Issued in Kansas City, Missouri, on March 15, 1996.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–6882 Filed 3–21–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 95–CE–94–AD]

Airworthiness Directives; Jetstream Aircraft Limited HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 87–07–01, which currently requires the following on Jetstream Aircraft Limited (JAL) HP137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplanes: repetitively inspecting the nose landing gear (NLG) top cap assembly securing bolts for looseness or cracks, retorquing any loose security bolt, and replacing any cracked security bolt. AD 87–07–01 also provides the option of incorporating a NLG modification as terminating action for the repetitive inspections. A report of cracked and loose bolts found on an airplane with the above-referenced NLG modification prompted the proposed action. The proposed action would: retain the repetitive inspections required by AD 87–07–01; increase the AD applicability to include Jetstream Model 3201 airplanes and airplanes that have the NLG top cap assembly modified in accordance with AD 87–07–01; require replacing two of the NLG top cap assembly securing bolts; and incorporate a new NLG top cap assembly that would eliminate the repetitive inspection requirement of the AD. The actions specified in the proposed AD are intended to prevent failure of the NLG caused by cracked or loose securing bolts, which, if not detected and corrected, could lead to NLG collapse and damage to the airplane.

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

ADDRESSES: Submit comments on the proposal in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–94–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 Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; telephone (44–292) 79888; facsimile (44–292) 79703; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC, 20041–6029; telephone (703) 406–1161; facsimile (703) 406–1469. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Ms. Dorenda Baker, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; telephone (322) 508–2715; facsimile (322) 230–6899; or Mr. Jeffrey Morfitt, Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932; facsimile (816) 426–2169.

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–94–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–94–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 87–07–01, Amendment 39–5582, currently requires the following on Jetstream Aircraft Limited (JAL) HP137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplanes: repetitively inspecting the nose landing gear (NLG) top cap assembly securing bolts for looseness or cracks, retorquing any loose security bolt, and replacing any cracked security bolt. This AD also provides the option of replacing the existing top cap assembly and bolts with parts of improved design.

The FAA has received a report of NLG top cap assembly failure on a Jetstream airplane where the existing top cap assembly and bolts were replaced with parts of improved design in accordance with AD 87–07–01. In addition, JAL has re-evaluated the instructions and the design of the improved NLG top cap assembly specified in AD 87–07–01, and determined that airplanes that have the NLG top cap assembly design installed as specified in AD 87–07–01 could experience NLG failure caused by cracked or loose securing bolts.

The JAL Jetstream Model 3201 airplanes were not included in AD 87–07–01 because they had NLG top cap assemblies and bolts of improved design incorporated at manufacture. These NLG top cap assemblies and bolts are of design identical to that referenced in the incident report described above and to that of the assemblies referenced as terminating action for the repetitive inspection requirement of AD 87–07–01.

JAL has designed a new NLG top cap assembly bolt that, when incorporated, would reduce the possibility of loose or cracked securing bolts and subsequent NLG failure. Jetstream Service Bulletin (SB) 32–JA 901040, Revision No. 3, dated August 9, 1995, specifies procedures for:

—Checking the torque levels of the NLG top cap assembly securing bolts;

—Replacing two of the NLG top cap assembly securing bolts and checking the length of the NLG top cap assembly securing bolts; and

—Installing a new modified top cap assembly.

Jetstream SB 32–JA 901040 also references NLG top cap installation

procedures that are included in AP Precision Hydraulics Ltd SB 32–41, which incorporates the following pages:

Pages	Revision level	Date
1, 2, 6, 7, 8 and 15	Revision No. 2	March 9, 1993.
4 and 10	Revision No. 1	July 11, 1991.
3, 5, 9, 11, 12, 13, and 14	Original Issue	November 17, 1990.

The FAA has reviewed all available information related to the incident described above, including the referenced service bulletins, and has determined that AD action should be taken to prevent failure of the NLG caused by cracked or loose securing bolts, which, if not detected and corrected, could lead to NLG collapse and damage to the airplane.

AD 87–07–01 has been identified as one that should be superseded under the FAA's aging commuter-class airplane policy. The FAA has determined that reliance on critical repetitive inspections on aging commuter-class airplanes carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. In determining what inspections are critical, the FAA considers (1) the safety consequences if the known problem is not detected during the inspection; (2) the probability of the problem not being detected during the inspection; (3) whether the inspection area is difficult to access; and (4) the possibility of damage to an adjacent structure as a result of the problem.

Based on these factors, the FAA established this aging commuter-class aircraft policy to require the incorporation of a known design change when it could eliminate or, in certain instances, reduce the number of critical repetitive inspections.

The FAA is combining this policy with the incident presented in this discussion to establish the basis for the proposed AD action.

