

Proposed Rules

Federal Register

Vol. 75, No. 33

Friday, February 19, 2010

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-2010-0123; Directorate Identifier 2010-CE-004-AD]

RIN 2120-AA64

Airworthiness Directives; British Aerospace Regional Aircraft Model Jetstream Series 3101 and Jetstream Model 3201 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. 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:

BAE Systems have received three reports of uncommanded flap extensions affecting different Jetstream 31 aeroplanes. In one instance, the aeroplane exceeded the airspeed limit allowed for the uncommanded flap configuration, resulting in damage to the wing trailing edge.

Following investigation, it was considered that a loss of electrical signal to the "up" solenoid of the flap selector valve had occurred and, combined with the normal internal leakage in the hydraulic system, resulted in hydraulic pressure being supplied to the "down" side of the flap hydraulic jack. The loss of signal could have been intermittent, and the evidence strongly implicated oxide debris contamination of the flap selector switch contacts.

This condition, if not corrected, could lead to further cases of damage to the aeroplane due to airspeed limit exceedance, possibly resulting in asymmetric flap deployment, which could lead to loss of control of the aeroplane.

DATES: We must receive comments on this proposed AD by April 5, 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: Taylor Martin, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4138; fax: (816) 329-4090.

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-2010-0123; Directorate Identifier 2010-CE-004-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

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No.: 2009-0267, dated December 17, 2009 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

BAE Systems have received three reports of uncommanded flap extensions affecting different Jetstream 31 aeroplanes. In one instance, the aeroplane exceeded the airspeed limit allowed for the uncommanded flap configuration, resulting in damage to the wing trailing edge.

Following investigation, it was considered that a loss of electrical signal to the "up" solenoid of the flap selector valve had occurred and, combined with the normal internal leakage in the hydraulic system, resulted in hydraulic pressure being supplied to the "down" side of the flap hydraulic jack. The loss of signal could have been intermittent, and the evidence strongly implicated oxide debris contamination of the flap selector switch contacts.

This condition, if not corrected, could lead to further cases of damage to the aeroplane due to airspeed limit exceedance, possibly resulting in asymmetric flap deployment, which could lead to loss of control of the aeroplane.

To address this unsafe condition, BAE Systems have developed a modification for the wiring to the flap selector switch, connecting a different (unused) pair of contacts to provide a duplicated signal path within the switch.

For the reasons described above, this AD requires the modification of the flap selector switch wiring.

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

Relevant Service Information

BAE Systems has issued British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 27-JM7861, dated February 12, 2008. 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 190 products of U.S. registry. We also estimate that it would take about 5 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$50 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$90,250, or \$475 per product.

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 adding the following new AD:

British Aerospace Regional Aircraft: Docket No. FAA-2010-0123; Directorate Identifier 2010-CE-004-AD.

Comments Due Date

- (a) We must receive comments by April 5, 2010.

Affected ADs

- (b) None.

Applicability

- (c) This AD applies to Jetstream Series 3101 and Jetstream Model 3201 airplanes, all serial numbers, certificated in any category.

Subject

- (d) Air Transport Association of America (ATA) Code 27: Flight Controls.

Reason

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

BAE Systems have received three reports of uncommanded flap extensions affecting different Jetstream 31 aeroplanes. In one instance, the aeroplane exceeded the airspeed limit allowed for the uncommanded flap configuration, resulting in damage to the wing trailing edge.

Following investigation, it was considered that a loss of electrical signal to the 'up' solenoid of the flap selector valve had occurred and, combined with the normal internal leakage in the hydraulic system, resulted in hydraulic pressure being supplied to the 'down' side of the flap hydraulic jack. The loss of signal could have been intermittent, and the evidence strongly implicated oxide debris contamination of the flap selector switch contacts.

This condition, if not corrected, could lead to further cases of damage to the aeroplane due to airspeed limit exceedance, possibly resulting in asymmetric flap deployment, which could lead to loss of control of the aeroplane.

To address this unsafe condition, BAE Systems have developed a modification for the wiring to the flap selector switch, connecting a different (unused) pair of contacts to provide a duplicated signal path within the switch.

For the reasons described above, this AD requires the modification of the flap selector switch wiring.

Actions and Compliance

(f) Unless already done, within 6 months after the effective date of this AD, install modification JM7861, Introduction of a Wire Link to Flap Selector Switch, following the accomplishment instructions of BAE Systems British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 27-JM7861, dated February 12, 2008.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: No differences.

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: Taylor Martin, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4138; 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 European Aviation Safety Agency AD No.: 2009-0267, dated December 17, 2009; and BAE Systems British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 27-JM7861, dated February 12, 2008, for related information.

Issued in Kansas City, Missouri, on February 8, 2010.

Steven W. Thompson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010-3190 Filed 2-18-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2010-0122; Directorate Identifier 2009-CE-067-AD]

RIN 2120-AA64

Airworthiness Directives; Piper Aircraft, Inc. Models PA-32R-301T and PA-46-350P 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 certain Piper Aircraft, Inc. Models PA-32R-301T and PA-46-350P airplanes. This proposed AD would require you to replace any spot-welded V-band exhaust coupling with a riveted V-band exhaust coupling. This proposed AD results from reports that spot-welded V-band exhaust couplings are failing. We are proposing this AD to prevent failure of the V-band exhaust coupling, which could cause the exhaust pipe to detach from the turbocharger. This failure could result in release of high temperature gases inside the engine compartment and possibly cause an in-

flight fire. An in-flight fire could lead to loss of control.

DATES: We must receive comments on this proposed AD by April 5, 2010.

ADDRESSES: Use one of the following addresses to comment on this proposed AD:

- *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.

FOR FURTHER INFORMATION CONTACT:

Darby Mirocha, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office (ACO), 1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474-5573; fax: (404) 474-5606; e-mail: darby.mirocha@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, "FAA-2010-0122; Directorate Identifier 2009-CE-067-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light 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 concerning this proposed AD.

Discussion

We have received reports that spot-welded V-band exhaust couplings that are installed on certain Piper Aircraft,

Inc. Models PA-32R-301T and PA-46-350P airplanes are failing.

The V-band exhaust coupling attaches the exhaust pipe to the engine's turbocharger. The spot welds on the coupling can fail and the coupling may become detached from the turbocharger and expose the firewall to hot exhaust gases.

Several failures of part number 40D21162-340M, a Lycoming spot-welded coupling, on other airplane models have occurred, and some of the failures resulted in an in-flight fire. These failures caused us to issue the following ADs:

- AD 2004-23-17, Amendment 39-13872 (69 FR 67809, November 22, 2004), applicable to Mooney Airplane Company, Inc. Model M20M airplanes; and
- AD 2000-11-04, Amendment 39-11752 (65 FR 34941, June 1, 2000), applicable to Commander Aircraft Company Model 114TC airplanes.

A newer and more robust design V-band exhaust coupling has been developed by the Lycoming supplier that is assembled using rivets instead of spot welds.

This condition, if not corrected, could result in failure of the V-band exhaust coupling, which could cause the exhaust pipe to detach from the turbocharger. This failure could result in release of high temperature gases inside the engine compartment and possibly cause an in-flight fire. An in-flight fire could lead to loss of control.

FAA's Determination and Requirements of the Proposed AD

We are proposing this AD because we evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This proposed AD would require replacing any spot-welded V-band exhaust coupling with a riveted V-band exhaust coupling.

Costs of Compliance

We estimate that this proposed AD could affect up to 596 airplanes in the U.S. registry provided they had the affected V-band exhaust coupling installed.

We estimate the following costs to do the proposed replacement: