

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-93-AD]

Airworthiness Directives; Aerospace Technologies of Australia Nomad Models N22B, N22S, and N24A 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 Aerospace Technologies of Australia (ASTA) Nomad Models N22B, N22S, and N24A airplanes. The proposed action would require inspecting the flap and aileron control rod fork ends for water accumulation and corrosion inside the internally drilled holes, and replacing the control rod fork ends if there is visible corrosion or sealing the hole if no corrosion is found. Reports of water entering the internal holes of the flap and aileron control rod fork ends and causing corrosion prompted the proposed AD action. The actions specified by the proposed AD are intended to prevent corrosion and water accumulation in the flap and aileron control rod fork ends, which, if not detected and corrected, could cause loss of control of the flaps and aileron and possible loss of control of the airplane.

DATES: Comments must be received on or before May 24, 1996.

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-93-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, 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-93-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-93-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Civil Airworthiness Authority (CAA), which is the airworthiness authority for Australia, notified the FAA in 1982 that an unsafe condition may exist on ASTA Nomad Models N22B, N22S, and N24A airplanes. At that time, the FAA determined that an AD action was not necessary. In July, 1995, the FAA has re-examined the proposed action and determined that it is now necessary to propose an airworthiness directive on these ASTA Nomad airplanes. The Australian CAA has reported incidents of corrosion from water accumulation in the flap and aileron control rod fork ends, part number (P/N) 1/N-45-351 and P/N 1/N-45-1059. Further investigation revealed that the internally drilled holes in the control rods are what allowed the water to accumulate inside the rods. This condition could lead to corrosion and a loss of static strength capability.

Nomad Service Bulletin (Nomad SB) NMD-27-24, dated October 8, 1982, specifies inspecting for corrosion and water accumulation inside the flap and aileron control rods' internally drilled holes. If corrosion is present, the Nomad service bulletin specifies replacing the part and sealing the drilled holes. If no corrosion is present, seal the drilled holes to prevent future corrosion.

The Australian CAA classified this service bulletin as mandatory and issued AD/GAF-N22/48, dated September, 1984 in order to assure the continued airworthiness of these airplanes in Australia.

These airplane models are manufactured in Australia and are 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 between Australia and the United States. Pursuant to this bilateral airworthiness agreement, the Australian CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the Australian 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 in other ASTA Nomad Models N22B, N22S, and N24A airplanes of the

same type design, the proposed AD would require inspecting for water accumulation and corrosion inside the internally drilled holes of the flap and aileron control rod fork ends and replacing any corroded control rod or sealing any internally drilled holes that are without corrosion.

The compliance time of the proposed AD is presented in calendar time instead of hours time-in-service (TIS). The FAA has determined that a calendar time compliance is the most desirable method because the unsafe condition described by the proposed AD is caused by corrosion. Corrosion initiates as a result of airplane operation, but can continue to develop regardless of whether the airplane is in service or in storage. Therefore, to ensure that the above-referenced condition is detected and corrected on all airplanes within a reasonable period of time without inadvertently grounding any airplanes, a compliance schedule based upon calendar time instead of hours TIS is proposed.

The FAA estimates that 15 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 3 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. In estimating the total cost impact of the proposed AD on U.S. operators, the FAA is only using the inspection criteria (3 workhours). The FAA has no way of knowing how many airplanes have incorporated the modification. With this in mind and based on those figures above, the total cost impact of the proposed AD upon U.S. operators of the affected airplanes is estimated to be \$2,700. This figure only includes the cost for the initial inspection and does not include replacement costs of the corroded part. The FAA has no way of determining how many control rods may be corroded.

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 adding a new airworthiness directive (AD) to read as follows:

Aerospace Technologies of Australia (ASTA): Docket No. 95-CE-93-AD.

Applicability: Nomad Models N22B, N22S, and N24A airplanes with the following serial numbers, certificated in any category. Nomad N22B and N22S

N22B-5M, N22B-6M, N22B-7, N22B-11M, N22B-12M, N22B-15M, N22B-16M, N22B-18M, N22B-19M, N22B-20M, N22B-21M, N22B-22M, N22B-23M, N22B-25, N22B-27, N22B-31M, N22B-33, N22B-35, N22B-37, N22B-50, N22B-53, N22B-56, N22B-57, N22B-58, N22B-59, N22B-61, N22B-65M, N22B-66, N22B-67M, N22B-68, N22B-69, N22B-70, N22S-82, N22B-83, N22S-84, N22B-85M, N22S-86, N22S-87, N22B-88M, N22S-90, N22B-91M, N22S-92, N22B-93, N22B-95, N22B-97M, N22B-100M, N22B-102, N22B-103, and N22B-104

Nomad N24A

N24A-44, N24A-46, N24A-62, N24A-64, N24A-71, N24A-72, N24A-73, N24A-74, N24A-75, N24A-76, N24A-77, N24A-78, and N24A-79

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 (e) 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 1 year after the effective date of this AD, unless already accomplished.

To prevent corrosion and water accumulation in the flap and aileron control rod fork ends, which, if not detected and corrected, could cause loss of control of the flaps and aileron and possible loss of control of the airplane, accomplish the following:

(a) Inspect for corrosion and water accumulation inside the internally drilled holes of the flap and aileron control rod fork ends in accordance with the

ACCOMPLISHMENT INSTRUCTIONS section of Aerospace Technologies of Australia (ASTA) Nomad Service Bulletin (SB) NMD-27-24, dated October 8, 1982.

(b) If corrosion is present, prior to further flight, replace the control rod fork ends, part number (P/N) 1/N-45-351 or P/N 1/N-45-1059 and seal the drilled holes in accordance with the *ACCOMPLISHMENT INSTRUCTIONS* section of ASTA Nomad Service Bulletin (SB) NMD-27-24, dated October 8, 1982.

(c) If no corrosion is present, prior to further flight, seal the drilled holes to prevent future corrosion in accordance with the *ACCOMPLISHMENT INSTRUCTIONS* section of ASTA Nomad Service Bulletin (SB) NMD-27-24, dated October 8, 1982.

(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) An alternative method of compliance or adjustment of the compliance time 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.

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.

(f) All persons affected by this directive may obtain copies of the document referred to herein upon request to 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.

Issued in Kansas City, Missouri, on March 7, 1996.

James E. Jackson,
*Acting Manager, Small Airplane Directorate,
Aircraft Certification Service.*

[FR Doc. 96-6126 Filed 3-13-96; 8:45 am]

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