

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(e) 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.

**Note 3:** The subject of this AD is addressed in French airworthiness directive (CN) 96-135-199(B), dated July 17, 1996.

Issued in Renton, Washington, on November 19, 1997.

**Stewart R. Miller,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-NM-189-AD]

RIN 2120-AA64

#### Airworthiness Directives; Dassault Model Mystere Falcon 200 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 all Dassault Model Mystere Falcon 200 series airplanes. This proposal would require reducing the life limit of the polyurethane foam used in the fuselage fuel tanks. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to ensure replacement of the polyurethane foam in the fuselage fuel tanks when it has reached its maximum life limit; polyurethane foam that is not replaced in a timely manner could result in fuel contamination or increased risk of explosion in the fuselage fuel tank.

**DATES:** Comments must be received by December 26, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-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 Dassault Falcon Jet, Teterboro Airport, P.O. Box 2000, South Hackensack, New Jersey 07606. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 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 97-NM-189-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. 97-NM-189-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the

airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Dassault Model Mystere Falcon 200 series airplanes. The DGAC advises that studies of aging airplanes conducted by Dassault have shown that, after 8 years, the characteristics of the polyurethane foam material used in the fuselage fuel tanks are no longer acceptable. The airplane maintenance manual originally called for replacement of the polyurethane foam within 10 years. However, based on the Dassault study, the life limit of the foam should be reduced to 8 years. If not replaced in a timely manner, the polyurethane foam could degrade and result in fuel contamination or increased risk of explosion in the fuselage fuel tank.

#### Explanation of Related French Airworthiness Directive

The DGAC issued French airworthiness directive (CN) 96-078-021(B), dated April 10, 1996, in order to assure the continued airworthiness of these airplanes in France. The French airworthiness directive requires replacement of the polyurethane foam of the fuselage tanks at intervals not to exceed 8 years.

#### FAA's Conclusions

This airplane model is manufactured in France 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 registered in the United States, the proposed AD would require reducing the life limit of the polyurethane foam used in the fuselage fuel tanks. The action would be required to be accomplished in accordance with procedures specified in the airplane maintenance manual.

#### Cost Impact

The FAA estimates that 20 Dassault Model Mystere Falcon 200 series airplanes of U.S. registry would be

affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$4,000 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$89,600, or \$4,480 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:

**Dassault Aviation:** Docket 97-NM-189-AD.

**Applicability:** All Model Mystere Falcon 200 series 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 (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 fuel contamination or increased risk of explosion in the fuselage fuel tank as a result of degradation of the polyurethane foam used in the fuselage fuel tanks, accomplish the following:

(a) Replace the polyurethane foam in the fuselage fuel tanks with new foam, in accordance with procedures specified in Chapter 5 of the Dassault Falcon 200 Maintenance Manual, at the later of the times specified in paragraph (a)(1) or (a)(2) of this AD. Thereafter, replace the foam with new foam at intervals not to exceed 8 years.

(1) Within 8 years after the last replacement of the foam; or

(2) Within 7 months or 350 flight hours after the effective date of this AD, whichever occurs first.

(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, International Branch, ANM-116, 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, International Branch, ANM-116.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(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.

**Note 3:** The subject of this AD is addressed in French airworthiness directive (CN) 96-078-021(B), dated April 10, 1996.

Issued in Renton, Washington, on November 19, 1997.

**Stewart R. Miller,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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### **DEPARTMENT OF TRANSPORTATION**

#### **Federal Aviation Administration**

##### **14 CFR Part 39**

**[Docket No. 96-NM-200-AD]**

**RIN 2120-AA64**

#### **Airworthiness Directives; British Aerospace BAe Model ATP 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 British Aerospace BAe Model ATP airplanes. This proposal would require repetitive inspections to detect uneven wear of the heat pack of the main landing gear (MLG) brake unit; measurement and setting of the wear remaining length (WRL) of the wear indicator pin (WIP); and replacement of the brake heat pack unit with a serviceable unit, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect uneven wear of the brake heat pack unit and prevent failure of the pressure stator of the MLG brake unit, which could result in reduced braking efficiency and consequent longer stopping distances upon landing.

**DATES:** Comments must be received by December 26, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-200-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 AI(R) American Support, Inc., 13850 McLaren Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport