

# Proposed Rules

Federal Register

Vol. 64, No. 233

Monday, December 6, 1999

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. 99-NM-325-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).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Fokker Model F.28 Mark 0070 and 0100 series airplanes. This proposal would require a measurement of the resistance of the electrical connectors of the auxiliary power unit (APU) to detect a short circuit; an inspection to determine if the grommets or shrink sleeves are present; and modification, 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 and prevent a short circuit of a fire extinguisher electrical system due to a lack of shrink sleeves or grommets, and consequent disabling of the affected fire extinguisher system.

**DATES:** Comments must be received by January 5, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-325-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Services B.V., P.O. Box 231,

2150 AE Nieuw-Vennep, the Netherlands. 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 99-NM-325-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. 99-NM-325-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for

the Netherlands, notified the FAA that an unsafe condition may exist on all Fokker Model F.28 Mark 0070 and 0100 series airplanes. The RLD advises that a fire extinguisher electrical circuit for the auxiliary power unit (APU) was found shorted. A subsequent inspection revealed that similar conditions affected the engine fire extinguisher circuits, due to twisted wires that allowed the contact pins to touch. Further investigation established that certain types of electrical cartridge connectors on both the engine and APU fire extinguisher bottles did not have heat shrink sleeves installed during production. In this condition, a short circuit cannot be detected by the resistance check described in the current maintenance program. The lack of shrink sleeves or grommets, if not corrected, could result in a short circuit of a fire extinguisher electrical system, and consequent disabling of the affected fire extinguisher system.

##### Explanation of Relevant Service Information

Fokker has issued Service Bulletin SBF100-26-015, dated August 15, 1999, which describes procedures for performing a measurement of the resistance of the electrical lines on the auxiliary power unit (APU) and engine fire extinguishers to detect a short circuit; a general visual inspection to determine if the grommets or shrink sleeves are present; and modification, if necessary. The modification involves applying shrink sleeves to electrical wiring. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The RLD classified this service bulletin as mandatory and issued Dutch airworthiness directive 1999-110, dated August 31, 1999, in order to assure the continued airworthiness of these airplanes in the Netherlands.

##### FAA's Conclusions

These airplane models are manufactured in the Netherlands and are 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 RLD has kept the FAA informed of the situation

described above. The FAA has examined the findings of the RLD, 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 bulletin described previously.

### Cost Impact

The FAA estimates that 123 airplanes of US registry would be affected by this proposed AD.

It would take approximately 2 work hours per airplane to accomplish the measurement specified in Part A of the referenced service bulletin, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this measurement proposed by this AD on U.S. operators is estimated to be \$14,760, or \$120 per airplane.

It would take approximately 1 work hour per airplane to accomplish the inspection specified in Part B of the referenced service bulletin, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this inspection proposed by this AD on U.S. operators is estimated to be \$7,380, or \$60 per airplane.

Should an operator be required to accomplish the modification specified in Part B of the referenced service bulletin, it would take approximately 2 works hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be \$120 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:

**Fokker Services B.V.:** Docket 99–NM–325–AD.

**Applicability:** All Model F.28 Mark 0070 and 0100 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 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 detect and prevent a short circuit of a fire extinguisher electrical system due to a

lack of shrink sleeves or grommets, and consequent disabling of the affected fire extinguisher system, accomplish the following:

### Inspection and Modification, If Necessary

(a) Within 12 months after the effective date of this AD, perform a measurement of the resistance of the electrical lines on the auxiliary power unit (APU) and engine fire extinguisher bottles to detect a short circuit, in accordance with Part A of the Accomplishment Instructions of Fokker Service Bulletin SBF100–26–015, dated August 15, 1999.

(1) If no short circuit is detected, at the next scheduled weight check of the fire extinguishing bottle, or within 2 years after the inspection required by paragraph (a) of this AD, whichever occurs first, perform a general visual inspection to determine if the grommets or shrink sleeves are present and installed properly. If any grommet or shrink sleeve is missing or not installed properly, prior to further flight, perform the modification of the connectors, in accordance with Part B of the Accomplishment Instructions of the service bulletin.

(2) If any short circuit is detected, prior to further flight, perform a general visual inspection to determine if the grommets or shrink sleeves are present and installed properly. If any grommet or shrink sleeve is missing or not installed properly, prior to further flight, perform the modification of the connectors, in accordance with Part B of the Accomplishment Instructions of the service bulletin.

**Note 2:** For the purposes of this AD, a general visual inspection is defined as "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

### Alternative Methods of Compliance

(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 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.

### Special Flight Permits

(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 Dutch airworthiness directive 1999-110, dated August 31, 1999.

Issued in Renton, Washington, on November 30, 1999.

**D.L. Rigglin,**

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

[FR Doc. 99-31475 Filed 12-3-99; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-182-AD]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 767 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 Boeing Model 767 series airplanes. This proposal would require repetitive inspections to detect fatigue cracking of the pitch load fittings of the wing front spar, and rework, if necessary. This proposal is prompted by a structural fatigue analysis that shows that the operational loads of the nacelle are higher than the loads used during initial design of the Model 767. The actions specified by the proposed AD are intended to detect and correct fatigue cracking in the pitch load fittings of the wing front spar, which could result in reduced structural integrity of the strut.

**DATES:** Comments must be received by January 20, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-182-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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington, 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

#### FOR FURTHER INFORMATION CONTACT:

James G. Rehr, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2783; fax (425) 227-1181.

#### 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 99-NM-182-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. 99-NM-182-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### Discussion

The FAA has received a report indicating that structural fatigue analysis on the Boeing Model 767 series airplane shows that the operational loads of the nacelle are higher than the loads used during initial design of the Boeing Model 767 series airplane. Higher operational loads could lead to fatigue cracking in the pitch load fittings of the wing front spar initiating earlier than expected. Structural assessment indicated that certain design changes would be needed on the strut-to-wing

structure of the airplane to ensure that fatigue cracking would not occur during the Model 767 design service objective of 20 years or 50,000 flight cycles. Fatigue cracking of the pitch load fittings of the wing front spar, if not corrected, could result in reduced structural integrity of the strut.

##### Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 767-57-0053, Revision 2, dated September 23, 1999, which describes procedures for repetitive inspections to detect cracking of the pitch load fittings of the wing front spar, and rework, if necessary. The service bulletin describes procedures for two different methods for accomplishing an inspection. One method involves performing repetitive ultrasonic and eddy current inspections to detect cracking of the pitch load fittings. In lieu of that method, the service bulletin describes another inspection method that involves removing the upper link and performing a high frequency eddy current inspection to detect cracking of the pitch load fittings, and a detailed visual inspection to detect damage or corrosion of the inner and outer face pad-up areas of the pitch load fittings and to determine if the pad-up areas are parallel. The procedures for rework described in the service bulletin include reworking the inner or outer face of the pitch load fitting, reworking the lugs of the pitch load fittings, and installing new bushings. (The service bulletin describes two alternatives for installing the bushings.)

##### Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

##### Differences Between This Proposed AD and the Service Bulletin

Operators should note that, although the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this proposed AD would require the repair of those conditions to be accomplished in accordance with a method approved by the FAA, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative