

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. 99-CE-85-AD]

RIN 2120-AA64

Airworthiness Directives; EXTRA Flugzeugbau GmbH Models EA-300, EA-300L, and EA-300S Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain EXTRA Flugzeugbau GmbH (EXTRA) Models EA-300, EA-300L, and EA-300S airplanes. The proposed AD would require (for all affected airplanes) an inspection of the upper longeron at the horizontal stabilizer attachment for cracks using a fluorescent dye check penetrant method, repair of any cracks found, and modification of the horizontal stabilizer. The proposed AD would require a limit on operation to the Normal category until accomplishment of the initial inspection and modification on airplanes with less than 200 hours time-in-service (TIS). The proposed AD is the result of reports of fatigue cracks at the horizontal stabilizer attachment on the affected airplanes. The actions specified by the proposed AD are intended to detect and correct cracks in the horizontal stabilizer attachment, which could result in structural failure of the aft fuselage with consequent loss of control of the airplane.

DATES: The Federal Aviation Administration (FAA) must receive any comments on this proposed rule on or before October 31, 2001.

ADDRESSES: Submit comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-CE-85-AD, 901 Locust, Room 506, Kansas City, Missouri 64106. You may

view any comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

You may get service information that applies to this proposed AD from EXTRA Flugzeugbau GmbH, Flugplatz Dinslaken, D-46569 Hünxe, Federal Republic of Germany; telephone: (0 28 58) 91 37-00; facsimile: (0 28 58) 91 37-30. You may also view this information at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; facsimile: (816) 329-4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

How Do I Comment on This Proposed AD?

The FAA invites comments on this proposed rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments to the address specified under the caption **ADDRESSES**. We will consider all comments received on or before the closing date. We may amend this proposed rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of this proposed AD action and determining whether we need to take additional rulemaking action.

Are There Any Specific Portions of This Proposed AD I Should Pay Attention to?

FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this proposed rule that might suggest a need to modify the rule. You may view all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each contact we have with the public that concerns the substantive parts of this proposed AD.

How Can I Be Sure FAA Receives My Comment?

If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write "Comments to Docket No. 99-CE-85-

AD." We will date stamp and mail the postcard back to you.

Discussion

What Events Have Caused This Proposed AD?

On October 17, 1997, FAA issued a Special Airworthiness Information Bulletin (SAIB) to recommend an inspection of the horizontal stabilizer attachment on EXTRA Models EA-300, EA-300L, and EA-300S airplanes. The SAIB recommended compliance with EXTRA Service Bulletin SB-300-2-95.

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, did not consider the actions of the service bulletin mandatory and consequently did not issue an AD against airplanes on the German register. The FAA also did not issue an AD at this time because the service history did not warrant such action.

Since that time, FAA has received information that indicates fatigue cracks at the horizontal stabilizer attachment are occurring on the above-referenced airplanes. These airplanes are utilized in aerobatic maneuvers and the stress in the area of the horizontal stabilizer can lead to cracks in this area, as well as in the upper longerons and diagonal braces.

What Are the Consequences if the Condition Is Not Corrected?

This condition, if not corrected, could lead to structural failure of the aft fuselage with consequent loss of control of the airplane.

Is There Service Information That Applies to This Subject?

As indicated above, EXTRA Service Bulletin SB-300-2-95 pertains to this subject. EXTRA has since revised Service Bulletin No. 300-2-95 (pages 2-6 at Issue: C, dated July 15, 1998; and pages 1 and 7 through 11 at Issue: D, dated January 30, 2001).

What Action Did LBA Take?

As of the issue date of this NPRM, LBA has not taken AD action on this subject.

The FAA's Determination and an Explanation of the Provisions of the Proposed AD

What Has FAA Decided?

After examining the circumstances and reviewing all available information

related to the incidents described above, including the referenced service information, we have determined that:

- The unsafe condition referenced in this document exists or could develop on other EXTRA Models EA-300, EA-300L, and EA-300S airplanes of the same type design registered in the United States; and
- AD action should be taken in order to detect and correct cracks in the horizontal stabilizer attachment, which could result in structural failure of the aft fuselage with consequent loss of control of the airplane.

What Would the Proposed AD Require?

This proposed AD would require:
 —For all affected airplanes: an inspection of the upper longeron at the horizontal stabilizer attachment for cracks using a fluorescent dye check penetrant method, repair of any cracks found, and modification of the horizontal stabilizer; and
 —On airplanes with less than 200 hours time-in-service (TIS) as of the effective date of the proposed AD: a limit on operation to the Normal category until accomplishment of the initial inspection and modification.

Accomplishment of the actions specified in the proposed AD would be

in accordance with the instructions included in the proposed AD and as specified in the applicable service manual.

Cost Impact

How Many Airplanes Would the Proposed AD Impact?

We estimate that the proposed AD affects 55 airplanes in the U.S. registry.

What Would Be the Cost Impact of the Proposed AD on Owners/Operators of the Affected Airplanes?

We estimate the following costs to accomplish the proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
24 workhours × \$60 per hour = \$1,440 ...	Not Applicable	\$1,440 per airplane	\$1,440 × 55 airplanes = \$79,200.

We estimate the following costs to accomplish the proposed modification:

20 workhours × \$60 per hour = \$1,200 ...	Provided at no cost	\$1,200 per airplane	\$1,200 × 55 airplanes = \$66,000.
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We estimate the following costs to accomplish any necessary repair or replacement that would be required based on the results of the proposed inspection. We have no way of determining the number of airplanes that may need such repair or replacement:

Labor cost	Parts cost	Total cost per airplane
40 workhours × \$60 per hour = \$2,400	Parts provided at no cost	\$2,400 per airplane.

Regulatory Impact

Would This Proposed AD Impact Various Entities?

The regulations proposed herein would not have a substantial direct effect 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, it is determined that this proposed rule would not have federalism implications under Executive Order 13132.

Would This Proposed AD Involve a Significant Rule or Regulatory Action?

For the reasons discussed above, I certify that this proposed action (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under 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 has been placed 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, under 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. FAA amends § 39.13 by adding a new airworthiness directive (AD) to read as follows:

EXTRA Flugzeugbau GMBH: Docket No. 99–CE–85–AD.

(a) *What airplanes are affected by this AD?* This AD applies to the following airplane models and serial numbers that are certificated in any category:

