

14 CFR Part 39**[Docket No. 95-NM-17-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 replacement of a certain pressure switch with a certain new pressure switch in the fuel system for the engines. This proposal is prompted by a report indicating that the current design of a certain pressure switch in the fuel system for the engines does not meet current fire resistant properties, which could result in the failure of the pressure switch during a fire in the engine compartment. The actions specified by the proposed AD are intended to prevent failure of the existing pressure switch in the fuel system for the engines, which, during an engine fire, could result in fuel leakage that could add fuel to the fire.

DATES: Comments must be received by April 10, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-17-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: William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1320.

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-17-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-17-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Jetstream Model 4101 airplanes. The CAA advises that, during a design review of the fuel system, the manufacturer determined that the current design of the pressure switch having part number (P/N) 1153P0073 in the fuel system of the left and right engine does not meet the fire resistant properties, as required by section 25.1183 (a) of the Federal Aviation Regulations (14 CFR 25.1183), "Flammable fluid-carrying components."

If a fire in the engine compartment occurred, the existing pressure switch in the fuel system for the left and right engine could fail. If the pressure switch fails, fuel leakage could occur during an engine fire, which could add fuel to the fire.

Jetstream has issued Service Bulletin J41-73-007, dated November 22, 1994, which describes procedures for

replacement of the pressure switch having P/N 1153P0073 with a new pressure switch having P/N 1153P0094 in the fuel system for the left and right engines. The new pressure switch has been redesigned to meet the fire resistance requirements of section 25.1183(a) of the Federal Aviation Regulations [14 CFR 25.1183 (a)]. The pressure switch provides a warning to the flight crew if fuel filter blockage begins to occur. The CAA classified this 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 require replacement of a certain pressure switch with a certain new pressure switch in the fuel system of the left and right engine. The actions would be required to be accomplished in accordance with the service bulletin 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 long standing requirement.

The FAA estimates that 15 airplanes of U.S. registry would be affected by this proposed AD, that it would take

approximately 3 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 \$2,700, or \$180 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:

Jetstream Aircraft Limited: Docket 95-NM-17-AD.

Applicability: Model 4101 airplanes, constructors numbers 41004 through 41046 inclusive, 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 existing pressure switch in the fuel system of the left and right engine, which, during an engine fire, could result in fuel leakage that could add fuel to the fire, accomplish the following:

(a) Within 60 days after the effective date of this AD, replace pressure switch having part number (P/N) 1153P0073 with a new pressure switch having P/N 1153P0094 in the fuel system of the left and right engine, in accordance with Jetstream Service Bulletin J41-73-007, dated November 22, 1994.

(b) As of the effective date of this AD, no person shall install a pressure switch, P/N 1153P0073, on any airplane.

(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, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. 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 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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 March 10, 1995.

Neil D. Schalekamp,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-6469 Filed 3-15-95; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 95-ASO-5]

Proposed Establishment of Class D and E Airspace, Amendment to Class D and E Airspace and Removal of Class E Airspace; Marietta, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class D airspace for Cobb County-McCollum Field, amend the Class D and E airspace for Dobbins ARB (NAS Atlanta), and remove the Class E surface area extension for Dobbins ARB (NAS Atlanta) at Marietta, GA. This proposed action would also establish Class E airspace for Cobb County-McCollum Field when the control tower is closed. Cobb County-McCollum Field currently is included in the Dobbins ARB (NAS Atlanta) Class D airspace area. A non-federal tower has been commissioned at Cobb County-McCollum Field which has a LOC RWY 27 Standard Instrument Procedure (SIAP) and a VOR/DME or GPS RWY 9 SIAP. Class D and E airspace to the surface is required to accommodate these SIAPs and contain instrument flight rule (IFR) operations at Cobb County-McCollum Field. As a result of this proposed action the Dobbins ARB (NAS Atlanta) Class D and E airspace to the surface would be reduced and the Class E surface area extension would be removed concurrent with the establishment of the Class D and E airspace area for Cobb County-McCollum Field. This amendment would also make a technical correction to the name and location of Atlanta Dobbins AFB, GA. The correct name and location is Dobbins ARB (NAS Atlanta), Marietta, GA.

DATES: Comments must be received on or before April 28, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 95-ASO-5 Manager, System Management Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 550,