

(d) Within 4,500 flight cycles or one year after the effective date of this AD, whichever occurs later: Perform a high frequency eddy current inspection (HFEC) to detect cracking of the four corners of the door frame of the aft cargo door, in accordance with the procedures specified in Boeing 737 Nondestructive Test Manual, Part 6, Chapter 51-00-00 (Figure 4 or Figure 23).

(1) If no cracking of the corners of the door frame of the aft cargo door is detected, repeat the HFEC inspections thereafter at intervals not to exceed 4,500 flight cycles until accomplishment of the modification specified in paragraph (e) of this AD.

(2) If any cracking of the corners of the door frame of the aft cargo door is detected, prior to further flight, replace the damaged frame with a new frame, and modify the four corners of the door frame, in accordance with Parts II and III of the Accomplishment Instructions of Boeing Service Bulletin 737-52-1079, Revision 5, dated May 16, 1996. Accomplishment of such modification constitutes terminating action for the repetitive inspection requirements of paragraph (d)(1) of this AD for that door frame.

#### *Terminating Action*

(e) Within 4 years after the effective date of this AD: Modify the four corners of the door frame and the cross beams of the aft cargo door, in accordance with Part II of the Accomplishment Instructions of Boeing Service Bulletin 737-52-1079, Revision 5, dated May 16, 1996. Accomplishment of such modification constitutes terminating action for the repetitive inspection requirements of this AD.

**Note 3:** Accomplishment of the modification required by paragraph (a) of AD 90-06-02, amendment 39-6489, is considered acceptable for compliance with paragraph (e) of this AD.

**Note 4:** Modification of the corners of the door frame and the cross beams of the aft cargo door accomplished prior to the effective date of this AD in accordance with Boeing Service Bulletin 737-52-1079, dated December 16, 1983; Revision 1, dated December 15, 1988; Revision 2, dated July 20, 1989; Revision 3, dated May 17, 1990; or Revision 4, dated February 21, 1991; is considered acceptable for compliance with paragraph (e) of this AD.

#### *Alternative Methods of Compliance*

(f)(1) 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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(f)(2) Alternative methods of compliance, approved previously in accordance with AD 98-25-06, amendment 39-10931, are approved as alternative methods of compliance with this AD.

**Note 5:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

#### *Special Flight Permits*

(g) 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.

Issued in Renton, Washington, on August 6, 1999.

**D.L. Riffin,**

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

[FR Doc. 99-20881 Filed 8-11-99; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-117-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN-235 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

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

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to all CASA Model CN-235 series airplanes, that currently requires repetitive eddy current inspections to detect fatigue cracks in the nose landing gear (NLG) turning tube, and replacement of cracked tubes. This proposal would add a requirement for the replacement of the existing NLG turning tube constructed of aluminum alloy with a new NLG turning tube made of steel; such replacement would terminate the repetitive inspections. 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 prevent fatigue cracking and failure of the NLG turning tube, which could result in reduced structural integrity of the NLG.

**DATES:** Comments must be received by September 13, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-117-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 Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. 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-117-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-117-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### **Discussion**

On January 15, 1997, the FAA issued AD 97-02-17, amendment 39-9902 (62 FR 3994, January 28, 1997), applicable to all CASA Model CN-235 series airplanes, to require repetitive eddy

current inspections to detect fatigue cracks in the nose landing gear (NLG) turning tube, and replacement of cracked tubes. That action was prompted by a report of the failure of a NLG turning tube during landing roll; the failure was attributed to fatigue cracking in the turning tube. The requirements of that AD are intended to ensure that fatigue cracking in the NLG turning tube is detected and corrected before it could cause the failure of the tube and, consequently, degrade the structural integrity of the NLG.

#### Action Since Issuance of Previous Rule

In the preamble to AD 97-02-17, the FAA indicated that the actions required by that AD were considered "interim action" until final action is identified, at which time the FAA may consider further rulemaking. The FAA now has determined that further rulemaking action is indeed necessary, and this proposed AD follows that determination.

#### Explanation of Relevant Service Information

CASA has issued Service Bulletin 35-CSB-32-001, dated February 16, 1999, which describes procedures for replacement of the existing NLG turning tube constructed of aluminum alloy with a new NLG turning tube made of steel. The Dirección General de Aviación Civil (DGAC), which is the airworthiness authority for Spain, classified this service bulletin as mandatory and issued Spanish airworthiness directive 01/95, Rev. 2, dated February 15, 1999, in order to assure the continued airworthiness of these airplanes in Spain.

#### FAA's Conclusions

This airplane model is manufactured in Spain 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 DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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 supersede AD 97-02-17, amendment 39-9902, to continue to require repetitive eddy current inspections to detect fatigue cracks in the nose landing gear (NLG) turning tube, and replacement of cracked tubes. The proposed AD would add a requirement to replace the existing NLG turning tube constructed of aluminum alloy with a new NLG turning tube made of steel, which would terminate the repetitive inspections.

#### Differences Between Proposed Rule and Related Service Information

Operators should note that, although the parallel Spanish airworthiness directive does not mandate the accomplishment of required actions for CASA Model CN-235 series airplane, serial number C-011, the applicability of this proposed AD would include that airplane. Although that airplane was not certificated for civilian operation by the DGAC, the FAA has certificated it as such. The FAA has determined that the unsafe condition addressed in this AD may also exist or develop on that airplane.

