

# 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. 95-CE-100-AD]

RIN 2120-AA64

#### Airworthiness Directives; Aerospace Technologies of Australia, Nomad N22 and N24 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to supersede AD 85-21-06, which currently requires replacing the attachment fittings of the upper fin rear spar and the fin/horizontal stabilizer on all Aerospace Technologies of Australia (ASTA), Nomad N22 and N24 series airplanes. The proposed action would require removing the upper fin to stub fin forward attachment bolts, inspecting the attachment fittings for cracks, and, if no cracks are found, replacing the attachment bolts with bolts of improved design until the life limit of the attachment fittings is reached, at which time the attachment fittings would be replaced. If cracks are found, the proposed action would require replacing the attachment bolts and attachment fittings. Cracks found in the underhead radius and at the base of the thread of the bolt prompted the proposed AD action. The actions specified by the proposed AD are intended to prevent cracking in the upper fin and horizontal stabilizer attachment fittings, which if not corrected, could result in loss of control of the airplane.

**DATES:** Comments must be received on or before February 3, 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-100-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 AeroSpace Technologies of Australia, Limited, ASTA DEFENCE, Private Bag No. 4, Beach Road Lara 3212, Victoria, Australia. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ron Atmur, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone (310) 627-5224; facsimile (310) 627-5210.

#### 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-100-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-100-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

##### Discussion

The Civil Aviation Safety Authority (CASA), which is the airworthiness authority for Australia, recently notified the FAA that an unsafe condition may exist on ASTA Nomad N22 and N24 series airplanes. CASA advises that fatigue cracks have been found in the attachment bolt as well as the attachment fitting of the upper fin and horizontal stabilizer.

AD 85-21-06 mandated a life limit of 3,000 total hours time-in-service to these attachment fittings and at that time the attachment fittings should be replaced in accordance with ASTA Service Bulletin NMD-53-5, dated October 19, 1984. As a result of cracks being found during routine inspections prior to the life limit, ASTA advises that the attachment fittings may crack before that time because of increased fatigue caused by failure or partial failure of the attachment bolts. Therefore, the proposed action would supersede AD 85-21-06 by requiring replacement of the old attachment bolt with a bolt of improved design to assist in preventing cracks in the attachment fitting before reaching the life limit, at which time the attachment fittings would be replaced.

##### Applicable Service Information

ASTA has issued Nomad Alert Service Bulletin ANMD 55-23, Revision 1, dated July 11, 1991, which specifies inspecting the attach bolt for cracks and replacing the bolt if cracked, and continue to repetitively inspect until 3,000 hours time-in-service (TIS). Service Bulletin ANMD 55-23, Revision 1 then specifies accomplishment of Nomad Service Bulletin (SB) NMD-53-5 Rev. 2, dated December 6, 1995, which specifies inspecting the attachment bolts and attachment fittings for cracks, and replacing the attachment bolts and attachment fittings if cracked, or upon the accumulation of 3,000 hours TIS.

##### FAA's Conclusion

This airplane model is manufactured in Australia 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, CASA has kept the FAA informed of the situation described above. The FAA has examined the findings of CASA, 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 the Requirements of the Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop in other ASTA Nomad N22 and N24 series airplanes of the same type design registered for operation in the United States, the proposed AD would supersede AD 85-21-06 with a new AD that would require removing the attachment bolt, part number (P/N) 2/N-00-43, and inspecting the attachment fitting for cracks using a dye penetrant method. If no cracks are found, the proposed AD would require replacing the bolt with a new bolt, P/N 3/N-00-43, and, at the accumulation of 3,000 total hours time-in-service (TIS), replacing the attachment fittings. If cracks are found, the proposed action would require replacing the attachment bolts and attachment fittings at the time of inspection and prior to further flight.

#### Cost Impact

The FAA estimates that 15 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 8 workhours per airplane to accomplish the proposed inspection and bolt replacement, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$236 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$10,740 or \$716 per airplane. The cost of replacing the attachment fittings is not included in these figures because AD 85-21-06 previously accounted for the cost of the attachment fitting replacement.

#### 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 USC 106(g), 40113, 44701.

#### **§ 39.13 [Amended]**

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 85-21-06, Amendment 39-5152, and by adding a new AD to read as follows:

Aerospace Technologies of Australia (ASTA): Docket No. 95-CE-100-AD; Supersedes AD 85-21-06, Amendment 39-5152.

