

# 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. 94-NM-164-AD]

#### Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series 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 British Aerospace Model BAC 1-11 200 and 400 series airplanes, that currently requires visual inspections to detect cracks in the flight deck canopy area, and repair, if necessary. This action would reduce the inspection threshold and repetitive inspection interval, and would identify specific structural members to be inspected. This action also would require eddy current inspections to detect cracks of the top sill members at station 82.5, and replacement of cracked parts with new parts, or repair of the top sill members. This proposal is prompted by reports of additional cracking found in the structural members in the flight deck canopy area of the affected airplanes. The actions specified by the proposed AD are intended to ensure that cracking in the flight deck canopy area is detected and corrected in a timely manner; such cracking could result in reduced structural integrity of the cockpit frame and the adjacent fuselage structure.

**DATES:** Comments must be received by February 7, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-164-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 British Aerospace, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Tim Backman, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2797; 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 94-NM-164-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. 94-NM-164-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### Discussion

On January 7, 1991, the FAA issued AD 91-02-12, amendment 39-6861 (56 FR 1569, January 16, 1991), which is applicable to all British Aerospace Model BAC 1-11 200 and 400 series airplanes. That AD requires repetitive visual inspections to detect cracks in the flight deck canopy area, and repair, if necessary. That action was prompted by several reports of cracks in various structural members in the flight deck canopy area. The requirements of that AD are intended to prevent reduced structural integrity of the fuselage.

Since the issuance of that AD, additional reports have been received indicating that cracking was found in the structural members in the flight deck canopy area on Model BAC 1-11 series airplanes. In a number of these cases, complete failure of the top sill joint strap, doubler, and angle has occurred. Cracking also has been found in the fuselage frame at station 160.5 (left-hand only). This cracking was found on airplanes that had accumulated between 28,000 and 78,000 total landings. The cause of the cracking has been attributed primarily to fatigue. Such cracking, if not detected and corrected in a timely manner, could result in reduced structural integrity of the cockpit frame and the adjacent fuselage structure.

British Aerospace has issued Alert Service Bulletin 53-A-PM5994, Issue 3, dated April 8, 1993, which describes procedures for the following:

1. Repetitive detailed visual inspections to detect cracks of the top sill joint strap at station 82.5;
2. Repetitive detailed visual inspections to detect cracks of the frame at station 113 in the flight deck canopy area;
3. Repetitive non-destructive testing (NDT) inspections using eddy current techniques to detect cracks of the top sill joint strap, angle, and doubler at station 82.5;
4. Repetitive detailed visual inspections to detect cracks of the frame at station 160.5 (left-hand only) between stringers 13 and 15; and
5. Replacement of any cracked part with a new part, or repair in accordance with the Structural Repair Manual.

This alert service bulletin recommends a reduced inspection threshold from that specified in earlier issues of the alert service bulletin, since inspection results have indicated that cracks can occur before the previous threshold had been reached. In addition, the alert service bulletin recommends reduced intervals (specified in numbers of landings) for accomplishment of the repetitive inspections, and also includes flight hour limits for those intervals since resonance in the canopy area may have contributed to the cracking.

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, classified this alert service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in the United Kingdom 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 CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, 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.

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 supersede AD 91-02-12 to continue to require repetitive visual inspections to detect cracks in the flight deck canopy area, and repair, if necessary. However, it would reduce the inspection threshold and repetitive inspection interval, and would identify specific structural members to be inspected. This proposed AD also would require repetitive eddy current inspections to detect cracks of the top sill members at station 82.5, and replacement of cracked parts with new parts, or repair of the top sill members. Certain repairs would be required to be accomplished in accordance with the Structural Repair Manual or in accordance with a method approved by the FAA. Other actions would be required to be accomplished in accordance with the alert service bulletin described previously.

There are approximately 31 Model BAC 1-11-200 and -400 series airplanes of U.S. registry that would be affected by this proposed AD.

The actions that are currently required by AD 91-02-12 take

approximately 18 work hours 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 actions currently required is estimated to be \$33,480, or \$1,080 per airplane.

The new actions that are proposed in this AD action would take approximately 19 work hours 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 proposed requirements of this AD is estimated to be \$35,340, or \$1,140 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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 USC 106(g), 40101, 40113, 44701.

### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-6861 (56 FR 1569, January 16, 1991), and by adding a new airworthiness directive (AD), to read as follows:

British Aerospace Airbus Limited (Formerly British Aerospace Commercial Aircraft Limited, British Aerospace Aircraft Group): Docket 94-NM-164-AD. Supersedes AD 91-02-12, Amendment 39-6861.