#### Cost Impact

The FAA estimates that 2 airplanes of U.S. registry would be affected by this proposed AD.

The actions that are currently required by AD 97-02-17, and retained in this AD, take approximately 8 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be \$480 per airplane.

The new actions that are proposed in this AD action would take approximately 16 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$20,722 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$43,364, or \$21,682 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 removing amendment 39-9902 (62 FR 3994, January 28, 1997), and by adding a new airworthiness directive to read as follows:

#### Construcciones Aeronauticas, S.A. (CASA):

Docket 99-NM-117-AD. Supersedes AD 97-02-17, amendment 39-9902.

**Applicability:** All Model CN-235 series airplanes; including Model CN-235 series airplane, serial number C-011; 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 (f) 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 prevent fatigue cracking and failure of the nose landing gear (NLG) turning tube, which could result in reduced structural integrity of the NLG, accomplish the following:

#### **Restatement of Requirements of AD 97-02-17, Amendment 39-9902**

(a) At the applicable time specified in either paragraph (a)(1) or (a)(2) of this AD, conduct a high frequency eddy current (HFEC) inspection to detect fatigue cracking in the NLG turning tube, in accordance with the procedures specified in Annex 1 and Annex 2 of CASA Maintenance Instructions COM 235-092, Revision 02, dated May 5, 1995.

(1) For Model CN-235 airplanes [Basic model; Maximum Takeoff Weight (MTOW) = 31,746 lbs. (14,400 kgs.)]: Conduct the inspection prior to or upon the accumulation of 6,000 landings on the NLG turning tube, or within 50 landings after March 4, 1997 (the effective date of AD 97-02-17, amendment 39-9902), whichever occurs later.

(2) For Model CN-235-100 series airplanes [MTOW = 33,290 lbs. (15,100 kgs.)] and Model CN-235-200 series airplanes [MTOW = 34,833 lbs. (15,800 kgs.)]: Conduct the inspection prior to or upon the accumulation of 4,800 landings on the NLG turning tube, or within 50 landings after March 4, 1997, whichever occurs later.

(b) If no cracking is detected during the inspection required by paragraph (a) of this AD, repeat the inspection thereafter at intervals not to exceed 200 landings until the requirements of paragraph (d) are accomplished.

(c) If any cracking is detected during any inspection required by paragraph (a) or (b) of this AD, prior to further flight, accomplish the actions required by paragraph (c)(1) or (c)(2) of this AD. After the effective date of this AD, only the actions specified by paragraph (c)(2) of this AD shall be accomplished.

(1) Replace the NLG turning tube with a new unit in accordance with CASA Maintenance Instructions COM 235-092, Revision 02, dated May 5, 1995. After replacement, repeat the HFEC inspection prior to or upon the accumulation of 6,000 landings on the new NLG turning tube installed on Model CN-325 airplanes (basic model); or prior to or upon the accumulation of 4,800 landings on the new NLG turning tube installed on Model CN-325-100 and -200 series airplanes. Thereafter, repeat the inspection at intervals not to exceed 200 landings.

(2) Remove the NLG turning tube, P/N GA 63433, from the NLG yoke assembly and install a new turning tube, P/N GA 65924, and identify the modified NLG with a P/N SB-A0002-0101 data plate with the service bulletin number inscribed, in accordance with CASA Service Bulletin 35-CSB-32-001, dated February 16, 1999.

#### **New Requirements of This AD**

(d) Remove the NLG turning tube, P/N GA 63433, from the NLG yoke assembly and install a new turning tube, P/N GA 65924, and identify the modified NLG with a P/N SB-A0002-0101 data plate with the service bulletin number inscribed, in accordance with CASA Service Bulletin 35-CSB-32-001, dated February 16, 1999. Except as provided by paragraph (c)(2) of this AD, accomplish the actions at the later of the times specified in paragraphs (d)(1) and (d)(2) of this AD. Accomplishment of these actions constitutes terminating action for the requirements of this AD.

(1) Prior to the accumulation of 4,800 total flight cycles; or

(2) Within 1 year or 200 landings after the effective date of this AD, whichever occurs first.

(e) As of the effective date of this AD, no person shall install a NLG turning tube, P/N GA 63433, on any airplane.

#### **Alternative Methods of Compliance**

(f) 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 2:** 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**

(g) 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 3:** The subject of this AD is addressed in Spanish airworthiness directive 01/95, Rev. 2, dated February 15, 1999.

Issued in Renton, Washington, on August 6, 1999.

**D. L. Riggan,**

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

[FR Doc. 99-20893 Filed 8-11-99; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. 99-NM-70-AD]

**RIN 2120-AA64**

#### **Airworthiness Directives; British Aerospace Model BAe 146 and BAe Avro 146-RJ 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 British Aerospace Model BAe 146 and BAe Avro 146-RJ series airplanes. This proposal would require repetitive inspections to detect signs of chafing to the fuel feed pipe, and repair or replacement of the fuel feed pipe with a serviceable part, if necessary; and ensuring that responder units, electrical connector backshells, and associated wiring are undamaged and are positioned correctly to provide maximum clearance with the fuel pipe. 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 prevent damage to the fuel feed pipe, which could result in fuel leaks and an increased potential for fire on the airplane.

**DATES:** Comments must be received by September 13, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-70-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 AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. 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