Since an unsafe condition has been identified that is likely to exist or develop in other JAL HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes of the same type design that do not have a modified NLG top cap assembly incorporated (Amendment JA 901040) in accordance with Jetstream SB 32–JA 901040, Revision 3, dated August 9, 1995, the proposed AD would supersede AD 87–07–01 with a new AD that would:

—Retain the requirement contained in AD 87–07–01 of repetitively inspecting the NLG top cap assembly securing bolts for looseness, retorquing any loose security bolt, and replacing any cracked security bolt;

—Require replacing two of the NLG top cap assembly securing bolts and checking the other two NLG top cap assembly securing bolts for the correct length; and

—Require replacing (at a specified time) the NLG top cap assembly with a part of improved design (Amendment JA 901040) as terminating action for the repetitive inspections.

Accomplishment of the proposed actions would be in accordance with Jetstream SB 32–JA 901040, Revision No. 3, and AP Precision Hydraulics SB 32–41.

The FAA estimates that 150 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 18 workhours (inspection: 6 workhours; replacement: 12 workhours) to accomplish the proposed actions, and that the average labor rate is approximately $60 an hour. Parts cost approximately $1,200 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $342,000 or $2,280 per airplane. This figure only takes into account the cost of the proposed initial inspection and proposed inspection-terminating modification and does not take into account the cost of the proposed repetitive inspections. The FAA has no way of determining the number of repetitive inspections each of the owners/operators would incur over the life of the affected airplanes.

This figure is also based on the assumption that none of the affected airplane owners/operators have accomplished the proposed modification. This action would eliminate the repetitive inspections required by AD 87–07–01. The FAA has no way of determining the operation levels of each individual operator of the affected airplanes, and subsequently cannot determine the repetitive inspection costs that would be eliminated by the proposed action. The FAA estimates these costs to be substantial over the long term.

In addition, JAL has informed the FAA that parts have been distributed to owners/operators that would equip approximately 62 of the affected airplanes. Assuming that these parts have been installed on the affected airplanes, the cost impact of the proposed modification upon the public would be reduced $141,360 from $342,000 to $200,640.

The intent of the FAA's aging commuter airplane program is to ensure safe operation of commuter-class airplanes that are in commercial service without adversely impacting private operators. Of the approximately 150 airplanes in the U.S. registry that would be affected by the proposed AD, the FAA has determined that approximately 95 percent are operated in scheduled passenger service by 10 different operators.

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) 87–07–01, Amendment 39–5582, and adding a new AD to read as follows:

Jetstream Aircraft Limited: Docket No. 95–CE–94–AD. Supersedes AD 87–07–01, Amendment 39–5582.

Applicability: The following airplane models and serial numbers, certificated in any category, that do not have a modified nose landing gear (NLG) top cap assembly incorporated (Amendment JA 901040) in accordance with Jetstream Service Bulletin (SB) 32–JA 901040, Revision No. 3, dated August 9, 1995:

Model	Serial Numbers
HP137 Mk1	All serial numbers;
Jetstream series 200	All serial numbers;
Jetstream Model 3101.	All serial numbers; and
Jetstream Model 3201.	Serial numbers 790 through 854.

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 (f) 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 prevent failure of the NLG caused by cracked or loose securing bolts, which, if not detected and corrected, could lead to NLG collapse and damage to the airplane, accomplish the following:

Note 2: The paragraph structure of this AD is as follows:

Level 1: (a), (b), (c), etc.
Level 2: (1), (2), (3), etc.
Level 3: (i), (ii), (iii), etc.

Level 2 and Level 3 structures are designations of the Level 1 paragraph they immediately follow.

(a) Within the next 300 landings accumulated on the NLG after the effective date of this AD, accomplish the following in accordance with the applicable portion of the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream SB 32–JA 901040, Revision No. 3, dated August 9, 1995, and AP Precision Hydraulics Ltd SB 32–41, which incorporates the following pages:

Pages	Revision level	Date
1, 2, 6, 7, 8 and 15	Revision No. 2	March 9, 1993.
4 and 10	Revision No. 1	July 11, 1991.
3, 5, 9, 11, 12, 13, and 14	Original Issue	November 17, 1990.

(1) Replace two of the NLG top cap assembly securing bolts, and check the other two for correct length in accordance with part 1A of the ACCOMPLISHMENT INSTRUCTIONS section of AP Precision Hydraulics Ltd SB 32–41. Prior to further flight, replace any NLG top securing bolt that is not the length specified in AP Precision Hydraulics Ltd SB 32–41.

(2) Check the tightness of the four NLG top cap assembly securing bolts and ensure that these bolts are not broken in accordance with part 1b of the ACCOMPLISHMENT INSTRUCTIONS section of AP Precision Hydraulics Ltd SB 32–41.

(i) Prior to further flight, retorque any bolts with incorrect torque values.

(ii) If any bolts are broken or gaps are found as specified in paragraph A.(4) of part 1b of the ACCOMPLISHMENT INSTRUCTIONS section of AP Precision Hydraulics Ltd SB 32–41, prior to further flight, replace the NLG in accordance with the applicable maintenance manual.