Applicability: All Model BAC 1-11 200 and 400 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 use the authority provided in paragraph (e) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the cockpit frame and the adjacent fuselage structure, accomplish the following:

(a) Prior to the accumulation of 30,000 total landings, or within 6 months after February 25, 1991 (the effective date of AD 91-02-12, amendment 39-6861), whichever occurs later; and thereafter at intervals not to exceed 5,000 landings: Perform a visual inspection to detect cracks of the flight deck canopy area, in accordance with British Aerospace Alert Service Bulletin 53-A-PM5994, Issue 2, dated June 5, 1990; or Issue 3, dated April 8, 1993. Pay particular attention to the top sill joint strap, the top sill intercostal, the frame at Station 113, and the top sill boom and web. Repeat this inspection until the inspections required by paragraph (c) of this AD are accomplished. After the effective date of this AD, the inspection shall be accomplished only in accordance with Issue 3 of the alert service bulletin.

(b) If any crack is found during the inspection required by paragraph (a) of this AD, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Following accomplishment of the repair, repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 5,000 landings until the inspections required by paragraph (c) of this AD are accomplished.

(c) Perform a detailed visual inspection to detect cracks of the top sill joint strap at station 82.5, of the frame at station 113, and of the frame at station 160.5 (left-hand side only) between stringers 13 and 15; and an eddy current inspection to detect cracks of the top sill members at station 82.5. Perform these inspections in accordance with British Aerospace Airbus Limited Alert Service Bulletin 53-A-PM5994, Issue 3, dated April 8, 1993, at the time specified in paragraph (c)(1) or (c)(2) of this AD, as applicable. Accomplishment of these inspections terminates the repetitive inspection requirement of paragraph (a) of this AD.

(1) For airplanes operating at a maximum cabin differential pressure not exceeding 7.5 pounds per square inch (psi): Perform the inspections at the later of the times specified in paragraphs (c)(1)(i) and (c)(1)(ii) of this AD. Thereafter, repeat these inspections at intervals not to exceed 5,000 landings or 7,500 hours time-in-service, whichever occurs first.

(i) Prior to the accumulation of 20,000 total landings since date of entry into service; or  
(ii) Within 1,200 landings or 12 months after the effective date of this AD, whichever occurs later.

(2) For airplanes operating at a maximum cabin differential pressure greater than 7.5 psi, but not exceeding 8.2 psi, including those airplanes having incorporated British Aerospace Airbus Limited Modification PM3187: Perform the inspections at the later of the times specified in paragraphs (c)(2)(i) and (c)(2)(ii) of this AD. Thereafter, repeat these inspections at intervals not to exceed 3,500 landings or 5,250 hours time-in-service, whichever occurs first.

(i) Prior to the accumulation of 14,000 total landings since date of entry into service; or  
(ii) Within 800 landings or 12 months after the effective date of this AD, whichever occurs later.

Note 2: British Aerospace Airbus Limited Modification PM3187 increases the cabin differential pressure from the normal 7.5 psi to 8.2 psi. If Modification PM3187 has been incorporated on the airplane, that airplane is considered to be subject to the requirements of paragraph (c)(2) of this AD.

(d) If any crack is found during any inspection required by paragraph (c) of this AD, prior to further flight, accomplish the requirements of paragraph (d)(1), (d)(2), or (d)(3), as applicable.

(1) For cracking of the joint strap, doubler, or angle at the sill joint at station 82.5: Replace the cracked part with a new part in accordance with British Aerospace Airbus Limited Alert Service Bulletin 53-A-PM5994, Issue 3, dated April 8, 1993.

(2) For cracking of the frame at station 113: Repair in accordance with a method approved by the Manager, Standardization Branch, ANM-113.

(3) For cracking of the frame at station 160.5: Repair in accordance with the Structural Repair Manual, as specified in

British Aerospace Airbus Limited Alert Service Bulletin 53-A-PM5994, Issue 3, dated April 8, 1993.

(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, Standardization Branch, ANM-113. 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(f) 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 December 27, 1995.

Darrell M. Pederson,

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

[FR Doc. 96-45 Filed 1-2-96; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 95-NM-136-AD]

#### 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 installation of a reinforcement doubler on the rudder skin. This proposal is prompted by the results of a design review of this airplane model that revealed inadequate structural strength of the attachment fitting of the rudder damper and of the adjacent structure. The actions specified by the proposed AD are intended to prevent failure of the attachment structure of the rudder damper in the event of aerodynamic gust loads, as the result of inadequate structural strength of the subject structure.

**DATES:** Comments must be received by February 13, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-136-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:** Gary Lium, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1112; 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 95-NM-136-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. 95-NM-136-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.