

Proposed Rules

Federal Register

Vol. 60, No. 33

Friday, February 17, 1995

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 Chapter I

[Summary Notice No. PR-95-1]

Petition for Rulemaking: Summary of Petitions Received; Dispositions of Petitions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received April 18, 1995.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Ave., SW.,

Washington, D.C. 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267-7470.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on February 6, 1995.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Rulemaking

Docket No.: 27956

Petitioner: Air Line Pilots Association

Regulations Affected: 14 CFR appendixes I and J, part 121

Description of Rulechange Sought: To add procedural safeguards, including notice and hearing requirements, for pilots and other airline employees accused of conduct that would bar them from continuing in their occupations.

Petitioner's Reason for the Request: The petitioner feels that the FAA's permanent ban regulation fails to provide due process of law and should be modified to provide at least the process accorded in a certificate revocation proceeding.

[FR Doc. 95-4074 Filed 2-16-95; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 94-NM-239-AD]

Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), -2A12 (CL-601), -2B16 (CL-601-3A, -3R), and -2B19 (Regional Jet Series 100) Series Airplanes, Equipped with Sundstrand Air Driven Generator (ADG) Uplock Assembly

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 Bombardier Model CL-600-1A11, -2A12, -2B16, and -2B19 series airplanes. This proposal would require

an inspection to verify the proper operation of the uplock latch of the air driven generator (ADG), and replacement of the uplock latch with a serviceable part, if necessary. This proposal would also require replacing the uplock assembly with a modified uplock assembly, and performing a rigging inspection. This proposal is prompted by a report indicating that, upon operation of the manual release system, the ADG did not deploy due to failure of the shaft pin. The actions specified by the proposed AD are intended to prevent failure of the shaft pin, which could lead to the inability of the pilot to manually deploy the ADG when necessary (i.e., when an airplane's primary electrical power sources are lost and the ADG fails to deploy automatically).

DATES: Comments must be received by March 31, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-239-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 Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream New York.

FOR FURTHER INFORMATION CONTACT: Wing Chan, Electronics Engineer, Systems and Equipment Branch, ANE-173, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7511; fax (516) 568-2716.

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-239-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-239-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

Transport Canada Aviation, which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain Bombardier Model CL-600-1A11 (CL-600), -2A12 (CL-601), -2B16 (CL-601-3A, -3R), and -2B19 (Regional Jet Series 100) series airplanes, equipped with a certain Sundstrand air driven generator (ADG) uplock assembly. Transport Canada Aviation advises that, upon operation of the manual release system, the air driven generator (ADG) did not deploy. Investigation has revealed that the cause of this failure has been attributed to a broken shaft pin in the ADG uplock assembly. Failure of the shaft pin could lead to the inability of the pilot to manually deploy the ADG when necessary (i.e., when an airplane's primary electrical power sources are lost and the ADG fails to deploy automatically). If this were to occur, all electrical power on the airplane would be lost.

Bombardier has issued Canadair Regional Jet Alert Service Bulletin S.B.

A1601R-24-019, Revision 'A', dated August 9, 1994 (for Model CL-600-2B19 series airplanes); Canadair Challenger Service Bulletin 600-0638, dated April 25, 1994 (for Model CL-600-1A11 series airplanes); and Canadair Challenger Service Bulletin 601-0430, dated April 25, 1994 (for Model CL-600-2A12 and -2B16 series airplanes). These service bulletins describe procedures for a one-time inspection to verify the proper operation of the uplock latch of the ADG, and replacement of the uplock latch with a serviceable part, if the uplock latch cannot be activated. These service bulletins also describe procedures for replacing the uplock assembly with a modified uplock assembly, and performing a rigging inspection. Transport Canada Aviation classified these service bulletins as mandatory and issued Canadian airworthiness directive CF-94-14, dated September 7, 1994 (for Model CL-600-2B19 series airplanes); and Canadian airworthiness directive CF-94-13, dated September 1, 1994 (for Model CL-600-1A11, -2A12, and -2B16 series airplanes); in order to assure the continued airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada 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 Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of the Transport Canada Aviation, 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 require a one-time inspection to verify the proper operation of the uplock latch of the ADG, and replacement of the uplock latch with a serviceable part, if the uplock latch cannot be activated. The proposed AD would also require replacing the uplock assembly with a modified uplock assembly, and performing a rigging inspection. The actions would be required to be accomplished in accordance with the service bulletins described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may

misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.

