

# Proposed Rules

Federal Register

Vol. 89, No. 108

Tuesday, June 4, 2024

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-2024-1480; Project Identifier MCAI-2023-00930-A]

RIN 2120-AA64

#### Airworthiness Directives; DAHER (Type Certificate Previously Held by SOCAT) Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

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

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive (AD) 2016-08-08, which applies to all SOCAT (type certificate now held by DAHER) Model MS 880B, MS 885, MS 892A-150, MS 892E-150, MS 893A, MS 893E, MS 894A, MS 894E, Rallye 100S, Rallye 150ST, Rallye 150T, Rallye 235C, and Rallye 235E airplanes. AD 2016-08-08 requires doing repetitive detailed visual inspections of the intersection between the axle radius and the nose landing gear (NLG) fork area for chafing; doing repetitive dye penetrant inspections on the NLG wheel axle for cracks, distortion, and nicks or wear; doing corrective actions if necessary; and replacing the NLG wheel axle attachment screws with new screws. Since the FAA issued AD 2016-08-08, the European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, superseded the previous EASA AD to introduce a new inspection method and a new design for the affected NLG wheel axle that provides terminating action for the repetitive inspections, as specified in updated service information published by the manufacturer. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this NPRM by July 19, 2024.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*AD Docket:* You may examine the AD docket at *regulations.gov* under Docket No. FAA-2024-1480; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI) any comments received, and other information. The street address for Docket Operations is listed above.

*Material Incorporated by Reference:*

- For service information, contact Daher Aerospace, Customer Support, Airplane Division, 65921 Tarbes Cedex 9, France; phone: 33 (0)5 62.41.73.00; email: *tbmcare@daher.com*; website: *daher.com*.
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222-5110.

**FOR FURTHER INFORMATION CONTACT:** Fred Guerin, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (206) 231-2346; email: *fred.guerin@faa.gov*.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2024-1480; Project Identifier MCAI-2023-00930-A" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider

all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

**Confidential Business Information**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Fred Guerin, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

**Background**

The FAA issued AD 2016-08-08, Amendment 39-18484 (81 FR 21711, April 13, 2016) (AD 2016-08-08), for SOCAT (type certificate now held by DAHER) Model MS 880B, MS 885, MS 892A-150, MS 892E-150, MS 893A, MS 893E, MS 894A, MS 894E, Rallye 100S, Rallye 150ST, Rallye 150T, Rallye 235C, and Rallye 235E airplanes. AD 2016-08-08 was prompted by MCAI originated by EASA. EASA issued AD 2015-0203, dated October 7, 2015 (EASA AD 2015-0203) to correct an unsafe condition identified as fatigue failure of the NLG wheel axle. EASA AD 2015-0203 required retaining the requirements of Direction Générale de l'Aviation Civile (DGAC) France AD 91-

163(A)R2, dated March 30, 1994, which was superseded, but required those actions to be accomplished within reduced intervals.

AD 2016–08–08 requires doing repetitive detailed visual inspections of the intersection between the axle radius and the NLG fork area for chafing; doing repetitive dye penetrant inspections on the NLG wheel axle for cracks, distortion, and nicks or wear; corrective actions if necessary; and replacing the NLG wheel axle attachment screws with new screws. The FAA issued AD 2016–08–08 to address chafing and cracking of the NLG wheel axle, which could lead to failure of the NLG with consequent damage to the airplane and/or injury to occupants.