Model	Serial Nos.
EA-300	1 through 62
EA-300L	1 through 5
EA-300S	1 through 29

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and correct cracks in the horizontal stabilizer attachment, which could result in structural failure of the aft fuselage with consequent loss of control of the airplane.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) For all affected airplanes, inspect, using a fluorescent dye penetrant method, the upper longeron at the horizontal stabilizer attachment for cracks in the areas depicted in Figure 1 of this AD.	Upon accumulating 250 hours time-in-service (TIS) or within the next 50 hours TIS after the effective date of this AD, whichever occurs later.	In accordance with Part I of Extra Service Bulletin No. 300-2-95 (pages 2-6 at Issue: C, dated July 15, 1998; and pages 1 and 7 through 11 at Issue: D, dated January 30, 2001). No further action is required by this paragraph if the modification is already accomplished in accordance with Part II of Extra Service Bulletin No. 300-2-95 (all pages at Issue: C, dated July 15, 1998).
(2) For all affected air planes, if no crack(s) is(are) found during the inspection required by this AD, modify the upper longeron at the horizontal stabilizer attachment.	Prior to further flight after the inspection required by paragraph (d)(1) of this AD.	In accordance with Part II of Extra Service Bulletin No. 300-2-95 (pages 2-6 at Issue: C, dated July 15, 1998; and pages 1 and 7 through 11 at Issue: D, dated January 30, 2001). No further action is required by this paragraph if already accomplished in accordance with Part II of Extra Service Bulletin No. 300-2-95 (all pages at Issue: C, dated July 15, 1998).
(3) For all affected airplanes, if any crack is found during the inspection required by this AD and the crack(s) is(are) in Area A or Area B as depicted in Figure 1 of this AD, accomplish the following: (i) Repair and modify the upper longeron at the horizontal stabilizer attachment; and (ii) Weld the cracks tight during repair.	Prior to further flight after the inspection where any crack is found in Area A or Area B as depicted in Figure 1 of this Ad.	In accordance with Part II of Extra Service Bulletin No. 300-2-95, Issue: D, dated January 30, 2001. No further action is required by this paragraph if already accomplished in accordance with Part II of Extra Service Bulletin No. 300-2-95 (all pages at Issue: C, dated July 15, 1998).
(4) For all affected airplanes, if any crack is found during the inspection and the crack(s) is(are) in Area C as depicted in Figure 1 of this AD, accomplish the following: (i) Obtain a repair scheme from the manufacturer; (ii) Incorporate this repair scheme; and (iii) Accomplish any follow-up actions as directed by the FAA.	Prior to further flight after the inspection where any crack is found.	In accordance with a repair scheme obtained from EXTRA Flugzeugbau GmbH, Flugplatz Dinslaken, D-46569 Hünxe, Federal Republic of Germany; telephone: (0 28 58) 91 37-00; facsimile: (0 28 58) 91 37-30. Obtain this repair scheme through FAA at the address specified in paragraph (f) of this and AD.
(5) For airplanes with less than 200 hours TIS as of the effective date of this AD, limit operation to the Normal category by accomplishing the following: (i) Fabricate two placards using letters of at least 1/10-inch in height consisting of the following words: "OPERATIONS LIMITED TO NORMAL CATEGORY"; (ii) Install these placards on the airplane instrument panels (one on the front panel and one on the rear panel) next to the airspeed indicators within the pilot's clear view; and (iii) Insert a copy of this AD into the Limitations Section of the Airplane Flight Manual (AFM).	Within the next 50 hours TIS after the effective date of this AD until the inspection and the modification required by this AD are accomplished.	Not applicable.
(6) The Owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may fabricate and install the placard as required by paragraphs (d)(5)(i) and (d)(5)(ii) of this AD and insert this AD into the Limitations Section of the AFM as required by paragraph (d)(5)(iii) of this AD.	Within the next 50 hours TIS after the effective date of this AD until the first inspection and the modification required by this AD are accomplished.	Make an entry into the aircraft records showing compliance with this AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR and the 43.9).
(7) For all affected Model EA-300S airplanes, modify the fuselage frame underneath the stabilizer attachment.	Within the next 200 hours TIS after the effective date of this AD.	In accordance with Part III of Extra Service Bulletin No. 300-2-95 (pages 2-6 at Issue: C, dated July 15, 1998; and pages 1 and 7 through 11 at Issue: D, dated January 30, 2001).

Actions	Compliance	Procedures
(8) For all affected airplanes with less than 200 hours TIS as of the effective date of this AD, the inspection, modification, and repair, as necessary, (as specified in paragraphs (d)(1) through (d)(4) of this AD) may be accomplished instead of the operational limitations of paragraph (d)(5) of this AD.	Upon accumulating 250 hours TIS or within the next 50 hours TIS after the effective date of this AD, whichever occurs later.	Inspect in accordance with Figure 1 of this AD and Part I of Extra Service Bulletin No. 300-2-95 (pages 2-6 at Issue: C, dated July 15, 1998; and pages 1 and 7 through 11 at Issue: D, dated January 30, 2001). Modify in accordance with Part II of the service bulletin. Repair in accordance with the service bulletin or a repair scheme obtained from the manufacturer, as applicable.