The FAA estimates that 194 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$69,840, or \$360 per airplane.

The total 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 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 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Bombardier Inc. (Formerly Canadair):
Docket 94–NM–239–AD.

Applicability: Model CL–600–1A11 (CL–600) series airplanes, serial numbers 1004 through 1085 inclusive; Model CL–600–2A12 (CL–601) series airplanes, serial numbers 3001 through 3066 inclusive; Model CL–600–2B16 (CL–601–3A, –3R) series airplanes, serial numbers 5001 through 5150 inclusive; Model CL–500–2B19 (Regional Jet Series 100) series airplanes, serial numbers 7003 through 7040 inclusive; equipped with Sundstrand air driven generator (ADG) uplock assembly having part number 721863, 721863A, or 721863B; 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 (c) 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 failure of the shaft pin, which could lead to the inability of the pilot to manually deploy the air driven generator (ADG) when necessary (i.e., when an airplane's primary electrical power sources are lost and the ADG fails to deploy automatically), accomplish the following:

(a) For Model CL–600–2B19 (Regional Jet Series 100) series airplanes equipped with Sundstrand ADG uplock assembly having P/

N 721863B: Accomplish paragraphs (a)(1), (a)(2), and (a)(3), in accordance with Canadair Alert Service Bulletin S.B. 1601R–24–019, Revision 'A', dated August 9, 1994.

(1) Within 600 flight hours after the effective date of this AD, perform an inspection to verify the proper operation of the uplock latch of the ADG, in accordance with the Accomplishment Instructions of the service bulletin. If the uplock latch cannot be activated, prior to further flight, replace the uplock latch with a serviceable part in accordance with the service bulletin.

(2) Within 12 months after the effective date of this AD, replace the uplock assembly with a modified uplock assembly, in accordance with the Accomplishment Instructions of the service bulletin.

(3) After accomplishment of paragraph (a)(1) or (a)(2) of this AD, perform a rigging inspection in accordance with the Accomplishment Instructions of the service bulletin.

(b) For Model CL–600–2A12, CL–2B16, and CL–600–1A11 series airplanes: Accomplish paragraphs (b)(1), (b)(2), and (b)(3), in accordance with Canadair Service Bulletin 600–0638, dated April 25, 1994 (for Model CL–600–1A11 series airplanes), or Canadair Service Bulletin 601–0430, dated April 25, 1994 (for Model CL–600–2A12 and –2B15 series airplanes), as applicable.

(1) Within 150 flight hours after the effective date of this AD, perform an inspection to verify the proper operation of the uplock latch of the ADG, in accordance with the Accomplishment Instructions of the applicable service bulletin. If the uplock latch cannot be activated, prior to further flight, replace the uplock latch with a serviceable part, in accordance with the applicable service bulletin.

(2) Within 12 months after the effective date of this AD, replace the uplock assembly with a modified uplock assembly, in accordance with the Accomplishment Instructions of the applicable service bulletin.

(3) After accomplishment of paragraph (b)(1) or (b)(2) of this AD, perform a rigging inspection in accordance with the Accomplishment Instructions of the applicable service bulletin.

(c) 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, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(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.

Issued in Renton, Washington, on February 13, 1995.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–4002 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–189–AD]

Airworthiness Directives; Jetstream Model 4101 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 Jetstream Model 4101 airplanes. This proposal would require an inspection to determine if a travel stop (screw) is installed at the flight control assembly, and various follow-on actions. This proposal is prompted by a report of failure of the travel stop, which allowed the elevator and aileron disconnect handles to rotate within the housing due to migration of the travel stop from its position. The actions specified by the proposed AD are intended to prevent such migration, which could result in the elevator and aileron disconnect system resetting without the use of the reset button; this condition could lead to jamming of the disconnect handles.

DATES: Comments must be received by March 31, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–189–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 Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Sam Grober, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton,