

# 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. 97-CE-85-AD]

RIN 2120-AA64

#### Airworthiness Directives; EXTRA Flugzeugbau GmbH Models EA-300 and EA-300/S 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 and EA-300/S airplanes. The proposed AD would require inspecting the upper longeron cutout bridge for cracks, repairing any cracks found, and modifying this area. The proposed AD is the result of mandatory continued airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by the proposed AD are intended to prevent structural damage to the fuselage caused by cracks in the upper longeron cutout bridge, which, if not detected and corrected, could result in loss of control of the airplane.

**DATES:** Comments must be received on or before December 8, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-85-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from EXTRA Flugzeugbau GmbH, Flugplatz Dinslaken, 46569 Hunxe, Germany. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut Street, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6934; facsimile (816) 426-2169.

#### 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 should 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 that summarizes 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 No. 97-CE-85-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, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-85-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

##### Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain EXTRA Models EA-300 and EA-300/S airplanes. The LBA reports that life-

cycle testing of the referenced airplanes revealed a potential for cracking on the upper longeron cutout bridge. These conditions, if not detected and corrected, could result in structural damage to the fuselage and eventual loss of control of the airplane.

##### Relevant Service Information

EXTRA has issued Service Bulletin No. 300-3-93, dated January 12, 1994, which specifies procedures for inspecting the upper longeron cutout bridge for cracks, repairing any cracks found, and modifying this area.

The LBA classified this service bulletin as mandatory and issued German AD No. 94-043, dated October 21, 1994, in order to assure the continued airworthiness of these airplanes in Germany.

##### The FAA's Determination

This airplane model is manufactured in Germany and is 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 LBA for Germany has kept the FAA informed of the situation described above.

The FAA has examined the findings of the LBA for Germany; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

##### Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other EXTRA Models EA-300 and EA-300/S airplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require inspecting the upper longeron cutout bridge for cracks, repairing any cracks found, and modifying this area. Accomplishment of the proposed actions would be in accordance with EXTRA Service Bulletin No. 300-3-93, dated January 12, 1994.

##### Cost Impact

The FAA estimates that 68 airplanes in the U.S. registry would be affected by

the proposed AD, that it would take approximately 13 workhours (Inspection: 3 workhours; Modification: 10 workhours) per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$200 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$66,640, or \$980 per airplane.

**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 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, 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 a new airworthiness directive (AD) to read as follows:

**Extra Flugzeugbau GMBH:** Docket No. 97-CE-85-AD.

*Applicability:* The following models and serial number airplanes, certificated in any category:

Model	Serial numbers
EA-300 .....	V1 and 01 through 50.
EA-300/S .....	01 through 17.

**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 (d) 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 in the body of this AD, unless already accomplished.

To prevent structural damage to the fuselage caused by cracks in the upper longeron cutout bridge, which, if not detected and corrected, could result in loss of control of the airplane, accomplish the following:

(a) Upon accumulating 1,000 hours time-in-service (TIS) on the upper longeron or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, inspect the upper longeron cutout bridge for cracks in accordance with the *Instructions* section of EXTRA Service Bulletin No. 300-3-93, dated January 12, 1994.

(b) Prior to further flight after the inspection required by paragraph (a) of this AD, accomplish the following in accordance with the *Instructions* section of EXTRA Service Bulletin No. 300-3-93, dated January 12, 1994:

(1) Repair any cracks found in the upper longeron cut-out bridge; and

(2) Modify the upper longeron cut-out bridge.

(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.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add

comments and then send it to the Manager, Small Airplane Directorate.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to EXTRA Flugzeugbau GmbH, Flugplatz Dinslaken, 46569 Hunxe, Germany; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

**Note 3:** The subject of this AD is addressed in German AD No. 94-043, dated October 21, 1994.

Issued in Kansas City, Missouri, on October 29, 1997.

**Mary Ellen A. Schutt,**  
*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 97-29231 Filed 11-4-97; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 97-CE-93-AD]

RIN 2120-AA64

**Airworthiness Directives; EXTRA Flugzeugbau GmbH Model EA-300/S 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) Model EA-300/S airplanes. The proposed AD would require modifying the canopy latches or replacing the canopy latches with parts of improved design. The proposed AD is the result of mandatory continued airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by the proposed AD are intended to prevent failure of the canopy while the airplane is in flight due to cracked canopy latches, which could result in loss of the canopy and possible loss of control of the airplane.

**DATES:** Comments must be received on or before December 8, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-93-