 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 all Mitsubishi Model MU-300 airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to provide pilots with certain operating procedures during icing conditions, and to limit the maximum flaps position for flight in icing conditions or landing after an icing encounter. The proposal also would require installing an ice detector, and accomplishing a corresponding AFM revision to address its operation. For certain airplanes, the proposal would require converting the airplane configuration or modifying the warning horn system of the landing gear; and revising the AFM to specify flaps 10 degrees as a normal landing flap configuration. The actions specified by the proposed AD are intended to prevent uncommanded nose-down pitch at certain flap settings during icing conditions.

DATES: Comments must be received by April 7, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-210-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 Mitsubishi Heavy Industries America,

Inc., 15303 Dallas Parkway, Suite 685, LB-77, Dallas, Texas 75248. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT: Tina L. Miller, Aerospace Engineer, Flight Test Branch, ACE-117W, FAA, Wichita Aircraft Certification Office, Small Airplane Directorate, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4168; 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-210-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-210-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On December 5, 1994, the FAA issued AD 94-25-10, amendment 39-9094 (59

FR 64112, December 13, 1994), that is applicable to all Raytheon (Beech) Model 400, 400A, 400T, and MU-300-10 airplanes, and all Mitsubishi Model MU-300 airplanes, to require a revision to the FAA-approved Airplane Flight Manual (AFM) to provide pilots with special operating procedures during icing conditions. That AD was prompted by results of icing tests, which demonstrated that ice accumulations on the horizontal stabilizer may cause the airplane to pitch down at certain flaps settings. The requirements of that AD are intended to prevent uncommanded nose-down pitch at certain flap settings during icing conditions.

Actions Since Issuance of Previous Rule

Since the issuance of AD 94-25-10, the FAA reviewed and approved Mitsubishi MU-300 Service Bulletin No. 30-007 (including Attachment 1), dated January 12, 1996. The service bulletin describes procedures for installing a Rosemount ice detector in accordance with Supplemental Type Certificate (STC) ST00383WI.

For Diamond I airplanes, Attachment 1 of the service bulletin describes procedures for modifying the warning horn system of the landing gear. That action involves modifying the center pedestal and the wiring of the warning horn, installing a switch panel assembly on the center pedestal, and performing a functional test of the warning horn system of the landing gear.

As an alternative to this modification, the service bulletin specifies that Diamond I airplanes may be converted to the Diamond IA airplane configuration by accomplishing Mitsubishi MU-300 Diamond Service Recommendation SR-001, Revision 2, dated June 1, 1984. That action involves upgrading the airplane to conform to an improved performance configuration, and includes modifications of the air conditioning system, the pitch trim indicator, the warning horn of the landing gear, and the engine indicating system.

Mitsubishi MU-300 Service Bulletin No. 30-007 also references the following documents as the additional sources of service information for accomplishment of certain other procedures:

1. Airplane Flight Manual Supplement M300-1003, dated December 6, 1995, which revises the Introduction, Operating Limitations, Emergency Procedures, Abnormal Procedures, Normal Procedures, Performance, and Weight and Balance Sections of the AFM to address the operation of the ice detector system.

2. Diamond I Flight Manual, Revision 29, dated January 5, 1996, which revises the

Operating Limitations, Emergency Procedures, Abnormal Procedures, Normal Procedures, Performance, and Weight and Balance Sections of the AFM to limit the maximum flap position to flaps 10 degrees for flight in icing conditions or landing after an icing encounter, to allow landing flaps of 30 degrees if the icing encounter meets certain criteria, and to specify flaps 10 degrees as a normal landing flap configuration for Diamond I airplanes.

3. Mitsubishi MU-300 Diamond IA Airplane Flight Manual, Revision 9, dated January 5, 1996, which revises the Operating Limitations, Emergency Procedures, Abnormal Procedures, Normal Procedures, and Performance Sections of the AFM to limit the maximum flap position to flaps 10 degrees for flight in icing conditions or landing after an icing encounter, and to allow landing flaps of 30 degrees if the icing encounter meets certain criteria.

