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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-232-AD; Amendment 39-9811; AD 96-23-06]

RIN 2120-AA64

Airworthiness Directives; Dornier Model 328-100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328-100 series airplanes, that requires replacement of certain hydraulic fuses of the landing gear with improved fuses. This amendment is prompted by results of extended testing, which revealed that the hydraulic fuses of the landing gear failed to operate due to movement of the end of the spring within the fuses over the end of the flange of the spool. The actions specified by this AD are intended to prevent such failure, which could result in external leakage in the brake lines downstream of the respective fuse and consequent loss of hydraulic fluid; this condition, if not corrected, could result in partial loss of the main hydraulic power supply.

DATES: Effective December 19, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 19, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW.,

Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Connie Beane, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2796; fax (206) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328-100 series airplanes was published in the Federal Register on August 26, 1996 (61 FR 43689). That action proposed to require replacement of certain hydraulic fuses of the landing gear with improved fuses.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

Request To Withdraw the Proposal

The commenter requests that the proposal be withdrawn because operators should already have accomplished the proposed replacement of hydraulic fuses by October 8, 1994, as specified in the Dornier 328 Airworthiness Limitations Document (ALD).

The FAA does not concur with the commenter's request to withdraw the proposal. The commenter has provided no evidence that the replacement has been accomplished on all affected airplanes. Further, even if the current U.S.-registered fleet may be in compliance with the requirements of the AD, the issuance of the rule is still necessary to ensure that any affected airplane that is imported and placed on the U.S. register in the future will be required to be in compliance as well. Issuance of this AD will ensure that the airplane is modified prior to the time it is permitted to operate in the U.S.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 5 Dornier Model 328-100 series airplanes of U.S.

registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$600, or \$120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the 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 adopted herein will 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 final rule does 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) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

96-23-06 Dornier: Amendment 39-9811. Docket 95-NM-232-AD.

Applicability: Model 328-100 series airplanes; serial numbers 3005 through 3008 inclusive, 3010, 3011, and 3012; 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 (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 prevent partial loss of the main hydraulic power supply due to loss of hydraulic fluid, accomplish the following:

(a) Within 90 days after the effective date of this AD, replace landing gear hydraulic fuses having part number ACM30488, MOD states 2 through 6, with MOD 7 fuses in accordance with Dornier Service Bulletin SB-328-32-048, dated August 11, 1994.

(b) As of the effective date of this AD, no person shall install a landing gear hydraulic fuse having part number ACM30488, MOD states 2 through 6, on any airplane.

(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, Manager, Standardization Branch, ANM-113, FAA, Transport 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, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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.

(e) The replacement shall be done in accordance with Dornier Service Bulletin SB-328-32-048, dated August 11, 1994. This

incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on December 19, 1996.

Issued in Renton, Washington, on November 1, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-28692 Filed 11-13-96; 8:45 am]

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14 CFR Part 39

[Docket No. 96-NM-06-AD; Amendment 39-9809; AD 96-23-04]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737-100 and -200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737-100 and -200 series airplanes, that requires replacement of the 250 volt-ampere (VA) rated static inverters with 410 VA or 500 VA rated static inverters, and an operational test of the standby electrical power system. This amendment is prompted by a report that accomplishment of a certain modification could result in overload of the static inverter on these airplanes. The actions specified by this AD are intended to prevent overload of the static inverter, which could result in the loss of the 115 volt alternating current (VAC) standby bus and the associated flight instruments when the airplane is operating on standby electrical power.

DATES: Effective December 19, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 19, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules

Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stephen Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2793; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737-100 and -200 series airplanes was published in the Federal Register on June 7, 1996 (61 FR 29038). That action proposed to require replacement of the 250 VA rated static inverters with certain 410 VA or 500 VA-rated static inverters.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposal

One commenter supports the proposed rule.

Request To Revise the Applicability of the Proposed Rule

The manufacturer requests that the applicability of the proposed rule be revised to specify that the only Model 737-100 and -200 series airplanes affected by the AD are those that are listed in Boeing Alert Service Bulletin 737-24A1113, dated February 29, 1996. The manufacturer indicates that it has reviewed the loading of the 115 VAC standby electrical power bus of the Model 737-100 and -200 series airplanes that were delivered with 250 VA static inverters and modified in accordance with Boeing Service Bulletin 737-24-1051. This review verified that the 115 VAC standby bus of some of the 250VA static inverters installed on airplanes that had been modified in accordance with Boeing Service Bulletin 737-24-1051 are less heavily loaded than others and, therefore, are not susceptible to the addressed unsafe condition. The commenter states that, for 21 of the airplanes specified in the applicability of the proposal, the currently-installed 250 VA static inverter is adequate and need not be replaced.

The FAA concurs. The FAA's initial assessment of the unsafe condition concluded that all Model 737-100 and -200 series airplanes equipped with 250