**Actions Since AD 2016–08–08 Was Issued**

Since the FAA issued AD 2016–08–08, EASA superseded EASA AD 2015–0203 and issued EASA AD 2023–0080, dated April 17, 2023 (EASA AD 2023–0080) (also referred to as the MCAI) to correct an unsafe condition for all DAHER AEROSPACE Model MS 880 B, MS 880 B–D, MS 881, MS 883, MS 884, MS 885, MS 886, MS 887, MS 890 A, MS 890 B, MS 892 A.150, MS 892 B.150, MS 892 E.150, MS 892 E–D.150, MS 893 A, MS 893 B, MS 893 E, MS 893 E–D, MS 894 A, MS 894 E, RALLYE 100 S, RALLYE 100 S–D, RALLYE 100 ST, RALLYE 100 ST–D, RALLYE 110 ST, RALLYE 150 ST, RALLYE 150 ST–D, RALLYE 150 T, RALLYE 150 T–D, RALLYE 150 SV, RALLYE 150 SVS, RALLYE 180 T, RALLYE 180 TS, RALLYE 180 T–D, RALLYE 235 A, RALLYE 235 F, RALLYE 235 E, and RALLYE 235 E–D airplanes.

The MCAI states that it retains the requirements of EASA AD 2015–0203 but introduces a new inspection method and a new design of the NLG wheel axle as a terminating action for the repetitive detailed inspections. The FAA is issuing this AD to address chafing and cracking of the NLG wheel axle, which could lead to failure of the NLG with consequent damage to the airplane and injury to occupants.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1480.

**Related Service Information Under 1 CFR Part 51**

The FAA reviewed Daher Service Bulletin SB 150–32, Revision 4, dated January 2023. This service information specifies procedures for preparing, inspecting, replacing, and reconditioning the NLG wheel axle. This service information also specifies procedures for replacing the NLG wheel axle attachment screws.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

**FAA’s Determination**

These products have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described

previously is likely to exist or develop on other products of the same type design.

**Proposed AD Requirements in This NPRM**

This proposed AD would retain none of the requirements of AD 2016–08–08. This proposed AD would require repetitively inspecting the NLG wheel axle and, if chafing, cracking, or damage is found, installing the newly designed NLG wheel axle, which would terminate the need for the repetitive inspections. This proposed AD would also require repetitively replacing the NLG wheel axle attachment screws.

**Differences Between This Proposed AD and the MCAI**

The applicability of the MCAI includes DAHER AEROSPACE Model MS 886, MS 887, MS 890 A, MS 890 B, MS 892 B.150, MS 892 E–D.150, MS 893 B, MS 893 E–D, RALLYE 100 S–D, RALLYE 100 ST, RALLYE 100 ST–D, RALLYE 110 ST, RALLYE 150 ST–D, RALLYE 150 T–D, RALLYE 150 SV, RALLYE 150 SVS, RALLYE 180 T, RALLYE 180 TS, RALLYE 180 T–D, RALLYE 235 A, RALLYE 235 F, and RALLYE 235 E–D airplanes and the applicability of this proposed AD would not because these models do not have an FAA type certificate.

**Costs of Compliance**

The FAA estimates that this AD, if adopted as proposed, would affect 32 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Magnetic particle inspection .....	1 work-hour × \$85 per hour = \$85 .....	\$100 .....	\$185 .....	\$5,920.
Inspection of the NLG wheel bearing and axle surface and attachment screws.	2 work-hours × \$85 per hour = \$170 (per inspection cycle).	\$100 .....	\$270 (per inspection cycle).	\$8,640.
NLG wheel axle attachment screw replacement.	1 work-hour × \$85 per hour = \$85 (per cycle).	\$50 (per cycle) .....	\$135 (per cycle) ...	\$4,320 (per cycle).

The FAA estimates the following costs to do any necessary actions that would be required based on the results

of the proposed inspections. The agency has no way of determining the number

of airplanes that might need these actions:

**ON-CONDITION COSTS**

Action	Labor cost	Parts cost	Cost per product
Installation of a nose gear wheel axle (including NLG wheel spacer).	2 work-hours × \$85 per hour = \$170 .....	\$1,000	\$1,170

### 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.

The FAA is 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

The FAA 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) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### 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:

■ a. Removing Airworthiness Directive 2016–08–08, Amendment 39–18484 (81 FR 21711, April 13, 2016); and

■ b. Adding the following new airworthiness directive:

**DAHER (Type Certificate previously held by SOCATA):** Docket No. FAA–2024–1480; Project Identifier MCAI–2023–00930–A.

#### (a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by July 19, 2024.

#### (b) Affected ADs

This AD replaces AD 2016–08–08, Amendment 39–18484 (81 FR 21711, April 13, 2016).

