any leak is detected, prior to further flight, replace the part with a serviceable part.

(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, Seattle Aircraft Certification Office (ACO), 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, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle 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 January 31, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–3029 Filed 2–6–97; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 96–NM–137–AD]

RIN 2120–AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series 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 CASA Model CN–235 series airplanes. This proposal would require repetitive inspections of the torsion tubes and fittings of the elevator and rudder assemblies to detect stress corrosion cracking, and replacement of cracked parts. This proposed action also would require the accomplishment of a modification that would constitute terminating action for the repetitive inspections. This proposal is prompted by reports indicating that stress corrosion cracking in these parts has been found on some airplanes. The actions specified by the proposed AD are intended to prevent loss of control of the elevator and/or rudder, due to failure of the elevator and/or rudder assemblies as a result of stress corrosion cracking.

DATES: Comments must be received by March 20, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–137–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 Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Greg Dunn, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2799; fax (206) 227–1149.

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 96–NM–137–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. 96–NM–137–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Dirección General de Aviación (DGAC), which is the airworthiness authority for Spain, has notified the FAA that an unsafe condition may exist on certain CASA Model CN–235 series airplanes. The DGAC advises that it has received reports indicating that stress corrosion cracks were detected in the torsion tubes and fittings of the elevator and rudder assemblies on some of these airplanes. This condition, if not corrected, could result in failure of these assemblies and subsequent loss of control of the elevator and/or rudder.

Explanation of Relevant Service Information

CASA has issued Service Bulletin SB–235–27–05, Revision 1, dated September 29, 1993 (for non-military airplanes), and Service Bulletin SB–235–27–05M, Revision 2, dated January 25, 1996 (for military airplanes). These service bulletins describe procedures for conducting repetitive visual inspections of the torsion tubes for the rudder and elevator to detect stress corrosion cracking, and replacement of discrepant tubes with tubes of a new design. Installation of the newly-designed torsion tubes is intended to preclude stress corrosion cracking and eliminates the need for repetitive visual inspections.

The DGAC classified Service Bulletin SB–235–27–05 (for non-military airplanes) as mandatory and issued Spanish airworthiness directive 06/94, dated August 1994, in order to assure the continued airworthiness of these airplanes in Spain. The DGAC classified Service Bulletin SB–235–27–05M (for military airplanes) as ''recommended.''

FAA's Conclusions

This airplane model is manufactured in Spain 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 DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, the proposed AD would require repetitive visual inspections of the torsion tubes and fittings of the rudder and elevator assemblies to detect stress corrosion cracking, and replacement of discrepant parts. This proposed AD also would require the eventual installation of newly-designed torsion tubes assemblies on all airplanes, which, when accomplished, would constitute terminating action for the required inspections. The actions would be required to be accomplished in accordance with the applicable service bulletin described previously.

Differences Between Proposed AD and Parallel Spanish Action

Operators should note that the Spanish DGAC has not mandated the accomplishment of the terminating modification; however, this AD proposes to require it.

The FAA has determined that long term continued operational safety will be better assured by design changes to remove the source of the problem, rather than by repetitive inspections. Long term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous continual inspections, has led the FAA to consider placing less emphasis on inspections and more emphasis on design improvements. The proposed modification requirement is in consonance with these considerations.

Cost Impact

The FAA estimates that 1 CASA Model CN–235 series airplane of U.S. registry would be affected by this proposed AD.

It would take approximately 6 work hours per airplane to accomplish each proposed visual inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspections on the single affected U.S. operator is estimated to be $360 per inspection.

It would take approximately 40 work hours to accomplish the proposed terminating modification, at an average labor rate of $60 per work hour. (The work hour figure does not include the time needed for preparation of the airplane or equipment: familiarization with the service bulletin; curing times for adhesive, sealant, paint, etc.; tool collection; or down time.) Required parts would cost approximately $8,900 per airplane. Based on these figures, the cost impact of the proposed modification on the single affected U.S. operators is estimated to be $9,140.

The 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.

Regulatory Impact

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. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

CASA: Docket 96–NM–137–AD.

Applicability: Model CN–235 airplanes as listed in CASA Service Bulletin SB–235–27–05, Revision 1, dated September 29, 1993 (non-military airplanes), and CASA Service Bulletin SB–235–27–05M, Revision 2, dated January 25, 1996 (military airplanes); certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 as indicated, unless accomplished previously.

To prevent loss of control of the elevator and/or rudder, due to failure of the elevator and/or rudder assemblies as a result of stress corrosion cracking in the torsion tubes and fittings, accomplish the following:

Note 2: Actions required by this AD that were accomplished previous to the effective date of this AD, and in accordance with earlier versions of the specified CASA service bulletins, are considered acceptable for compliance with the applicable requirements of this AD.

(a) At the applicable time specified in either paragraph (a)(1) or (a)(2) of this AD, conduct a visual inspection of the torsion (torsion) tubes on the elevator and rudder assemblies to detect stress corrosion cracking, in accordance with CASA Service Bulletin SB–235–27–05, Revision 1, dated September 29, 1993 (for non-military airplanes) or CASA Service Bulletin SB–235–27–05M, Revision 2, dated January 25, 1996 (for military airplanes), as applicable.

(1) For airplanes that have accumulated more than 600 total hours time-in-service, or more than 1,000 total landings, as of the effective date of this AD: Conduct the inspection required by paragraph (a) of this AD prior to the accumulation of 50 hours time-in-service, or 100 landings, or within 3 months, after the effective date of this AD, whichever occurs first.

