

# 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-2010-0862; Directorate Identifier 2010-CE-040-AD]

RIN 2120-AA64

#### Airworthiness Directives; SOCATA Model TBM 700 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:

During a SOCATA flight test, it was noted some difficulties for the pilot to release oxygen. After investigation it was found that, due to the design of the oxygen generator release pin, one of the mask's lanyard linked to the pin could be jammed when it is pulled by a pilot or a passenger.

This condition, if not corrected, would lead, in case of an emergency procedure due to decompression, to a risk of generator fault with subsequent lack of oxygen on crew and/or passenger.

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 October 12, 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:

Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4119; 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-2010-0862; Directorate Identifier 2010-CE-040-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 November 6, 2009, we issued AD 2009-23-12, Amendment 39-16086 (74 FR 58539; November 13, 2009). That

AD required actions intended to address an unsafe condition on the products listed above. AD 2009-23-12 revised AD 2009-13-05 (74 FR 29126, June 19, 2009), which was intended to address an unsafe condition on the products listed above.

Since we issued AD 2009-23-12, SOCATA has developed a modification that is a terminating action to address the unsafe condition.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No.: 2010-0090, dated May 18, 2010 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

During a SOCATA flight test, it was noted some difficulties for the pilot to release oxygen. After investigation it was found that, due to the design of the oxygen generator release pin, one of the mask's lanyard linked to the pin could be jammed when it is pulled by a pilot or a passenger.

This condition, if not corrected, would lead, in case of an emergency procedure due to decompression, to a risk of generator fault with subsequent lack of oxygen on crew and/or passenger.

For the reason described above, SOCATA released Pilot Operating Handbook (POH) Temporary Revision (TR) 03 which asks, in case of failure to release oxygen, to pull on the other mask lanyard in order to activate the oxygen generator. The Emergency AD 2009-0096-E was issued to mandate the follow-up of these actions by the operators in case of failure. This EAD was subsequently revised into AD 2009-0096R1 in order to clarify the applicability.

A SOCATA modification enabling to solve this issue has been developed. Consequently, this new AD, superseding EASA AD 2009-0096R1 retaining its requirements, requires implementing the modification which is a terminating action.

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

#### Relevant Service Information

SOCATA has issued SOCATA TBM 700 A & B Pilot's Operating Handbook (POH), Temporary Revision No. 3, dated March 2009; and DAHER-SOCATA TBM Aircraft Mandatory Service Bulletin SB 70-168, dated December 2009. 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 126 products of U.S. registry. We also estimate that it would take about 1 work-hour 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 \$66 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$19,026, or \$151 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 removing Amendment 39-16086 (74 FR 58539; November 13, 2009), and adding the following new AD:

**SOCATA:** Docket No. FAA-2010-0862; Directorate Identifier 2010-CE-040-AD.

#### Comments Due Date

- (a) We must receive comments by October 12, 2010.

#### Affected ADs

- (b) This AD supersedes AD 2009-23-12, Amendment 39-16086.

### Applicability

(c) This AD applies to Model TBM 700 airplanes, serial numbers 1 through 204, 206 through 239, and 241 through 243, that are:

- (i) Certificated in any category; and
- (ii) equipped with a chemical oxygen generation system.

### Subject

(d) Air Transport Association of America (ATA) Code 35: Oxygen.

### Reason

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

During a SOCATA flight test, it was noted some difficulties for the pilot to release oxygen. After investigation it was found that, due to the design of the oxygen generator release pin, one of the mask's lanyard linked to the pin could be jammed when it is pulled by a pilot or a passenger.

This condition, if not corrected, would lead, in case of an emergency procedure due to decompression, to a risk of generator fault with subsequent lack of oxygen on crew and/or passenger.

For the reason described above, SOCATA released Pilot Operating Handbook (POH) Temporary Revision (TR) 03 which asks, in case of failure to release oxygen, to pull on the other mask lanyard in order to activate the oxygen generator. The Emergency AD 2009-0096-E was issued to mandate the follow-up of these actions by the operators in case of failure. This EAD was subsequently revised into AD 2009-0096R1 in order to clarify the applicability.

A SOCATA modification enabling to solve this issue has been developed. Consequently, this new AD, superseding EASA AD 2009-0096R1 retaining its requirements, requires implementing the modification which is a terminating action.

### Actions and Compliance

(f) Unless already done, do the following actions:

(1) Before further flight after the effective date of this AD, insert Page 3.13.5 of Temporary Revision No. 3, dated March 2009, into the Emergency Procedures section and the Limitations section of SOCATA TBM 700 A & B Pilot's Operating Handbook (POH).

(2) Within 7 months after the effective date of this AD or 100 hours time-in-service (TIS) after the effective date of this AD, whichever occurs first, replace the existing oxygen generator release pin, part number (P/N) T700A3510038100, with an open pin, P/N T700A351004410000, using the accomplishment instructions of DAHER-SOCATA TBM Aircraft Mandatory Service Bulletin SB 70-168, dated December 2009.

(3) Upon replacement of the existing oxygen generator release pin with an open pin, P/N T700A351004410000, using the accomplishment instructions of SB No. 70-168, remove Page 3.13.5 of Temporary Revision No. 3, dated March 2009, as inserted by paragraph (f)(1) of this AD from the POH.

(4) After the effective date of this AD, do not install in any affected airplane an oxygen generator release pin, P/N T700A3510038100.

**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: Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4119; 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 (EASA) AD No. 2010-0090, dated May 18, 2010; SOCATA TBM 700 A & B Pilot's Operating

Handbook (POH), Temporary Revision No. 3, dated March 2009; and DAHER-SOCATA TBM Aircraft Mandatory Service Bulletin SB 70-168, dated December 2009, for related information.

Issued in Kansas City, Missouri, on August 20, 2010.

**John Colomy,**

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

[FR Doc. 2010-21250 Filed 8-25-10; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2010-0849; Directorate Identifier 2010-CE-043-AD]

RIN 2120-AA64

**Airworthiness Directives; PILATUS Aircraft Ltd. Model PC-7 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: This Airworthiness Directive (AD) is prompted due to an occurrence when an aircraft had a partial in-flight separation of the aileron outboard bearing support. The aileron outboard bearing supports are attached with two forward attachment bolts and two aft attachment bolts. The forward attachment bolts are approximately 3.2 mm (0.125 inch) longer than the aft attachment bolts. If the aileron outboard bearing supports have been removed, it is possible that during the reinstallation of the aileron outboard bearing supports, the attachment bolts can be installed in wrong positions. Bolts that are installed in wrong positions can damage the threads in the rear attachment anchor nuts. Such a condition, if left uncorrected, could lead to in-flight separation of the aileron outboard bearing support, and as a consequence, the loss or limited controllability of the aircraft. 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 October 12, 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,

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**Examining the AD Docket**

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**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.

**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-2010-0849; Directorate Identifier 2010-CE-043-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 Federal Office of Civil Aviation (FOCA), which is the aviation authority for Switzerland, has issued AD HB-2010-010, dated July 29, 2010 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

This Airworthiness Directive (AD) is prompted due to an occurrence when an aircraft had a partial in-flight separation of the aileron outboard bearing support.

The aileron outboard bearing supports are attached with two forward attachment bolts and two aft attachment bolts. The forward attachment bolts are approximately 3.2 mm