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, for Model MU-300 airplanes, the proposed AD would continue to require the AFM revision, currently required by AD, that provides pilots with certain operating procedures during icing conditions, and limits the maximum flaps position for flight in icing conditions or landing after an icing encounter. This proposal also would require installing an ice detector, and accomplishing a corresponding AFM revision to address its operation.

For certain airplanes, the proposal would require converting the airplane configuration or modifying the warning horn system of the landing gear; and revising the AFM to specify flaps 10 degrees as a normal landing flap configuration.

The proposed actions would be required to be accomplished in accordance with the service documents described previously.

Accomplishment of the requirements of the proposed AD would constitute terminating action for the requirements of AD 94-25-10 for Model MU-300 airplanes.

Other Relevant Rulemaking

The FAA is considering issuing separate rulemaking action to supersede AD 94-25-10 to remove Model MU-300 airplanes from the applicability of the AD. That separate rulemaking action also would require, among other things, modification of the ice protection system of the horizontal stabilizer on all Beech Model 400, 400A, 400T, and MU-300-10 airplanes.

Difference Between Service Bulletin and the Proposed AD

Operators should note that Mitsubishi MU-300 Service Bulletin No. 30-007 recommends a compliance time of one year after the date of issuance of the service bulletin. However, this proposed AD requires that the actions specified in the service bulletin be accomplished within two years after the effective date of the AD. The FAA established the proposed two-year compliance time to coincide with the time specified in the separate rulemaking action to supersede AD 94-25-10 for Beech Model 400, 400A, 400T, and MU-300-10 airplanes, discussed previously. The FAA has determined that the proposed 2-year compliance time will not compromise safety, since the currently-required AFM revision will remain in effect in the interim.

Cost Impact

The FAA estimates that 89 Model MU-300 airplanes of U.S. registry would be affected by this proposed AD.

The AFM revision that is currently required by AD 94-25-10 for Model MU-300 airplanes takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact on U.S. operators of the currently required AFM revision is estimated to be \$5,340, or \$60 per airplane.

The ice detector installation that is proposed in this AD action for all airplanes would take approximately 80 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$7,000 per airplane. Based on these figures, the cost impact on U.S. operators of the proposed installation of this AD is estimated to be \$1,050,200, or \$11,800 per airplane.

The new AFM revisions that are proposed in this AD action for all airplanes would take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact on U.S. operators of the new AFM revisions is estimated to be \$5,340, or \$60 per airplane.

The conversion of the configuration of the airplane that is specified in this AD action as an option for Diamond I airplanes, if accomplished, requires actions related to the airframe and the engine. The airframe portion of the conversion would take approximately 160 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$50,000 per

airplane. The engine portion of the conversion should be accomplished during a regular engine overhaul; therefore, it would require no additional work hours. Required parts for this action would cost approximately \$260,000 per airplane. Based on these figures, the cost impact of the proposed conversion on U.S. operators, who elect to accomplish it, is estimated to be \$319,600 per airplane.

If accomplished, the option for modification of the warning horn system that is specified in this AD action for Diamond I airplanes would take approximately 6 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$600 per airplane. Based on these figures, the cost impact of the proposed modification on U.S. operators is estimated to be \$960 per airplane.

The cost impact figures discussed above are 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:

Mitsubishi Heavy Industries, LTD.: Docket 96–NM–210–AD.

Applicability: All Model MU–300 series airplanes, 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 (e) 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 uncommanded nose-down pitch at certain flap settings during icing conditions, accomplish the following:

(a) For all airplanes: Within 20 days after December 28, 1994 (the effective date of AD 94–25–10, amendment 39–9094), revise the Limitations Section and Normal Procedures Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

“Icing Conditions

If icing conditions are encountered during flight, no greater than 10 degrees flaps may be utilized for landing unless the following conditions are met:

1. The icing conditions were encountered for less than 10 minutes, and the Ram Air Temperature (RAT) during such encounter was warmer than –8 degrees C. or

2. A RAT of +5 degrees C or warmer is observed during approach and landing.

If either of the above two conditions are met, 30 degrees flaps may be utilized for landing.

Otherwise:

Flaps (landing flaps setting)—10 degrees
Land Select (LAND SEL) Switch—Flaps 10 degrees

Use landing data for 10 degrees flaps from Appendix 1 of this AD.