(b) Within 1,200 landings after the actions required by paragraph (a) of this AD (all paragraph designations), and thereafter at intervals not to exceed 1,200 landings, until the modification required by paragraph (c) of this AD is incorporated, check the tightness of the four NLG top cap assembly securing bolts and ensure that these bolts are not broken in accordance with part 1b of the ACCOMPLISHMENT INSTRUCTIONS section of AP Precision Hydraulics Ltd SB 32–41.

(1) Prior to further flight, retorque any bolts with incorrect torque values.

(2) If any bolts are broken or gaps are found as specified in paragraph A.(4) of part 1b of the ACCOMPLISHMENT INSTRUCTIONS section of AP Precision Hydraulics Ltd SB 32–41, prior to further flight, replace the NLG in accordance with the applicable maintenance manual.

(c) Upon accumulating 20,000 landings on the NLG or within the next 2,500 landings accumulated on the NLG after the effective date of this AD, whichever occurs later, install a new NLG top cap assembly or modify the existing NLG top cap assembly in accordance with Part 2 of the ACCOMPLISHMENT INSTRUCTIONS section of AP Precision Hydraulics Ltd SB 32–41, which incorporates the following pages:

Pages	Revision level	Date
1, 2, 6, 7, 8 and 15	Revision No. 2	March 9, 1993.
4 and 10	Revision No. 1	July 11, 1991.
3, 5, 9, 11, 12, 13, and 14	Original Issue	November 17, 1990.

(d) Incorporating the modification required by paragraph (c) of this AD is considered terminating action for the repetitive torque checks required by this AD and may be incorporated at any time prior to 20,000 landings on a NLG or within the next 2,500 landings accumulated on the NLG after the effective date of this AD, whichever occurs later (at which time it must be incorporated).

(e) 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.

(f) 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, Brussels Aircraft Certification Office (ACO), Europe, Africa, Middle East office, FAA, c/o American Embassy, 1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels ACO.

Note 3: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Brussels ACO.

Note 4: Alternative methods of compliance approved in accordance with AD 87–07–01 (superseded by this action) are not considered approved as alternative methods of compliance with this AD.

(g) All persons affected by this directive may obtain copies of the document referred to herein upon request to Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC; 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.

(h) This amendment supersedes AD 87–07–01, Amendment 39–5582.

Issued in Kansas City, Missouri, on March 14, 1996.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–6881 Filed 3–21–96; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 95–NM–199–AD]

Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes and KC–10A (Military) 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 McDonnell Douglas Model DC–10 series airplanes, and KC–10A (military) airplanes. This proposal would require high frequency eddy current inspection(s) to detect cracks in the secondary pivot support of the horizontal stabilizer, and various follow-on actions, if necessary. This proposal is prompted by reports of crack development in the secondary pivot support of the horizontal stabilizer due to fatigue. The actions specified by the proposed AD are intended to prevent such fatigue cracking, which could result in reduced structural integrity of the horizontal stabilizer and, subsequently, lead to reduced controllability of the airplane.

DATES: Comments must be received by May 17, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–199–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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Ron Atmur, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5224; fax (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 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–199–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–199–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports of crack development in the secondary pivot support of the horizontal stabilizer on several McDonnell Douglas Model DC–10 series airplanes. These airplanes had accumulated between 37,738 and 57,029 total flight hours and between 13,831 and 32,313 total flight cycles. The cause of such cracking has been attributed to fatigue. Fatigue cracking in the secondary pivot support of the horizontal stabilizer, if not detected and corrected in a timely manner, could result in reduced structural integrity of the horizontal stabilizer; this situation subsequently could lead to reduced controllability of the airplane.

The FAA has reviewed and approved McDonnell Douglas DC–10 Service Bulletin 53–167, Revision 1, dated February 15, 1995, which describes procedures for high frequency eddy current (HFEC) inspection(s) to detect cracks in the secondary pivot support of the horizontal stabilizer. For cases where no cracks are detected during inspection, the service bulletin describes procedures for either conducting repetitive inspections, or installing a preventative modification. The preventative modification entails cold working holes in angles and installing angles on pivot supports. For cases where any crack is detected during inspection, the service bulletin describes procedures for either repairing the cracked area (temporary repair) and follow-on actions, or replacing the secondary pivot support of the horizontal stabilizer with a new secondary pivot support (permanent repair). Replacement of the affected secondary pivot support will ensure the structural integrity of the horizontal stabilizer, and will eliminate the need for repetitive inspections.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require HFEC inspection(s) to detect cracks in the secondary pivot support of the horizontal stabilizer. The proposed AD would also require repair of the cracked area and follow-on actions, or replacement of the cracked secondary pivot support of the horizontal stabilizer with a new secondary pivot support. Such replacement would constitute