#### (c) Applicability

This AD applies to DAHER (type certificate previously held by SOCATA) Model MS 880B, MS 885, MS 892A–150, MS 892E–150, MS 893A, MS 893E, MS 894A, MS 894E, Rallye 100S, Rallye 150ST, Rallye 150T, Rallye 235C, and Rallye 235E airplanes, all serial numbers, certificated in any category.

#### (d) Subject

Joint Aircraft System Component (JASC) Code 3220, Nose/Tail Landing Gear.

#### (e) Unsafe Condition

This AD was prompted by a report of a nose landing gear (NLG) wheel axle rupture in service. The FAA is issuing this AD to address chafing and cracking of the NLG wheel axle. The unsafe condition, if not addressed, could lead to failure of the NLG with consequent damage to the airplane and injury to occupants.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Definitions

For the purposes of this AD the following definitions apply:

(1) *Group 1 Airplanes:* Airplanes having any affected parts installed as of the effective date of this AD.

(2) *Group 2 Airplanes:* Airplanes that do not have any affected parts installed as of the effective date of this AD.

(3) *Affected Parts:* NLG wheel axles having part number (P/N) 8954200270 and NLG wheel spacer having P/N 8954200260.

(4) *Serviceable Parts:* NLG wheel axles having P/N AV–RAL–001–01 and NLG wheel spacer having P/N AV–RAL–002–01.

(5) *New Part:* Any part that has zero hours time-in-service (TIS).

#### (h) Inspections and Axle Replacement for Group 1 Airplanes

(1) Within 200 hours TIS after the effective date of this AD, and thereafter at intervals not to exceed 200 hours TIS, perform a detailed visual inspection for chafing and cracking between the NLG wheel bearing and axle surface in accordance with paragraphs B.1 and B.2 of Daher Service Bulletin SB 150–32, Revision 4, dated January 2023 (Daher SB 150–32, Revision 4).

(2) If any chafing or cracking is found during any inspection required by paragraph

(h)(1) of this AD, before further flight, replace the NLG wheel axle with one of the following:

(i) An NLG wheel axle that is found to be free of chafing and cracking per the inspection required by paragraph (h)(1) of this AD and free of damage per the inspection required by paragraph (h)(3) of this AD.

(ii) Serviceable parts, as defined in this AD, in accordance with paragraphs C.2 through C.4 of Daher SB 150–32, Revision 4. This part installation makes the airplane a Group 2 airplane and terminates the inspection requirements in this AD.

(3) If no chafing or cracking is found during any inspection required by paragraph (h)(1) of this AD, before further flight, do a magnetic particle inspection of the NLG wheel axle for damage (distortion, nicks, wear, and cracking).

(4) If any damage is found during any magnetic particle inspection required by paragraph (h)(3) of this AD, before further flight, replace the NLG wheel axle with one of the following:

(i) An NLG wheel axle that is found to be free of chafing and cracking per the inspection required by paragraph (h)(1) of this AD and free of damage per the inspection required by paragraph (h)(3) of this AD.

(ii) Serviceable parts, as defined in this AD, in accordance with paragraphs C.2 through C.4 of Daher SB 150–32, Revision 4. This part installation makes the airplane a Group 2 airplane and terminates the inspection requirements in this AD.

#### (i) NLG Wheel Axle Attachment Screw Replacement for Group 1 and Group 2 Airplanes

Replace the NLG wheel axle attachment screws in accordance with paragraph C.2 of Daher SB 150–32, Revision 4, as follows:

(1) Initially before exceeding 2,000 hours TIS total on the airplane, before exceeding 2,000 hours TIS since the last time the attachment screws were replaced, or within 50 hours TIS after the effective date of this AD, whichever occurs later.