Use landing data for 10 degrees flaps from Section 6, Performance.

(b) For Diamond I airplanes, as identified in Mitsubishi MU–300 Service Bulletin No. 30–007, dated January 12, 1996: Within 2 years after the effective date of this AD, accomplish the requirements of paragraphs (b)(1) through (b)(4) of this AD:

(1) Install an ice detector in accordance with Mitsubishi MU–300 Service Bulletin No. 30–007, dated January 12, 1996.

(2) Revise the Introduction, Operating Limitations, Emergency Procedures, Abnormal Procedures, Normal Procedures, Performance, and Weight and Balance Sections of the FAA-approved AFM to address the operation of the ice detector system. This may be accomplished by inserting a copy of Airplane Flight Manual Supplement M300–1003, dated December 6, 1995, in the AFM.

(3) Accomplish either paragraph (b)(3)(i) or (b)(3)(ii) of this AD.

(i) Convert the airplane from the Diamond I configuration to the Diamond IA configuration in accordance with Mitsubishi MU–300 Diamond Service Recommendation SR 71–001, Revision 2, dated June 1, 1984; and accomplish the AFM revision required by paragraph (c)(3) of this AD, or

(ii) Modify the warning horn system of the landing gear in accordance with Attachment 1 of Mitsubishi MU–300 Service Bulletin No. 30–007, dated January 12, 1996.

(4) Revise the Operating Limitations, Emergency Procedures, Abnormal Procedures, Normal Procedures, Performance, and Weight and Balance Sections of the AFM to limit the maximum flap position to flaps 10 degrees for flight in icing conditions or landing after an icing encounter, to allow landing flaps of 30 degrees if the icing encounter meets certain criteria, and to specify flaps 10 degrees as a normal landing flap configuration. This may be accomplished by inserting a copy of Diamond I Flight Manual, Revision 29, dated January 5, 1996, in the AFM.

(c) For Diamond IA airplanes: Within 2 years after the effective date of this AD, accomplish the requirements of paragraphs (c)(1), (c)(2), and (c)(3) of this AD.

(1) Install an ice detector in accordance with Mitsubishi MU–300 Service Bulletin No. 30–007, dated January 12, 1996.

(2) Revise the Introduction, Operating Limitations, Emergency Procedures, Abnormal Procedures, Normal Procedures, Performance, and Weight and Balance Sections of the FAA-approved AFM to address the operation of the ice detector system. This may be accomplished by inserting a copy of Airplane Flight Manual Supplement M300–1003, dated December 6, 1995, in the AFM.

(3) Revise the Operating Limitations, Emergency Procedures, Abnormal Procedures, Normal Procedures, and Performance Sections of the AFM to limit the maximum flap position to flaps 10 degrees for flight in icing conditions or landing after an icing encounter, and to allow landing flaps of 30 degrees if the icing encounter meets certain criteria. This may be accomplished by inserting a copy of Mitsubishi MU–300 Diamond IA Airplane

Flight Manual, Revision 9, dated January 5, 1996, in the AFM.

(d) Accomplishment of the requirements of paragraph (b) or (c) of this AD, as applicable, constitutes terminating action for the requirements of AD 94–25–10, amendment 39–9094 [and paragraph (a) of this AD.] Following accomplishment of paragraph (b) or (c) of this AD, as applicable, the AFM revision required by paragraph (a) of this AD may be removed from the AFM.

(e) 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, Wichita Aircraft Certification Office (ACO), FAA, Small 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, Wichita ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(f) Special flight permits may be issued in accordance with §§ 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 February 20, 1997.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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14 CFR Part 39

[Docket No. 96–NM–209–AD]

RIN 2120–AA64

Airworthiness Directives; Raytheon (Beech) Model 400, 400A, 400T, and MU–300–10 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 Raytheon (Beech) Model 400, 400A, 400T, and MU–300–10 airplanes, and Mitsubishi Model MU–300 airplanes, that currently requires a revision to the Airplane Flight Manual (AFM) to provide pilots with special operating procedures during icing conditions. This proposal would require modification of the horizontal stabilizer ice protection system. This proposal also would remove Model MU–300 airplanes from the applicability of that AD. This proposal is prompted by the