

# 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. FAA-2010-0235; Directorate Identifier 2010-CE-010-AD]

RIN 2120-AA64

#### Airworthiness Directives; AeroSpace Technologies of Australia Pty Ltd Models N22B, N22S, and N24A Airplanes

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above that would supersede an existing AD. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as: The results of full scale fatigue tests being conducted by the manufacturer have shown the need for inspection of critical fastener holes in the stub wing upper front spar cap, near the wing strut attachment. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by April 23, 2010.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* (202) 493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-

30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; fax: (816) 329-4090; e-mail: [doug.rudolph@faa.gov](mailto:doug.rudolph@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2010-0235; Directorate Identifier 2010-CE-010-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

##### Discussion

On July 11, 1997, we issued AD 97-11-12, Amendment 39-10041 (62 FR 28997, May 29, 1997). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 97-11-12, the manufacturer has revised the service

information to simplify the visual inspection method.

The Civil Aviation Safety Authority (CASA), which is the aviation authority for Australia, has issued AD GAF-N22-52, Amendment 1, dated January 2010 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

The results of full scale fatigue tests being conducted by the manufacturer have shown the need for inspection of critical fastener holes in the stub wing upper front spar cap, near the wing strut attachment.

Amendment 1 adopts the manufacturer's latest service bulletin. Its new inspection method avoids having to remove the Huck bolts and the potential to damage the holes.

You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

AeroSpace Technologies of Australia Limited has issued Nomad Service Bulletin NMD-53-22, dated April 17, 2007. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Differences Between This Proposed AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA

policies. Any such differences are highlighted in a NOTE within the proposed AD.

### Costs of Compliance

We estimate that this proposed AD will affect 25 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$4,250, or \$170 per product.

In addition, we estimate that any necessary follow-on actions would take about 4 work-hours and require parts costing \$2,500, for a cost of \$2,840 per product. We have no way of determining the number of products that may need these actions.

### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify 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. 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.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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. The FAA amends § 39.13 by removing Amendment 39–10041 (62 FR 28997, May 29, 1997), and adding the following new AD:

#### AeroSpace Technologies of Australia Pty

**Ltd:** Docket No. FAA–2010–0235; Directorate Identifier 2010–CE–010–AD.

#### Comments Due Date

(a) We must receive comments by April 23, 2010.

#### Affected ADs

(b) This AD supersedes 97–11–12, Amendment 39–10041.

#### Applicability

(c) This AD applies to Models N22B, N22S, and N24A airplanes, all serial numbers, certificated in any category.

#### Subject

(d) Air Transport Association of America (ATA) Code 57: Wings.

#### Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

The results of full scale fatigue tests being conducted by the manufacturer have shown the need for inspection of critical fastener holes in the stub wing upper front spar cap, near the wing strut attachment.

Amendment 1 adopts the manufacturer's latest service bulletin. Its new inspection method avoids having to remove the Huck bolts and the potential to damage the holes.

#### Actions and Compliance

(f) Unless already done, do the following actions in accordance with Nomad Service Bulletin NMD–53–22, dated April 17, 2007:

- (1) Within the next 100 hours time-in-service (TIS) after the effective date of this AD or within the next 90 days after the effective date of this AD, whichever occurs

first, install an inspection hole in the left-hand and right-hand stub wing bottom skin.

(2) Before further flight after installing the inspection holes required in paragraph (f)(1) of this AD, initially inspect the stub wing front spar cap for cracks. Repetitively inspect thereafter every 600 hours TIS.

(3) If any crack is found during any inspection required in paragraph (f)(2) of this AD, before further flight contact Customer Support Manager, Gippsland Aeronautics Pty Ltd., P.O. Box 881, MORWELL, Victoria, 3040, Australia; phone: +61 3 5172 1200; fax: +61 3 5172 1201; e-mail: [support@gippsaero.com](mailto:support@gippsaero.com), for an FAA-approved repair scheme/modification and incorporate the repair scheme/modification. Due to FAA policy, the repair scheme/modification for crack damage must include an immediate repair of the crack. The repair scheme cannot be by repetitive inspection only. The repair scheme/modification may incorporate repetitive inspections in addition to the repetitive inspections required in paragraph (f)(2) of this AD. Continued operational flight with un-repaired crack damage is not permitted.