*Applicability:* Nomad N22 and N24 series 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 (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 within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless AD 85-21-06 or this AD has already been accomplished.

To prevent cracking in the upper fin and horizontal stabilizer attachment fittings, which if not corrected, could result in loss

of control of the airplane, accomplish the following:

(a) Remove the attachment bolt (part number (P/N) 2/N-00-43, qty 2) and inspect the attachment bolt, vertical fin attachment fittings, and fin/horizontal stabilizer fittings for cracks, using a dye penetrant method, in accordance with the ACCOMPLISHMENT INSTRUCTIONS section in Nomad Alert Service Bulletin (ASB) ANMD-55-23, Revision 1, dated July 11, 1991.

(1) If no cracks are found, prior to further flight, replace the attachment bolts (P/N 2/N-00-43, qty 2) with new attachment bolts (P/N 3/N-00-43, qty 2) in accordance with the ACCOMPLISHMENT INSTRUCTIONS section in Nomad ASB ANMD-55-23, Revision 1, dated July 11, 1991.

(2) If cracks are found, prior to further flight, replace the attachment bolts in accordance with the ACCOMPLISHMENT INSTRUCTIONS section in Nomad ASB 55-23, Revision 1, dated July 11, 1991, and replace the vertical fin attachment fittings and fin/horizontal stabilizer fittings in accordance with Nomad Service Bulletin (SB) NMD-53-5, Revision 2, dated December 6, 1995.

(b) Upon the accumulation of 3,000 hours total TIS, unless previously accomplished in accordance with paragraph (a)(2) of this AD, replace the vertical fin attachment fittings and the fin/horizontal stabilizer fittings in accordance with the ACCOMPLISHMENT INSTRUCTIONS section in Nomad SB NMD-53-5, Revision 2, dated December 6, 1995.

(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 compliance times that provides an equivalent level of safety may be approved by the Manager, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Blvd., Lakewood, California, 90712. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office. Alternative methods of compliance approved in accordance with AD 85-21-06 are considered approved as alternative methods of compliance for this AD.

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

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request from AeroSpace Technologies of Australia, Limited, ASTA DEFENCE, Private Bag No. 4, Beach Road Lara 3212, Victoria, Australia; 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.

(f) This amendment supersedes AD 85-21-06, Amendment 39-5152.

Issued in Kansas City, Missouri, on November 25, 1996.

Henry A. Armstrong,

*Acting Manager, Small Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 96-30798 Filed 12-4-96; 8:45 am]

BILLING CODE 4910-13-U

## 14 CFR Part 39

[Docket No. 96-NM-118-AD]

RIN 2120-AA64

### Airworthiness Directives; Dornier Model 328-100 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 certain Dornier Model 328-100 series airplanes. This proposal would require the replacement of certain attachment screws on the leading edges of the left and right wings with longer screws. This proposal is prompted by reports indicating that these screws had become loose. The actions specified by the proposed AD are intended to prevent loosening or loss of the screws, which could lead to loosening or loss of the leading edge of the wing, and consequent reduced controllability of the airplane.

**DATES:** Comments must be received by January 17, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-118-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 Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**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:

#### 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-118-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-118-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Dornier Model 328-100 series airplanes. The LBA advises that it has received reports indicating that attachment screws at leading edge 1 of the left and right wings have become loose; these discrepant screws were detected during maintenance checks. The length of the attachment screws is apparently too short to properly secure the leading edge to the wing. Should the leading edge become loose or detached during flight, due to the loosening or failure of the attachment screws, it could result in reduced controllability of the airplane.

### Explanation of Relevant Service Information

Dornier has issued Service Bulletin SB-328-57-058, dated November 23, 1994, which describes procedures for replacing the attachment screws at leading edge 1 of the left and right wings with longer attachment screws having part number (P/N) NAS7303A5. The LBA classified this service bulletin as mandatory and issued German airworthiness directive 95-044, dated January 30, 1995, in order to assure the continued airworthiness of these airplanes in Germany.

### FAA's Conclusions

This airplane model is manufactured in Germany 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 LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, 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 replacement of the attachment screws at leading edge 1 of the right and left wings with longer attachment screws having P/N NAS7303A5. The actions would be required to be accomplished in accordance with the service bulletin described previously.

### Cost Impact

The FAA estimates that 9 Dornier Model 328-100 series airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 2 work hours per airplane to accomplish the proposed replacements, at an average labor rate of \$60 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$1,080, or \$120 per airplane.

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