(2) Repetitively thereafter at intervals not to exceed 2,000 hours TIS.

#### (j) Installation Prohibition for Group 1 and Group 2 Airplanes

As of the effective date of this AD, do not install an affected NLG wheel axle, as defined in this AD, on any airplane, unless the criteria in paragraphs (j)(1) and (2) of this AD are met:

(1) The affected NLG wheel axle is found to be free of chafing and cracking per the inspection required by paragraph (h)(1) of this AD and free of damage per the inspection required by paragraph (h)(3) of this AD.

(2) The NLG wheel axle attachment screws are replaced with new screws.

#### (k) Credit for Previous Actions

You may take credit for the initial actions required by paragraphs (h) and (i) of this AD if you performed those actions before the effective date of this AD using SOCATA SB 150–32, Revision 2; or Daher-SOCATA SB 150–32, Revision 3.

**(l) Alternative Methods of Compliance (AMOCs)**

The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (m)(1) of this AD or email to: [9-AVS-AIR-730-AMOC@faa.gov](mailto:9-AVS-AIR-730-AMOC@faa.gov). If mailing information, also submit information by email. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local Flight Standards District Office/certificate holding district office.

**(m) Additional Information**

(1) For more information about this AD, contact Fred Guerin, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (206) 231-2346; email: [fred.guerin@faa.gov](mailto:fred.guerin@faa.gov).

(2) Service information identified in this AD that is not incorporated by reference is available at the address specified in paragraph (n)(3) of this AD.

**(n) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Daher Service Bulletin SB 150-32, Revision 4, dated January 2023.

(ii) [Reserved]

(3) For service information, contact Daher Aerospace, Customer Support, Airplane Division, 65921 Tarbes Cedex 9, France; phone: 33 (0)5 62.41.73.00; email: [tbmcare@daher.com](mailto:tbmcare@daher.com); website: [daher.com](http://daher.com).

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222-5110.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit [www.archives.gov/federal-register/cfr/ibr-locations](http://www.archives.gov/federal-register/cfr/ibr-locations) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov).

Issued on May 28, 2024.

**Victor Wicklund,**

*Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2024-12046 Filed 6-3-24; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[USCG-2024-0410]

RIN 1625-AA00

**Safety Zone; Oswego River, Oswego, NY**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to adjust the safety zone radius and location to within a 210-Foot radius of position 43°27'15.37" N, 76°30'28.38" W due to a fireworks event. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Eastern Great Lakes.

**DATES:** Comments and related material must be received by the Coast Guard on or before July 5, 2024.

**ADDRESSES:** You may submit comments identified by docket number USCG-2024-0410 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email United States Coast Guard Marine Safety Unit Thousand Islands: 315-774-8724 [D09SMBMSDMassenaMail@uscg.mil](mailto:D09SMBMSDMassenaMail@uscg.mil).

**SUPPLEMENTARY INFORMATION:****I. Table of Abbreviations**

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

**II. Background, Purpose, and Legal Basis**

On March 8, 2024, the City of Oswego notified the Coast Guard that there will be a change of location of its fireworks display normally conducted from 9:30 p.m. to 10 p.m. on or around July 4th as listed in 33 CFR 165.939, table line

item (29). The fireworks are to be now launched from a bridge in position 43°27'15.37" N, 76°30'28.38" W with a 210-Foot radius Safety zone from launching position. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Sector Eastern Great Lakes (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within a 210-Foot radius of the launching position.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 210-Foot radius of the fireworks launching position before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

**III. Discussion of Proposed Rule**

The COTP is proposing to amend a safety zone listed in 33 CFR 165.939, table line item (29). The safety zone would cover all navigable waters within 210-Foot radius from the fireworks launching position 43°27'15.37" N, 76°30'28.38" W in the Oswego River Oswego, NY. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

**IV. Regulatory Analyses**

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

**A. Regulatory Planning and Review**

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This NPRM has not been designated a "significant regulatory action," under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB). This regulatory action determination is based on his regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone which would impact a