#### FAA AD Differences

**Note:** This AD differs from the MCAI and/or service information as follows: The MCAI states to follow the service bulletin. The service bulletin does not specifically call out a corrective action if cracks are found. The FAA is including specific instruction of corrective action in the AD.

#### Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

#### Related Information

(h) Refer to MCAI Civil Aviation Safety Authority (CASA) AD GAF–N22–52,

Amendment 1, dated January 2010; and Nomad Service Bulletin NMD-53-22, dated April 17, 2007, for related information.

Issued in Kansas City, Missouri, on March 2, 2010.

**Sandra J. Campbell,**

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

[FR Doc. 2010-5009 Filed 3-8-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2010-0220; Directorate Identifier 2008-NM-166-AD]

RIN 2120-AA64

#### Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as: Due to their position on the airplane, fuel fire shut-off valve actuators P/N [part number] 9409122 are susceptible to freezing, which has an adverse effect on the operation of the valve. Also, due to various causes, the failure rate of [fuel fire shut-off valve] actuator P/N 9409122 is higher than expected. Failure or freezing of the actuator may prevent the flight crew to close the fuel fire shut-off valve in case of an engine fire. Due to their position on the aeroplane, fuel crossfeed valve actuators P/N 9409122 are susceptible to freezing, which has an adverse effect on the operation of the valve. This condition, if not corrected, may generate fuel asymmetry alerts when a valve remains in the open position after being selected closed. It may also prevent the flight crew from correcting a fuel asymmetry when a valve remains in the closed position after being selected open. One event was reported where, due to such problems, the flight crew shut down an engine in-flight and diverted the aircraft. [D]ue to their position on the aircraft, ice may form on actuators P/N 9409122 installed on fuel

crossfeed valves and fuel fire shut-off valves. Tests revealed that the ice can prevent the actuator and thus the valve from operating in flight (frozen stuck).

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by April 23, 2010.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands; telephone +31 (0)252-627-350; fax +31 (0)252-627-211; e-mail [technicalservices.fokkerservices@stork.com](mailto:technicalservices.fokkerservices@stork.com); Internet <http://www.myfokkerfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221 or 425-227-1152.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1137; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2010-0220; Directorate Identifier 2008-NM-166-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We have lengthened the 30-day comment period for proposed ADs that address MCAI originated by aviation authorities of other countries to provide adequate time for interested parties to submit comments. The comment period for these proposed ADs is now typically 45 days, which is consistent with the comment period for domestic transport ADs.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

#### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directives 2009-0168, dated August 3, 2009; 2009-0116, dated May 29, 2009; and 2007-0122, dated May 3, 2007 (corrected May 7, 2007) (referred to after this as "the MCAI"); to correct an unsafe condition for the specified products. EASA AD 2007-0122 states:

In-service experience revealed that, due to their position on the aircraft, ice may form on actuators P/N 9409122 installed on fuel crossfeed valves and fuel fire shut-off valves. Tests revealed that the ice can prevent the actuator and thus the valve from operating in flight (frozen stuck). A new actuator is being developed by Fokker Services. However, an airworthiness assessment revealed that interim actions are required for actuators p/n 9409122 installed on fuel crossfeed valves and fuel fire shut-off valves until the new actuators are installed. Fokker Services have issued Service Bulletin (SB) SBF100-28-049 to introduce interim actions that will reduce the probability that fuel crossfeed and fuel fire shut-off valves equipped with actuators p/n 9409122 do not operate due to ice. The interim actions consist of an operational check of the actuators and the application of a grease layer on the actuators, followed by a weekly visual check of the applied grease layer and a 4-weekly operational check of the actuators.