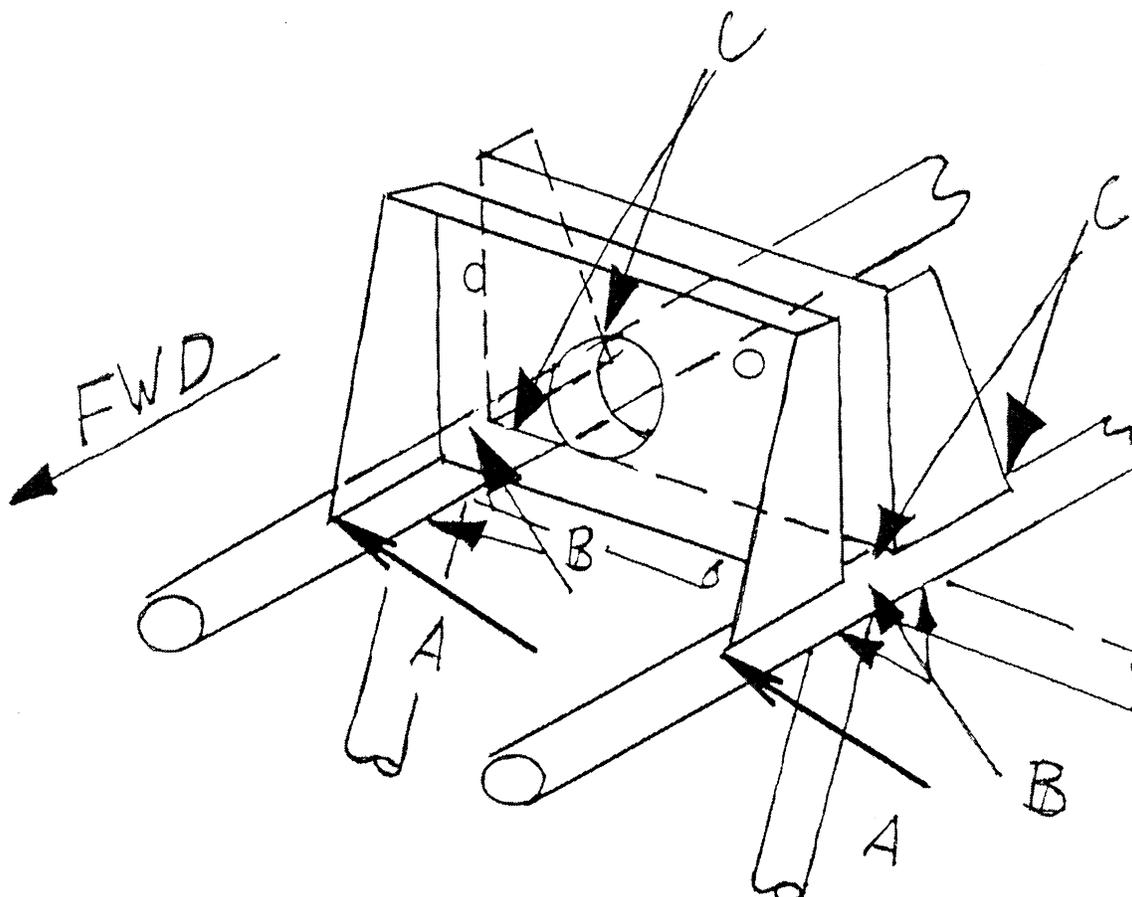


Figure 1

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate, approves your alternative.

Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 1: This AD applies to each airplane identified in paragraph (a) of this AD, 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 (e) 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; facsimile: (816) 329-4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location

where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* Direct questions or technical information related to Extra Service Bulletin No. 300-2-95 (pages 2-6 at Issue: C, dated July 15, 1998; and pages 1 and 7 through 11 at Issue: D, dated January 30, 2001) to EXTRA Flugzeugbau GmbH, Flugplatz Dinslaken, D-46569 Hünxe, Federal Republic of Germany; telephone: (0 28 58) 91 37-00; facsimile: (0 28 58) 91 37-30. You may view this service information at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on September 18, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-24024 Filed 9-25-01; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 650

[FHWA Docket No. FHWA-2001-9182]

RIN 2125-AE75

Highway Bridge Replacement and Rehabilitation Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM); request for comments.

