

# 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-2008-0353; Directorate Identifier 2007-CE-101-AD]

RIN 2120-AA64

#### Airworthiness Directives; Hawker Beechcraft Corporation Model 390 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 Hawker Beechcraft Corporation Model 390 airplanes. This proposed AD would require you to repetitively do a post-flight check (owner/operator holding at least a private pilot certificate checking for residual heat in the angle-of-attack (AOA) probes or an appropriately-rated mechanic doing a maintenance manual operational test of the heat of the AOA probes) after every flight and replace or modify (upload software) the stall warning AOA transmitters. This proposed AD results from reports of the potential for unannounced loss of the heating function in the left-hand (LH) and right-hand (RH) stall warning AOA transmitters of Model 390 airplanes. We are proposing this AD to correct potentially inadequate stall warning with loss of stick pusher function.

**DATES:** We must receive comments on this proposed AD by May 27, 2008.

**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 service information identified in this proposed AD, contact Hawker Beechcraft Corporation, 9709 East Central, Wichita, Kansas 67291; telephone: (800) 429-5372 or (316) 676-3140.

**FOR FURTHER INFORMATION CONTACT:** Philip Petty, Aerospace Engineer, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946-4139; fax: (316) 946-4107.

**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-2008-0353; Directorate Identifier 2007-CE-101-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 of the potential for unannounced loss of the heating function in the LH/RH stall warning AOA transmitters of Model 390 airplanes. The current AOA transmitter

software may not always announce certain failure modes of the probe or case heating circuits.

This condition, if not corrected, could result in potentially inadequate stall warning with loss of stick pusher function.

**Relevant Service Information**

We have reviewed Hawker Beechcraft Mandatory Service Bulletin No. SB 27-3787, issued: May 2007; and Raytheon Aircraft Company Temporary Change to the FAA Approved Airplane Flight Manual P/N 390-590001-0003CTC7, issued: March 15, 2007. The service information describes procedures for the replacement/modification of the stall warning AOA transmitters. The airplane flight manual (AFM) describes procedures for doing a post-flight check. This post-flight check can be either the pilot checking for residual heat in the AOA probes as part of the shutdown procedure or, alternatively, having the AOA probe heat operational test maintenance manual procedure done by an appropriately-rated mechanic.

**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 a repetitive post-flight check for residual heat in the AOA probes or a maintenance manual operational test of the heat of the AOA probes after every flight and replace or modify (upload software) the stall warning AOA transmitters. Replacement or modification (upload software) of the stall warning AOA transmitters terminates the repetitive requirement to do the post-flight action.

**Costs of Compliance**

We estimate that this proposed AD would affect 152 airplanes in the U.S. registry.

We estimate the following costs to incorporate and remove the temporary change to the AFM.

Labor cost	Parts cost	Total cost per airplane
0.5 work-hour × \$80 per hour = \$40 .....	Not Applicable .....	\$40

We estimate that the proposed post-flight residual heat check requires about 3 minutes to do. We estimate the following costs to do 10 of the proposed

post-flight residual heat checks. We have no way of determining the number of airplanes that would have this post-flight residual heat check, or how many

times this will need to be performed before the terminating action is done:

Labor cost to do 10 post-flight residual heat checks	Parts cost	Total cost per airplane
0.5 work-hour × \$80 per hour = \$40 .....	Not Applicable .....	\$40

We estimate the following costs to do the proposed maintenance manual operational test of the heat of the AOA

probes. We have no way of determining the number of airplanes that would have this operational test, or how many times

this will need to be performed before the terminating action is done:

Labor cost	Parts cost	Total cost per airplane
0.5 work-hour × \$80 per hour = \$40 .....	Not Applicable .....	\$40

We estimate the following costs to do any proposed upload of software to the AOA transmitters. We have no way of

determining the number of airplanes that would have this modification:

Labor cost	Parts cost	Total cost per airplane
4 work-hours × \$80 per hour = \$320 .....	Not Applicable .....	\$320

We estimate the following costs to do any proposed replacement of 2 stall

warning AOA transmitters. We have no way of determining the number of

airplanes that would have this replacement:

Labor cost	Parts cost	Total cost per airplane
2 work-hours × \$80 per hour = \$160 .....	\$18,600	\$18,760

**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 have 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 that the 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.

**Examining the AD Docket**

You may examine the AD docket that contains the proposed AD, the regulatory evaluation, any comments received, and other information 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 Docket Office (telephone (800) 647-5527) is located at the street address stated in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

**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 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:

**Hawker Beechcraft Corporation:** Docket No. FAA-2008-0353; Directorate Identifier 2007-CE-101-AD.

**Comments Due Date**

(a) We must receive comments on this airworthiness directive (AD) action by May 27, 2008.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Model 390 airplanes, serial numbers RB-4 through RB-204, that are certificated in any category.

**Unsafe Condition**

(d) This AD results from reports of the potential for unannounced loss of the heating function in the left-hand (LH) and right-hand (RH) stall warning angle-of-attack

(AOA) transmitters of Model 390 airplanes. We are issuing this AD to correct potentially inadequate stall warning with loss of stick pusher function.

