

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-134-AD]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to certain Bombardier Model CL-600-2B19 (Regional Jet Series 100) series airplanes. That action would have required repetitive inspections of the inboard and outboard flap actuators to measure the rotational freedom of the actuator ball screw adjacent to the actuator housing, and replacement of the flap actuators with new or serviceable actuators, if necessary. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received new data pertaining to this issue and is undertaking alternative rulemaking action. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to certain Bombardier Model CL-600-2B19 (Regional Jet Series 100) series airplanes, was published in the **Federal Register** on June 8, 1998 (63 FR 31140). The proposed rule would have

required repetitive inspections of the inboard and outboard flap actuators to measure the rotational freedom of the actuator ball screw adjacent to the actuator housing, and replacement of the flap actuators with new or serviceable actuators, if necessary. That action was prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The proposed actions were intended to prevent premature wear of the internal gears on the flap actuators, which could result in complete disconnection of the actuator gear set and a mechanical jam of the flap system. This condition could cause structural damage and/or significant twist of a flap panel, which could lead to reduced controllability of the airplane.

Actions Since Issuance of the Notice of Proposed Rulemaking (NPRM)

Since the issuance of the NPRM on June 2, 1998, the FAA has received reports of six instances of jammed flap actuators on airplanes that were in compliance with the requirements of that proposed AD. In one case, a twisted flap was not detected prior to takeoff; in another case, a twisted flap occurred upon deployment of flaps for landing. In both cases, the airplanes were controllable and landed successfully. These reports indicate that the replacement action specified by the proposed rule is inadequate to address the unsafe condition.

As a result, the FAA has reconsidered its previous position on this rulemaking action and issued AD 98-20-01, amendment 39-10767 (63 FR 49661, September 17, 1998), on September 11, 1998, to address the unsafe condition. The actions of that AD require revising the procedures in the FAA-approved Airplane Flight Manual for checking the flap system. The amendment also requires revising the procedures in the FAA-approved maintenance program, and performing follow-on actions, if necessary. The actions specified in that AD are considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking. The actions required by that AD are intended to prevent an unannounced failure of the flap system due to a twisted outboard flap, which could result in a flap asymmetry, and

consequent reduced controllability of the airplane.

FAA's Conclusions

The FAA has determined that other rulemaking was required to address the identified unsafe condition. In light of this other on-going rulemaking activity, the FAA hereby withdraws the proposed rule.

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 a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 98-NM-134-AD, published in the **Federal Register** on June 8, 1998 (63 FR 31140), is withdrawn.

Issued in Renton, Washington, on November 4, 1998.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-276-AD]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).