SUMMARY: The FHWA is seeking comments regarding improvements that can be made to its regulation outlining the highway bridge replacement and rehabilitation program (HBRRP). In addition, the FHWA is considering the inclusion and/or modification of existing policies so that the States and local governments can better manage their bridge assets. Over the years, the FHWA has established policies in many areas for the proper use of bridge funds. The FHWA may need to eliminate some of these policies and incorporate others into the regulation. The FHWA seeks comments from the public, State and local governments, and other Federal agencies on the best means to improve the program.

DATES: Comments must be received on or before December 26, 2001.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590, or submit electronically at <http://dmses.dot.gov/submit>. All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments electronically.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond McCormick, Office of Bridge Technology, HIBT-30, (202) 366-4675; or Mr. Robert Black, Office of the Chief Counsel, HCC-31, (202) 366-1359, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

You may submit or retrieve comments online through the Document Management System (DMS) at: <http://dmses.dot.gov/submit>. Acceptable formats include: MS Word (versions 95 to 97), MS Word for Mac (versions 6 to 8), Rich Text File (RTF), American Standard Code Information Interchange (ASCII)(TXT), Portable Document Format (PDF), and WordPerfect (versions 7 to 8). The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the web site.

An electronic copy of this document may also be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may also reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's web page at: <http://www.access.gpo.gov/nara>.

Background

The Highway Bridge Replacement and Rehabilitation Program (HBRRP) was established in accordance with section 124 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599, 92 Stat. 2689, 2702). It was established to assist the States in the replacement and rehabilitation of bridges declared unsafe because of structural deficiencies, physical deterioration, or functional obsolescence. The FHWA published regulations to provide guidance and establish procedures for administering the HBRRP at 44 FR 15665 on March 15, 1979. The regulation for administering the HBRRP is contained in 23 CFR part 650, subpart D. Over the years, the FHWA has incorporated many policy and administrative changes into the HBRRP. In addition, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240, 105 Stat. 1914) and the Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, 112 Stat. 107 (1998)) provided considerable flexibility to the States

with regards to the Federal-aid program. In recognition of these facts, the FHWA is seeking input into the revision of the regulations so that they better meet the needs of the State and local governments while, at the same time, meeting the national goals of improving the condition of the Nation's bridges.

In the National Bridge Inventory (NBI) (see 23 CFR 650.311) there are approximately 587,598 bridges nationwide, of which 170,130 are classified as being either structurally deficient or functionally obsolete. The HBRRP funding is available for replacement or rehabilitation of these deficient structures, with the terms "replacement" and "rehabilitation" as defined under 23 CFR 650.405(b), and summarized below. There remain an additional 417,468 bridges that would benefit from increased service life with sufficient maintenance and preservation work. The current regulations do not address the use of the HBRRP funds for system preservation activities that would extend the service life of the structures. The status of the Nation's infrastructure is changing. In the past, there was a greater need to construct new bridges on new alignments. In the present, perhaps a more cost-effective approach would be to systematically extend the service life of our structures using data from the bridge management system.

Currently, a bridge is eligible for HBRRP funding if it is undergoing major reconstruction. "Major reconstruction" is interpreted to mean rehabilitation or replacement under 23 CFR 650.405(b). To summarize:

1. Rehabilitation

Conduct of major work to restore the structural integrity of a bridge as well as work necessary to correct major safety defects. The bridge needing rehabilitation, both on and off the Federal-aid system, must conform to the provisions of 23 CFR part 625, Design Standards for Federal-aid Highways for the class of highway on which the bridge is a part. The standards that apply for a bridge on the National Highway System (NHS) would be the American Association of State Highway and Transportation Officials (AASHTO) standards, and for a Federal-aid bridge off the NHS, the States' standards.

2. Replacement

Conduct of work to replace a structurally deficient or functionally obsolete bridge with a new facility constructed in the same general traffic corridor. The new structure must meet the current geometric, construction, and structural standards required for the