(2) For all other airplanes: Conduct the inspection required by paragraph (a) of this AD prior to the accumulation of 600 total hours time-in-service, or 1,000 total landings, or within 6 months, after the effective date of this AD, whichever occurs first.

(b) If no cracking is detected during the inspection required by paragraph (a) of this AD, repeat that inspection at intervals not to exceed 600 hours time-in-service, or 1,000 landings, or 6 months, whichever occurs first.

(c) If any cracking is detected during the inspection required by paragraph (a) of this AD, prior to further flight, accomplish either paragraph (c)(1) or (c)(2) of this AD.

(1) Replace cracked parts with a new parts of the original design, in accordance with the

service bulletin. After replacement, repeat the visual inspection required by paragraph (a) of this AD at intervals not to exceed 600 hours time-in-service, or 1,000 landings, or 6 months, whichever occurs first. OR

(2) Replace cracked parts with a newly-designed parts, in accordance with CASA Service Bulletin SB–235–27–05, Revision 1, dated September 29, 1993 (for non-military airplanes); or CASA Service Bulletin SB–235–27–05M, Revision 2, dated January 25,1996 (for military airplanes); as applicable. This replacement constitutes terminating action for the repetitive visual inspections of that part required by paragraph (b) of this AD.

(d) Within 2 years after the effective date of this AD, replace all original design parts comprising the torsion tube assemblies on the elevator and rudder assemblies with newly-designed parts, in accordance with CASA Service Bulletin SB–235–27–05, Revision 1, dated September 29, 1993 (for non-military airplanes); or CASA Service Bulletin SB–235–27–05M, Revision 2, dated January 25, 1996 (for military airplanes); as applicable. This action constitutes terminating action for the inspection requirements of this AD.

(e) 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(f) 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 January 31, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–3028 Filed 2–6–97; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 90–CE–59–AD]

RIN 2120–AA64

Airworthiness Directives; The New Piper Aircraft, Inc. (Formerly Piper Aircraft Corporation) Models PA–31, PA-31–325, PA–31–350, PA–31P, PA–31T1, and PA–31T Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This document withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD) that would have applied to The New Piper Aircraft, Inc. (Piper) Models PA–31, PA–31–325, PA–31–350, PA–31P, PA–31T1, and PA–31T airplanes. That NPRM would have superseded AD 80–26–05 with a new AD that would have retained the requirement of repetitively inspecting the main landing gear (MLG) inboard door hinges and attachment angles for cracks, and replacing any cracked MLG inboard door hinge or attachment angle; and would have required incorporating MLG inboard door hinge and attachment angle assembly, part number (P/N) 47529–32, as terminating action for the repetitive inspection requirement. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received reports of cracks in the P/N 47529–32 MLG inboard door hinge and attachment angle assembly, and has determined that more information and analysis is needed before hinge assembly replacements are mandated through an AD. The FAA will solicit service history and comments from affected airplane owners/operators in a separate action through an advanced notice of proposed rulemaking (ANPRM). Based on the comments, the FAA may initiate further rulemaking in the future.

FOR FURTHER INFORMATION CONTACT: Christina Marsh, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337–2748; telephone (404) 305–7362; facsimile (404) 305–7348.

SUPPLEMENTARY INFORMATION:

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Piper Models PA–31, PA–31–325, PA-31–350, PA–31P, PA–31T1, and PA–31T airplanes was published in the Federal Register as a notice of proposed rulemaking (NPRM) on December 7, 1995 (60 FR 62774). The action proposed to supersede AD 80–26–05, Amendment 39–3994, with a new AD that would (1) retain the requirement of repetitively inspecting the MLG inboard door hinges and attachment angles for cracks, and replacing any cracked MLG inboard door hinge or attachment angle; and (2) require incorporating a MLG inboard door hinge and attachment angle assembly of improved design (part number 47529–32) or FAA-approved hinges and angles made of steel as terminating action for the repetitive inspection requirement. Accomplishment of the proposed inspections would be in accordance with Piper Service Bulletin (SB) No. 682, dated July 24, 1980.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the one comment received.

Improved Design Hinge Assemblies Susceptible to Fatigue Cracking

The commenter believes that the improved hinge assemblies, part number (P/N) 47529–32, are also susceptible to fatigue cracking, and that installing this assembly should not eliminate the need for the repetitive inspections currently required by AD 80–26-05. The commenter states that three failures and three incidents related to fatigue cracking of the P/N 47529-32 hinge assemblies have occurred on the commenter's fleet of airplanes.

The FAA conducted a review of the manufacturer's service history and service difficulty reports in the FAA database associated with the P/N 47529–32 main landing gear hinge assembly. Based on a review of this information, including the information received from the commenter, the FAA has determined that more information and analysis is needed before hinge assembly replacements are mandated through an AD as terminating action for the repetitive inspections currently required by AD 80–26–05.

FAA's Conclusions

Upon further consideration, the FAA has determined that the NPRM should be withdrawn until further information is received and analyzed regarding the service history of P/N 47529–32 hinge assemblies. The FAA is issuing an advance notice of proposed rulemaking (ANPRM) in a separate action to provide an opportunity for the general public to participate in the decision as to what course of rulemaking the FAA should take.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Regulatory Impact

Since this action only withdraws an NPRM, it is neither a proposed rule nor a final rule and, therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT