

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 97-NM-303-AD]

RIN 2120-AA64

**Airworthiness Directives; Aerospatiale Model ATR42-200, -300, and -320 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 Aerospatiale Model ATR42-200, -300, and -320 series airplanes. This proposal would require an inspection to detect fatigue cracking of the windshield frame structure, and modification of the windshield frame structure. This proposal is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent reduced structural integrity of the airplane resulting from fatigue cracking of the windshield frame structure.

**DATES:** Comments must be received by March 23, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 97-NM-303-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 Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, 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-303-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-114, Attention: Rules Docket No. 97-NM-303-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 certain Aerospatiale Model ATR42-200, -300, and -320 series airplanes. The DGAC advises that it has received reports of fatigue cracking on in-service airplanes. The cracking began at the lower end of the center post of the windshield frame structure. Such fatigue cracking, if not detected and corrected in a timely manner, could result in reduced structural integrity of the airplane.

**Explanation of Relevant Service Information**

Aerospatiale has issued Service Bulletins ATR42-53-0093, Revision 1, and ATR42-53-0094, Revision 2, both dated February 19, 1996. These service bulletins describe procedures for an inspection to detect fatigue cracking of the windshield frame structure, and modification of the windshield frame

structure. Accomplishment of the modification involves installation of new supports and nut plates. Accomplishment of these actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 95-126-061(B), dated June 21, 1995, in order to assure the continued airworthiness of these airplanes in France.

**FAA's Conclusions**

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of § 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 accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

**Differences Between the Proposed Rule and the Service Information**

Whereas Aerospatiale Service Bulletin ATR42-53-0094 requires that operators contact the manufacturer for repair instructions for any crack exceeding a specified length, this proposed AD would require that repair of such cracking be accomplished in accordance with a method approved by the FAA.

**Cost Impact**

The FAA estimates that 106 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 19 work hours per airplane to accomplish the proposed inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be \$120,840, or \$1,140 per airplane.

It would take approximately 191 work hours per airplane to accomplish the proposed modification specified in

Aerospatiale Service Bulletin ATR42-53-0093, Revision 1, dated February 19, 1996, at an average labor rate of \$60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of this proposed modification on U.S. operators is estimated to be \$11,460 per airplane.

It would take approximately 281 work hours per airplane to accomplish the proposed modification specified in Aerospatiale Service Bulletin ATR42-53-0094, Revision 2, dated February 19, 1996, at an average labor rate of \$60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of this proposed modification on U.S. operators is estimated to be \$16,860 per airplane.

The cost impact figures discussed above are 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:

**Aerospatiale:** Docket 97-NM-303-AD.

**Applicability:** Model ATR42-200, -300, and -320 series airplanes, on which Aerospatiale Modification 01392 has not been installed, 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 reduced structural integrity of the airplane resulting from fatigue cracking of the windshield frame structure, accomplish the following:

(a) Prior to the accumulation of 24,000 total flight cycles, or within 60 days after the effective date of this AD, whichever occurs later: Inspect to detect cracking of the windshield frame structure in accordance with Operation Description (B—Inspection) of the Accomplishment Instructions of Aerospatiale Service Bulletin ATR42-53-0093, Revision 1, or ATR42-53-0094, Revision 2, both dated February 19, 1996.

(1) If the inspection reveals no crack, or reveals cracking that does not exceed the specifications listed in Figure 6, Sheet 1, of Service Bulletin ATR42-53-0093, Revision 1, dated February 19, 1996: Prior to further flight, modify the windshield frame structure in accordance with either service bulletin.

(2) If the inspection reveals any crack that exceeds the specifications in Figure 6, Sheet 1, of Service Bulletin ATR42-53-0093, Revision 1, dated February 19, 1996, but does not exceed the cut-out areas specified in Figure 7, Sheet 1, of Service Bulletin ATR42-53-0094, Revision 2, dated February 19, 1996: Prior to further flight, modify the windshield frame structure in accordance with Service Bulletin 42-53-0094, Revision 2, dated February 19, 1996.

(3) If the inspection reveals any crack that exceeds the cut-out areas specified in Figure 7, Sheet 1, of Service Bulletin ATR42-53-

0094, Revision 2, dated February 19, 1996: Prior to further flight, modify the windshield frame structure in accordance with a method approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate.

**Note 2:** Accomplishment of the modifications specified in ATR Service Bulletin ATR42-53-0093, Revision 1, or ATR42-53-0094, Revision 2, both dated February 19, 1996, is not equivalent to accomplishment of Aerospatiale Modification 01392. Therefore the ATR42 Time Limits Document inspection items with "PRE MOD 1392" effectivity are still applicable for airplanes modified by either of the previously described service bulletins.

(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. 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 3:** 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 4:** The subject of this AD is addressed in French airworthiness directive 95-126-061(B), dated June 21, 1995.

Issued in Renton, Washington, on February 11, 1998.

**Gilbert L. Thompson,**

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

[FR Doc. 98-4110 Filed 2-18-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-163-AD]

RIN 2120-AA64

#### Airworthiness Directives; Transport Category Airplanes Equipped With Day-Ray Products, Inc., Fluorescent Light Ballasts

**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), applicable to any transport