

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 97-CE-31-AD; Amendment 39-10039; AD 97-11-10]

RIN 2120-AA64

**Airworthiness Directives; Puritan Bennett Aero Systems Company Series 174290 Constant Flow Airline Portable Oxygen Masks, Part Numbers 174290-14, 174290-24, 174290-34, 174290-44, and 174290-54**

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to Puritan Bennett Aero Systems Company (Puritan Bennett) Series 174290 Constant Flow Airline Portable Oxygen Masks, Part Numbers 174290-14, 174290-24, 174290-34, 174290-44, and 174290-54, that are utilized on aircraft. This action requires replacing any Series 174290 Constant Flow Airline Portable Oxygen Masks, Part Numbers 174290-14, 174290-24, 174290-34, 174290-44, and 174290-54, that have a manufacturing date between September 1992 to August 1996 with an FAA-approved mask that incorporates a part number not covered by this AD. These masks have a connector with an orifice that could restrict more than half of the oxygen flow to the passenger. This oxygen mask is mainly used for emergency medical action or emergency decompression procedures during flight. The actions specified by this AD are intended to prevent restricted oxygen flow, which, if not corrected, could cause serious injury to a passenger in need of emergency or first aid oxygen during flight.

**DATES:** Effective June 23, 1997.

Comments for inclusion in the Rules Docket must be received on or before July 28, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 97-CE-31-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Information that is related to this AD may be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 97-CE-31-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Michael Imbler, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4147; facsimile (316) 946-4407.

**SUPPLEMENTARY INFORMATION:****Discussion**

The FAA recently received notice from the Puritan Bennett Aero Systems Company of a design error incorporated during a drawing revision to an orifice in the connector of Puritan Bennett passenger oxygen masks (174290 series). When manufactured according to this drawing revision, the airflow of these masks could be restricted to 1.7 liters per minute (less than half of the oxygen flow needed) when the orifice is connected to the Puritan Bennett Model 176960 airline portable oxygen cylinder assembly. The oxygen masks are not the drop-down style used by all passengers during emergency airplane operations. These masks are connected to oxygen bottles and used by passengers requiring emergency oxygen for immediate medical attention or for an unexpected decompression of the airplane during flight. The drawing revision error was utilized during manufacture between September 1992 to August 1996.

**Relevant Service Information**

Puritan Bennett has issued Nellcor Puritan Bennett Immediate Service Bulletin No. 174290-35-1, date of Original Issue: March 1997, which references the information presented in this AD.

**The FAA's Determination**

Because the drawing revision was utilized from September 1992 to August 1996, the FAA has determined that all Puritan Bennett Series 174290 Constant Flow Airline Portable Oxygen Masks, Part Numbers 174290-14, 174290-24, 174290-34, 174290-44, and 174290-54, manufactured between these dates should be replaced with an FAA-approved oxygen mask that incorporates a part number not covered by this AD.

After examining the circumstances and reviewing all available information related to the information described above, the FAA has determined that AD action should be taken to prevent restricted oxygen flow, which, if not corrected, could cause serious injury to a passenger in need of emergency or first aid oxygen during flight.

**Explanation of the Provisions of the AD**

Since an unsafe condition has been identified that is likely to exist or develop in other Puritan Bennett

passenger oxygen masks of the same type design that are utilized on aircraft, this AD requires replacing any Series 174290 Constant Flow Airline Portable Oxygen Masks, Part Numbers 174290-14, 174290-24, 174290-34, 174290-44, and 174290-54, that have a manufacturing date between September 1992 to August 1996 with an FAA-approved mask that incorporates a part number not covered by this AD.

**Compliance Time**

The compliance time of this 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 attributed to these oxygen masks exists regardless of whether the aircraft on which they are used. Therefore, to ensure that the above-referenced condition is corrected within a reasonable period of time, a compliance schedule based upon calendar time instead of hours TIS is utilized.

**Determination of the Effective Date of the AD**

Since a situation exists (serious injury to a passenger in need of emergency or first aid oxygen during flight) that requires the immediate adoption of this regulation, it is found that notice and opportunity for public prior comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

**Comments Invited**

Although this action is in the form of a final rule that involves requirements affecting immediate passenger safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this 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 will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 97-CE-31-AD." The postcard will be date stamped and returned to the commenter.

### 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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a significant regulatory action under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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 a new airworthiness directive (AD) to read as follows:

**97-11-10. Puritan Bennett Aero Systems Company:** Amendment 39-10039; Docket No. 97-CE-31-AD.

**Applicability:** Series 174290 Constant Flow Airline Portable Oxygen Masks, Part Numbers 174290-14, 174290-24, 174290-34, 174290-44, and 174290-54, that have a manufacturing date between September 1992 to August 1996; utilized in aircraft that are certificated in any category.

**Note 1.** The part number and date of manufacture of these masks are located on the oxygen mask gas bag. These oxygen masks are the portable type as opposed to the drop-down design.

**Note 2.** This AD applies to aircraft equipped with an oxygen mask that is identified in the preceding applicability provision, regardless of whether a mask has been modified, altered, or repaired in the area subject to the requirements of this AD. For aircraft utilizing the oxygen masks 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 7 days after the effective date of this AD, unless already accomplished.

To prevent restricted oxygen flow, which, if not corrected, could cause serious injury to a passenger in need of emergency or first aid oxygen during flight, accomplish the following:

(a) Remove any passenger oxygen mask with the applicable part number and manufacturing date and replace with an FAA-approved oxygen mask that incorporates a part number not covered by this AD.

**Note 3.** Nellcor Puritan Bennett Immediate Service Bulletin No. 174290-35-1, Original Issue: March 1997, contains information relating to this subject.

(b) After the effective date of this AD, no person may equip an aircraft with any Puritan Bennett Series 174290 Constant Flow Airline Portable Oxygen Masks, Part Numbers 174290-14, 174290-24, 174290-34, 174290-44, and 174290-54, that have a manufacturing date between September 1992 to August 1996.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, Rm. 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from Wichita Aircraft Certification Office.

(d) Information related to this AD may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39-10039) becomes effective on June 23, 1997.

Issued in Kansas City, Missouri, on May 21, 1997.

**Michael Gallagher,**

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

[FR Doc. 97-13963 Filed 5-28-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-CE-98-AD; Amendment 39-10041; AD 97-11-12]

RIN 2120-AA64

### Airworthiness Directives; Aerospace Technologies of Australia Pty Ltd. (Formerly Government Aircraft Factory) Models N22B, N22S, and N24A Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to Aerospace Technologies of Australia Pty Ltd. (ASTA) Models N22B, N22S, and N24A airplanes. This action requires repetitively inspecting the stub wing upper front spar cap flanges for cracks, and repairing any cracked part. This AD results from fatigue tests that show that the stub wing upper front spar cap flanges could fail over time because of fatigue. The actions specified by this AD are intended to prevent structural failure of the front spar caused by cracks in the stub wing upper front spar cap flanges, which could result in loss of control of the airplane.

**DATES:** Effective July 11, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 11, 1997.

**ADDRESSES:** Service information that applies to this AD may be obtained from Aerospace Technologies of Australia Pty Ltd., ASTA DEFENCE, Private Bag No.