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–2008–0056; Directorate Identifier 2007–CE–096–AD]

RIN 2120–AA64

Airworthiness Directives; APEX Aircraft Model CAP 10 B 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:

A CAP 10B experienced an emergency landing after its front fuel tank collapsed and rendered inoperative the left rudder pedals which were blocked in neutral position. Investigation and the metallurgical examination revealed that the fuel tank straps had fractured as a result of fatigue. The tank support straps had logged around 7000 hours time-in-service (TIS).

DGAC France Airworthiness Directive (AD) F–2004–071 was issued to introduce a 4000 hour life-limit for the tank support straps and to require replacement of straps which had exceeded this life-limit.

Since then, a front tank support has been found damaged during an inspection before reaching 4000 hours TIS.

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 February 25, 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 W12–140, 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: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; 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–2008–0056; Directorate Identifier 2007–CE–096–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 European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No.: 2007–0285, dated November 13, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

A CAP 10B experienced an emergency landing after its front fuel tank collapsed and rendered inoperative the left rudder pedals which were blocked in neutral position. Investigation and the metallurgical examination revealed that the fuel tank straps had fractured as a result of fatigue. The tank support straps had logged around 7000 hours time-in-service (TIS).

DGAC France Airworthiness Directive (AD) F–2004–071 was issued to introduce a 4000 hour life-limit for the tank support straps and to require replacement of straps which had exceeded this life-limit.

Since then, a front tank support has been found damaged during an inspection before reaching 4000 hours TIS.

The present AD supersedes DGAC France AD F–2004–071, reduces to 2000 hours the life-limit for the tank support straps and requires replacement of straps which have exceeded the new life-limit.

These actions are intended to address the identified unsafe condition so as to prevent fatigue cracks from occurring in the tank support straps before the established safe life is reached.

The MCAI requires the life-limit of the front fuel tank strap be reduced from 4,000 hours TIS to 2,000 hours TIS and the replacement of front fuel tank straps that have exceeded the new life-limit.

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

Relevant Service Information

APEX Aircraft has issued Service Bulletin No. 040102 R1, Revision 1, dated September 18, 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 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

Based on the service information, we estimate that this proposed AD would affect about 31 products of U.S. registry. We also estimate that it would take about 19 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $65 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $49,135, or $1,585 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, 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:

Apex Aircraft: Docket No. FAA–2008–0056; Directorate Identifier 2007–CE–096–AD.

Comments Due Date

(a) We must receive comments by February 25, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to CAP 10 B airplanes, all serial numbers, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 28: Fuel.

Reason

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

A CAP 10B experienced an emergency landing after its front fuel tank collapsed and rendered inoperative the left rudder pedals which were blocked in neutral position. Investigation and the metallurgical examination revealed that the fuel tank straps had fractured as a result of fatigue. The tank support straps had logged around 7000 hours time-in-service (TIS). DGAC France Airworthiness Directive (AD) F–2004–071 was issued to introduce a 4000 hour life-limit for the tank support straps and to require replacement of straps which had exceeded this life-limit. Since then, a front tank support has been found damaged during an inspection before reaching 4000 hours TIS. The present AD supersedes DGAC France AD F–2004–071, reduces to 2000 hours the life-limit for the tank support straps and requires replacement of straps which have exceeded the new life-limit. These actions are intended to address the identified unsafe condition so as to prevent fatigue cracks from occurring in the tank support straps before the established safe life is reached.

The MCAI requires the life-limit of the front fuel tank strap be reduced from 4,000 hours TIS to 2,000 hours TIS and the replacement of front fuel tank straps that have exceeded the new life-limit.

Actions and Compliance

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

(1) When you accumulate a total of 2,000 hours TIS on the strap or within the next 30 days after the effective date of this AD, whichever occurs later, replace the front fuel tank support strap, part number (P/N) CAP 10–70–08–01, using the instructions in the maintenance manual.

(2) Repetitively thereafter within intervals not to exceed 2,000 hours TIS on the strap replace the front fuel tank support strap, P/N CAP 10–70–08–01, using the instructions in the maintenance manual.

(3) If you are unable to establish the accumulated hours TIS on the front fuel tank support strap, P/N CAP 10–70–08–01, you must use the total hours TIS accumulated on the airplane for the accumulated hours TIS on the strap.

(4) Within the next 30 days after the effective date of this AD update the airworthiness limitations section of your maintenance program to reflect the life limit change of P/N CAP 10–70–08–01 from 4,000 hours TIS to 2,000 hours TIS using APEX Aircraft Service Bulletin No. 040102 R1, Revision 1, dated September 18, 2007.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: The FAA has established a more universal compliance time for all airplanes. This gives all owners/operators at least 30 days to comply with the AD.

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:* Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106–; *telephone:* (816) 329–4145; *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 AD No.: 2007–0285, dated November 13, 2007; and APEX Aircraft Service Bulletin No. 040102 R1, Revision 1, dated September 18, 2007, for related information.

Issued in Kansas City, Missouri, on January 16, 2008.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–1161 Filed 1–23–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0057; Directorate Identifier 2007–CE–102–AD]

RIN 2120–AA64

Airworthiness Directives; APEX Aircraft Model CAP 10 B 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:

A case of loose bond (ungluing) of one mounting wooden block of the control stick base cover, found during the cover reinstallation, was reported to the Type Certificate Holder (TCH) and led to the issuance of the ''recommended'' Service Bulletin (SB) No. 031004 in February 2004. Since that date, other similar occurrences have been reported. This SB in its revision 1, has therefore been reclassified ''mandatory'' by the TCH.

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 February 25, 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 W12–140, 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

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FOR FURTHER INFORMATION CONTACT: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; 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–2008–0057; Directorate Identifier 2007–CE–102–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 European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No.: 2007–0296, dated December 7, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

A case of loose bond (ungluing) of one mounting wooden block of the control stick base cover, found during the cover reinstallation, was reported to the Type Certificate Holder (TCH) and led to the issuance of the ''recommended'' Service Bulletin (SB) No. 031004 in February 2004. Since that date, other similar occurrences have been reported. This SB in its revision 1, has therefore been reclassified ''mandatory'' by the TCH.

This Airworthiness Directive (AD) mandates inspection of the mounting blocks of the control stick base cover for loose bonds and repair, as necessary.

These actions are intended to address the identified unsafe condition so as to prevent separation of the mounting blocks from the wing spar which could result in restricted movement of the ailerons and elevators with possible partial or complete loss of controls.

The MCAI requires an inspection of the four mounting wooden blocks of the control stick base cover. You are to take corrective action by repairing any loose blocks where inspection indicates necessary.

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

Relevant Service Information

APEX Aircraft has issued service bulletin No. 031004 R1, Revision 1, dated November 12, 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 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