

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 98-NM-160-AD]

RIN 2120-AA64

**Airworthiness Directives;  
Construcciones Aeronauticas, S.A.  
(CASA) Model CN-235 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 all CASA Model CN-235 series airplanes. This proposal would require repetitive high frequency eddy current (HFEC) inspections of the flap transmission shafts to detect cracking, and repetitive functional tests (checks) to verify proper operation of the flap braking sub-system; and corrective actions, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct cracking in the flap transmission shafts, and to correct a malfunctioning flap braking sub-system, which could result in the inability to move the flaps, or in an asymmetric flap condition, and consequent reduced controllability of the airplane.

**DATES:** Comments must be received by July 8, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-160-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 Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington

98055-4056; telephone (425) 227-2110; 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 98-NM-160-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-114, Attention: Rules Docket No. 98-NM-160-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

The Dirección General de Aviación (DGAC), which is the airworthiness authority for Spain, notified the FAA that an unsafe condition may exist on all CASA Model CN-235 series airplanes. The DGAC advises that, on three Model CN-235 series airplanes that had accumulated a high number of landings, cracks were detected around the heads of the rivets on the ends of the flap transmission shafts. These cracks start at the rivet hole and grow radially. The cracks are attributed to fatigue, which could have resulted from a malfunctioning flap braking sub-system, and consequent high loads on the transmission shafts. Such cracking, if not corrected, could result in the inability to move the flaps, or in an

asymmetric flap condition, and consequent reduced controllability of the airplane.

**Explanation of Relevant Service Information**

The manufacturer has issued CASA Maintenance Instructions COM 235-113, Revision 02, dated June 16, 1997, including Annex I, dated June 16, 1997, and Annex II, dated July 1, 1997. The maintenance instructions describe procedures for repetitive high frequency eddy current (HFEC) inspections of the flap transmission shafts to detect cracking; replacement of any cracked shaft with a new or serviceable shaft; repetitive functional tests (checks) of the flap braking sub-system to verify proper operation; and replacement of any discrepant brake with a new or serviceable brake. Accomplishment of the actions specified in the maintenance instructions is intended to adequately address the identified unsafe condition. The DGAC classified these maintenance instructions as mandatory and issued Spanish airworthiness directive 11/96, Revision 1, dated June 19, 1997, in order to assure the continued airworthiness of these airplanes in Spain.

**FAA's Conclusions**

This airplane model is manufactured in Spain 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 accomplishment of actions specified in the maintenance instructions described previously, except as discussed below.

**Differences Between the Proposed Rule and the Related Service Information**

This proposed AD would require compliance in terms of landings accumulated on the airplane, whereas the Spanish airworthiness directive requires compliance based on the number of landings accumulated on

individual flap transmission shafts. The FAA does not consider it practicable for U.S. operators to accomplish an inspection program that necessitates tracking the landings accumulated on individual flap transmission shaft components due to the difficulty of such tracking.

Operators should further note that, unlike the procedures described in the maintenance instructions, this proposed AD would not permit further flight if cracks are detected in the flap transmission shaft. The FAA has determined that, because of the safety implications and consequences associated with such cracking, any subject flap transmission shaft that is found to be cracked must be repaired or modified prior to further flight.

#### Cost Impact

The FAA estimates that 2 airplanes of U.S. registry would be affected by this proposed AD, and that it would take approximately 30 work hours per airplane to accomplish the proposed inspection and functional test, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact proposed by this AD on U.S. operators is estimated to be \$3,600, or \$1,800 per airplane, per cycle.

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:

##### Construcciones Aeronauticas, S.A. (CASA):

Docket 98–NM–160–AD.

*Applicability:* All CASA Model CN–235 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 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 (c) 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 detect and correct cracking in the flap transmission shafts, and to correct a malfunctioning flap braking sub-system, which could result in the inability to move the flaps, or in an asymmetric flap condition, and consequent reduced controllability of the airplane; accomplish the following:

(a) Prior to the accumulation of 6,000 total landings, or within 30 days after the effective date of this AD, whichever occurs later, perform a high frequency eddy current (HFEC) inspection of the flap transmission shafts to detect cracking, in accordance with Annex I, dated June 16, 1997, of CASA Maintenance Instructions COM 235–113, Revision 02, dated June 16, 1997.

(1) If no cracking is detected, repeat the HFEC inspection thereafter at intervals not to exceed 2,000 landings.

(2) If any cracking is detected, prior to further flight, replace the cracked shaft with a new or serviceable shaft, in accordance with the maintenance instructions; and

repeat the HFEC inspection thereafter at intervals not to exceed 2,000 landings.

(b) Prior to the accumulation of 6,000 total landings, or within 30 days after the effective date of this AD, whichever occurs later, perform a functional test (check) to verify proper operation of the flap braking sub-system, in accordance with Annex II, dated July 1, 1997, of CASA Maintenance Instructions COM 235–113, Revision 02, dated June 16, 1997.

(1) If no malfunction is detected, repeat the functional test thereafter at intervals not to exceed 300 landings.

(2) If any malfunction is detected, prior to further flight, replace any discrepant component with a new or serviceable component in accordance with the maintenance instructions; and repeat the functional test to verify proper operation of the flap braking sub-system; thereafter, repeat the functional test thereafter at intervals not to exceed 300 landings.

(c) 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, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(d) 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.

**Note 3:** The subject of this AD is addressed in Spanish airworthiness directive 11/96, Revision 1, dated June 19, 1997.

Issued in Renton, Washington, on June 2, 1998.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 98–15135 Filed 6–5–98; 8:45 am]

BILLING CODE 4910–13–U

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Food and Drug Administration

#### 21 CFR Parts 16 and 99

[Docket No. 98N–0222]

#### Dissemination of Information on Unapproved/New Uses for Marketed Drugs, Biologics, and Devices

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule.