

does not meet the requirements of the unsafe condition specified in this document; or (2) already have both the left and right MLG wheel axle/piston tube support junction area reworked. EMBRAER Service Bulletin (SB) No. 110-032-0071, Change No. 01, dated June 21, 1988, includes procedures for this rework, including stamping an "R" on both the left and right MLG wheel axle/piston tube assembly end-piece.

Note 2: 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 (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 100 landings after the effective date of this AD, unless already accomplished.

Note 3: If the number of landings is unknown, hours time-in-service (TIS) may be used by multiplying the number of hours TIS by 0.50. If hours TIS are utilized to calculate the number of landings, this would make the AD effective "within the next 200 hours TIS after the effective date of this AD."

To prevent failure of a MLG wheel axle/piston tube assembly caused by fatigue cracking, which could result in loss of control of the airplane during landing operations, accomplish the following:

(a) Inspect, using either eddy current, dye penetrant, or magnetic particle methods, the fillet area in both the left and right MLG wheel axle/piston support junction area for cracks in accordance with the instructions contained in EMBRAER SB No. 110-032-0068, dated December 20, 1985. Included in this SB is ERAM SB No. 32-22, which includes procedures for accomplishing this inspection. If any cracks are found, prior to further flight, replace the MLG wheel axle/piston tube assembly with an uncracked assembly.

(b) Visually inspect the fillet radius in both the left and right MLG wheel axle/piston tube support junction area to determine whether the profile requires rework. Accomplish the inspection in accordance with the instructions in ERAM SB No. 32-25, which is part of EMBRAER SB No. 110-032-0071, Change No. 01, dated June 21, 1988.

(1) If the profile of the area of each MLG is like the one presented in image (A) Figure 1 of ERAM SB No. 32-25, which is part of EMBRAER SB No. 110-032-0071, Change No. 01, dated June 21, 1988, prior to further flight, polish the junction area using a fine grit abrasive cloth and stamp the letter "R" on the MLG wheel axle/piston tube assembly end-pipe.

(2) If the profile of the area of each MLG is like the one presented in image (B) Figure 1 of ERAM SB No. 32-25, which is part of EMBRAER SB No. 110-032-0071, Change

No. 01, dated June 21, 1988, prior to further flight, accomplish the following in accordance with EMBRAER SB No. 110-032-0071, Change No. 01, dated June 21, 1988:

(i) Rework each MLG wheel axle/piston tube support junction area;

(ii) Polish each junction area using a fine grit abrasive cloth; and

(iii) Stamp the letter "R" on each MLG wheel axle/piston tube assembly end-pipe.

(c) 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.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO. Alternative methods of compliance approved in accordance with AD 87-03-10 (superseded by this action) are not considered approved as alternative methods of compliance with this AD.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to EMBRAER, Av. Brig Faria Lima 2170, 12227-901, Sao Jose dos Campos-SP, Brazil; 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.

(f) This amendment supersedes AD 87-03-10, Amendment 39-5524.

Issued in Kansas City, Missouri, on March 5, 1997.

Michael Gallagher,

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

[FR Doc. 97-6088 Filed 3-11-97; 8:45 am]

BILLING CODE 4910-13-U

## 14 CFR Part 39

[Docket No. 96-NM-115-AD]

RIN 2120-AA64

### Airworthiness Directives; Dornier Model 328-100 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 Dornier Model 328-100 series airplanes. This proposal would require

modification of the cable tension regulator on both the left and right elevators by installing certain parts on the lever arm of the regulator. This proposal is prompted by a report indicating that design testing and analysis have shown applied loads could cause the regulator's lever arm to break. The actions specified by the proposed AD are intended to prevent failure of the regulator, and consequent reduced controllability of the airplane.

**DATES:** Comments must be received by April 21, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-115-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 Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Connie Beane, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2796; 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-115-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-115-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Dornier Model 328-100 series airplanes. The LBA advises that it has received a report from the manufacturer indicating that the cable tension regulators on both the left and right elevators are susceptible to failure. Design testing and analysis have shown that, due to the presence of lightening holes in the tension regulator, the lever arm of the tension regulator can break when design loads are applied to it. Failure of the cable tension regulator, if not corrected, could lead to reduced controllability of the airplane.

#### Explanation of Relevant Service Information

Dornier has issued Service Bulletin SB-328-27-116, dated September 26, 1995, which describes procedures for modification of the cable tension regulator on both the left and right elevators. This modification entails the installation of two lateral plates on the lever arm to improve its load-carrying capability. The LBA classified this service bulletin as mandatory and issued German airworthiness directive 95-434, dated November 14, 1995, in order to assure the continued airworthiness of these airplanes in Germany.

#### FAA's Conclusions

This airplane model is manufactured in Germany 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 LBA has kept the FAA informed of the situation described above. The FAA

has examined the findings of the LBA, 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 registered in the United States, the proposed AD would require modification of the cable tension regulator on both the left and right elevators. This modification would entail the installation of two lateral plates on the lever arm of the regulator, and is intended to improve the load-carrying capability of the arm. The action would be required to be accomplished in accordance with the service bulletin described previously.

#### Cost Impact

The FAA estimates that 27 Dornier Model 328-100 series airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 2 work hours per airplane to accomplish the proposed actions, and the average labor rate is \$60 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$3,240, or \$120 per airplane.

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:

Dornier: Docket 96-NM-115-AD.

Applicability: Model 328-100 series airplanes having serial number 3005 to 3045 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 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 (b) 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 failure of the cable tension regulator on both the left and right elevators, and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 6 months after the effective date of this AD, modify the cable tension regulator on both the left and right elevators by installing two lateral plates on the lever arm, in accordance with Dornier Service Bulletin SB-328-27-116, dated September 26, 1995.

(b) 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.

(c) 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 5, 1997.

Darrell M. Pederson,  
*Acting Manager,*  
Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 97-6087 Filed 3-11-97; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 95-NM-216-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A320 Series Airplanes

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

**ACTION:** Supplemental notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This document revises an earlier proposed airworthiness directive (AD), which would have superseded an existing AD that is applicable to certain Airbus Model A320 series airplanes. The existing AD currently requires inspections to detect cracking of certain floor beams and side box-beams, and repair of cracks. It also requires modification of the pressure floor. The previously proposed action would have added a requirement to install a new, improved modification for the pressure floor. This action revises the previously proposed rule by adding a one-time inspection to verify proper clearance between the fasteners of the reinforcement bracket and the bellcrank of the free-fall extension system of the main landing gear (MLG) and its associated tie rod attachment nut. It also would require that a different new, improved modification be installed. The actions specified by this proposed AD are intended to prevent reduced structural integrity of the fuselage.

restricted operation of the MLG free-fall system and, consequently, reduced ability to use the MLG during an emergency.

**DATES:** Comments must be received by March 31, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-216-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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Tim Backman, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2797; 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 95-NM-216-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-216-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Airbus Model A320 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal Register on April 15, 1996 (61 FR 16414). That NPRM would have superseded AD 93-14-04, amendment 39-8628 (58 FR 39440, July 23, 1993), to continue to require a one-time eddy current and detailed visual inspections to detect cracks of various areas around the fastener/bolt holes of the pressure floor. That NPRM also would have added a requirement to install a new, improved modification requirement for the pressure floor at section 15 of the fuselage. That NPRM was prompted by the results of a full-scale fatigue test, which indicated that fatigue cracking can occur in those areas. Such fatigue cracking, if not detected and corrected in a timely manner, could result in reduced structural integrity of the fuselage.

#### Actions Since Issuance of Originally Proposed NPRM

Since the issuance of that NPRM, the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an additional unsafe condition may exist on Airbus Model A320 series airplanes that were modified in accordance with Airbus Service Bulletin A320-53-1023, Revision 3, dated March 18, 1994. That modification was considered to be terminating action for the repetitive inspection requirements of AD 93-14-04. The DGAC advises that, following accomplishment of the subject modification, it received reports indicating that interference could occur between the fasteners of the reinforcement bracket and the bellcrank of the free-fall extension system of the main landing gear (MLG) and its associated tie rod attachment nut. This condition, if not corrected, could restrict operation of the free-fall system of the MLG and, consequently, result in reduced ability to use the MLG during an emergency.