

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. 97–CE–139–AD]

RIN 2120–AA64

Airworthiness Directives; Aerostar Aircraft Corporation PA–60–600 and PA–60–700 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 all Aerostar Aircraft Corporation (Aerostar) PA–60–600 and PA–60–700 series airplanes. The proposed AD would require repetitively inspecting the forward face of each wing's 55-percent upper spar cap for cracks above the main landing gear fitting in the top of the wheel well, and replacing or repairing any cracked upper spar cap. The proposed AD is the result of reports of spanwise cracks in the area above the main landing gear attachment on two of the affected airplanes. The actions specified by the proposed AD are intended to detect and correct fatigue cracking of the wing upper spar cap, which could result in structural failure of the wing spar to the point of failure with consequent loss of control of the airplane.

DATES: Comments must be received on or before October 13, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–139–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 Aerostar Aircraft Corporation, 3608 S.

Davison Boulevard, Spokane, Washington 99224–5799; telephone: (509) 455–8872, facsimile: (509) 838–0831. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Richard N. Simonson, Aerospace Engineer, FAA, Aircraft Certification Office, 1601 Lind Avenue, SW, Renton, Washington 98055–4056; telephone: (425) 227–2597; 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. 97–CE–139–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 Regional Counsel, Attention: Rules Docket No. 97–CE–139–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received two reports of spanwise cracks in the area above the main landing gear attachment on Aerostar PA–60–600 and PA–60–700 series airplanes. In particular these cracks are occurring in the 55-percent upper spar cap area above the main landing gear fitting in the top of the wheel well.

This condition, if not detected and corrected in a timely manner, could result in structural failure of the wing spar to the point of failure with consequent loss of control of the airplane.

Relevant Service Information

Aerostar has issued Service Bulletin SB600–132, dated September 3, 1997, which specifies procedures for inspecting the forward face of each wing's 55-percent upper spar cap for cracks above the main landing gear fitting in the top of the wheel well.

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 and correct fatigue cracking of the wing upper spar cap. If not detected and corrected, cracking of the wing upper spar cap could result in structural failure of the wing spar to the point of failure with 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 Aerostar Models PA–60–600, PA–60–601, PA–60–601P, PA–60–602P, and PA–60–700P airplanes of the same type design, the FAA is proposing AD action. The proposed AD would require repetitively inspecting the forward face of each wing's 55-percent upper spar cap for cracks above the main landing gear fitting in the top of the wheel well, and replacing or repairing any cracked upper spar cap.

Accomplishment of the proposed inspections would be required in accordance with Aerostar Service Bulletin SB600–132, dated September 3, 1997. The proposed repair (if necessary) would be required to be accomplished in accordance with an FAA-approved

repair scheme. Accomplishment of the proposed replacement (if necessary) would be required in accordance with the applicable maintenance manual.

Cost Impact

The FAA estimates that 600 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 2 workhours per airplane to accomplish the proposed initial inspection, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of the initial inspection specified in the proposed AD on U.S. operators is estimated to be \$72,000, or \$120 per airplane.

These figures only take into account the costs of the proposed initial inspection and do not take into account the costs of repetitive inspections and the costs associated with any repair that would be necessary if cracks are found. The FAA has no way of determining the number of repetitive inspections an owner/operator will incur over the life of the airplane, or the number of airplanes that will need replacement or repair.

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 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:

Aerostar Aircraft Corporation: Docket No. 97-CE-139-AD.

Applicability: All serial numbers of the following airplane models, certificated in any category:

PA-60-600 (Aerostar 600)
PA-60-601P (Aerostar 601P)
PA-60-700P (Aerostar 700P)
PA-60-601 (Aerostar 601)
PA-60-602P (Aerostar 602P)

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 (d) 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 detect and correct fatigue cracking of the wing upper spar cap, which could result in structural failure of the wing spar to the point of failure with consequent loss of control of the airplane, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 100 hours TIS, inspect the forward face of each wing's 55-percent upper spar cap for cracks above the main landing gear fitting in the top of the wheel well. Accomplish this inspection in accordance with the INSTRUCTIONS section of Aerostar Service Bulletin SB600-132, dated September 3, 1997. The initial inspection must be accomplished using dye penetrant methods and all subsequent inspections must be, at the very least, visual inspections.

(b) If any crack(s) is/are found during any inspection required by paragraph (a) of this AD, prior to further flight, accomplish either paragraph (b)(1) or (b)(2) of this AD (below):

(1) Replace the upper spar cap in accordance with the applicable maintenance manual, and continue to repetitively inspect as required by paragraph (a) of this AD; or

(2) Obtain a repair scheme from the manufacturer through the FAA, Small Airplane Directorate, at the address specified in paragraph (d) of this AD; incorporate this scheme; and continue to repetitively inspect as required by paragraph (a) of this AD, unless specified differently in the instructions to the repair scheme.

(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.

(d) 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 (ACO), 1601 Lind Avenue, 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 ACO.

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

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Aerostar Aircraft Corporation, 3608 S. Davison Boulevard, Spokane, Washington 99224-5799; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on August 13, 1998.

Michael Gallagher,

Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-22542 Filed 8-20-98; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4, 19, 24, 194, 250 and 251

(Notice No. 859)

RIN 1512-AB71

Implementation of Public Law 105-34, Sections 908, 910 and 1415, Related to Hard Cider, Semi-Generic Wine Designations, and Wholesale Liquor Dealers' Signs (97-2523)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.