**Compliance**

(e) To address this problem, you must do the following, unless already done:

Actions	Compliance	Procedures
(1) Incorporate Raytheon Aircraft Company Temporary Change to the FAA Approved Airplane Flight Manual P/N 390-590001-0003CTC7, issued: March 15, 2007, into the airplane flight manual (AFM).	Within 15 hours time-in-service (TIS) after the effective date of the AD or within 30 days after the effective date of the AD, whichever occurs first.	Not Applicable.
(2) After every flight do the following: (i) Do a post-flight check for residual heat in the AOA probes. CAUTION: TO PREVENT POSSIBLE BURNS, USE EXTREME CAUTION TOUCHING HEATED AREAS. TO CHECK HEATING AND AVOID BURNS, HOLD HAND NEAR HEATED AREA OR MOVE HAND GRADUALLY FROM AMBIENT AREA TOWARD HEATED AREA UNTIL WARMTH CAN BE FELT. If you do not feel heat in the AOA probes, then do paragraph (e)(2)(ii) of this AD; or (ii) Do a post-flight maintenance manual operational test of the heat of the AOA probes. If the AOA probe fails the operational test, replace the AOA probe.	Within 15 hours TIS after the effective date of the AD or within 30 days after the effective date of the AD, whichever occurs first. Completion of paragraph (e)(3)(i) or (e)(3)(ii) of this AD terminates the required repetitive post-flight check of this AD.	(A) <i>For the post-flight check for residual heat in the AOA probes:</i> Follow AFM Temporary Change P/N 390-590001-0003CTC7, issued: March 15, 2007. 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 do this post-flight check required by paragraph (e)(2)(i) of this AD. Make an entry into the aircraft records showing compliance with this AD following section 43.9 of the Federal Aviation Regulations (14 CFR 43.9). (B) <i>For the post-flight maintenance manual operational test of the heat of the AOA probes:</i> Follow the procedures of the maintenance manual to do the operational test of the heat of the AOA probes required by paragraph (e)(2)(ii) of this AD. The maintenance manual operational test must be done by an appropriately-rated mechanic. (C) <i>For AOA probe replacement:</i> Follow Hawker Beechcraft Mandatory Service Bulletin No. SB 27-3787, issued: May 2007.
(3) Replace or modify (upload software) the stall warning AOA transmitters by doing one of the following: (i) Upload new software Kit No. 123-3436 (Field Software Upload SLZ8060-3,-4) to the AOA transmitters; or (ii) Replace any part number (P/N) SLZ8060-3 and/or P/N SLZ8060-4 AOA transmitters with new P/N SLZ8060-5 AOA transmitters.	Within 250 hours TIS after the effective date of this AD or within 12 months after the effective date of this AD, whichever occurs first. Completion of either paragraph (e)(3)(i) or (e)(3)(ii) of this AD terminates the required repetitive post-flight check of this AD.	Follow Hawker Beechcraft Mandatory Service Bulletin No. SB 27-3787, issued: May 2007.
(4) Remove Raytheon Aircraft Company Temporary Change to the FAA Approved Airplane Flight Manual P/N 390-590001-0003CTC7, issued: March 15, 2007, from the AFM.	Before further flight after doing the actions required by paragraph (e)(3)(i) or paragraph (e)(3)(ii) of this AD.	Follow Hawker Beechcraft Mandatory Service Bulletin No. SB 27-3787, issued: May 2007.
(5) Do not install any P/N SLZ8060-3 or P/N SLZ8060-4 AOA transmitter that does not have the new upgraded software required by paragraph (e)(3)(i) of this AD.	As of the effective date of this AD .....	Not Applicable.

**Alternative Methods of Compliance (AMOCs)**

(f) The Manager, Wichita Aircraft Certification Office (ACO), 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: Philip Petty, Aerospace Engineer, Wichita ACO, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946-4139; fax: (316) 946-4107. 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.

**Related Information**

(g) To get copies of the service information referenced in this AD, contact Hawker Beechcraft Corporation, 9709 East Central, Wichita, Kansas 67291; telephone: (800) 429-

5372 or (316) 676-3140. To view the AD docket, go to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at <http://www.regulations.gov>.

Issued in Kansas City, Missouri, on March 19, 2008.

John Colomy,

Acting Manager, Small Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. E8-5959 Filed 3-24-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2008-0342; Directorate Identifier 2007-NM-305-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series 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:

During planned maintenance visit on one A320 aircraft, a cross connection of the fire extinguishing circuit system was identified. In case of fire, this cross connection will activate (discharge) the wrong forward or aft cargo compartment fire extinguisher bottle.

Failure to activate the correct bottle when required is classified as potentially catastrophic.

\* \* \* \* \*

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 24, 2008.

**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.

#### 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:** Tim Dulin, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2141; 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-2008-0342; Directorate Identifier 2007-NM-305-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 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 Directive 2008-0249, dated September 24, 2007 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

During planned maintenance visit on one A320 aircraft, a cross connection of the fire extinguishing circuit system was identified. In case of fire, this cross connection will activate (discharge) the wrong forward or aft cargo compartment fire extinguisher bottle.

Failure to activate the correct bottle when required is classified as potentially catastrophic.

For the reasons described above, this AD requires a one-time inspection and check of the cargo firing circuit continuity to confirm the correct connection of the dedicated wires between the discharge pushbutton switches and the relevant cargo bottle.

Corrective action includes modifying the wiring connection on plug 1505VC-A. You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

Airbus has issued Service Bulletin A320-26A1068, Revision 01, dated July 19, 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 This 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 the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Differences Between This 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

Based on the service information, we estimate that this proposed AD would affect about 679 products of U.S. registry. We also estimate that it would take about 6 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$325,920, or \$480 per product.