

# Rules and Regulations

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2007-27531 Directorate Identifier 2007-CE-020-AD; Amendment 39-15054; AD 2007-10-13]

RIN 2120-AA64

#### Airworthiness Directives; APEX Aircraft (Type Certificate No. A36EU Formerly Held by AVIONS MUDRY et CIE) Model CAP 10 B Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued 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:

\* \* \* the discovery of cracks on aileron spades of an in-service CAP 10B aircraft.

The consequence on the aircraft of these cracks might be the loss of the airplane rolling control.

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective June 21, 2007.

On June 21, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street,

SW., Nassif Building, Room PL-401, Washington, DC.

**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:

##### Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. The streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public. This process continues to follow all FAA AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to meet our technical decision-making responsibilities to identify and correct unsafe conditions on U.S.-certificated products.

This AD references the MCAI and related service information that we considered in forming the engineering basis to correct the unsafe condition. The AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

##### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on March 23, 2007 (72 FR 13712). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states that:

\* \* \* the discovery of cracks on aileron spades of an in-service CAP 10B aircraft.

The consequence on the aircraft of these cracks might be the loss of the airplane rolling control.

APEX AIRCRAFT has designed a new models of inboard and mid-aileron spades supports which shall be installed in place of the previous supports models if cracks are found.

##### Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

##### Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

##### 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 required 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 AD.

##### Costs of Compliance

We estimate that this AD will affect 31 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with basic requirements of this AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$2,480 or \$80 per product.

In addition, we estimate that any necessary follow-on actions would take about 6 work-hours and require parts costing \$2,500, for a cost of \$2,980 per product. We have no way of determining the number of products that may need these actions.

##### 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 AD will not have federalism implications under Executive Order 13132. This AD will 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 AD:

(1) Is not a "significant regulatory action" under Executive Order 12866;

(2) Is not a "significant rule" under 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 AD and placed it in the AD Docket.

### Examining the AD Docket

You may examine the AD docket on the Internet at <http://dms.dot.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 the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5227) is 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, Incorporation by reference, Safety.

### Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

**2007-10-13 APEX Aircraft (Type Certificate No. A36EU formerly held by AVIONS MUDRY et CIE):** Amendment 39-15054; Docket No. FAA-2007-27531; Directorate Identifier 2007-CE-020-AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective June 21, 2007.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Model CAP 10 B airplanes; serial numbers 001 through 299, fitted with major change 000302 (fiber carbon spar), and serial numbers 300 and up; that are certificated in any category.

#### Subject

(d) Air Transport Association of America (ATA) Code 57: Wings.

#### Reason

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

\* \* \* the discovery of cracks on aileron spades of an in-service CAP 10B aircraft.

The consequence on the aircraft of these cracks might be the loss of the airplane rolling control.

#### Actions and Compliance

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

(1) Within the next 50 hours time-in-service (TIS) after the effective date of this AD and repetitively thereafter at intervals not to exceed 50 hours TIS, inspect the spades supports for cracks following the ACCOMPLISHMENT INSTRUCTIONS of APEX Aircraft Mandatory Service Bulletin No. 040401, dated October 29, 2004. Replacement of the spades supports with ones with a letter "A" marking per APEX Aircraft Mandatory Service Bulletin No. 040401, dated October 29, 2004, terminates the inspection requirements of this AD.

(2) Before further flight, if cracks are found during any inspection required by paragraph (f)(1) of this AD, replace the spades supports following the ACCOMPLISHMENT INSTRUCTIONS of APEX Aircraft Mandatory Service Bulletin No. 040401, dated October 29, 2004.

#### FAA AD Differences

**Note:** This AD differs from the MCAI and/or service information as follows: The MCAI and service bulletin require the initial inspection action within 10 hours TIS. We consider 10 hours TIS an urgent safety of flight compliance time, and we do not consider this unsafe condition to be an urgent safety of flight condition. Because we do not consider this unsafe condition to be an urgent safety of flight condition, we issued this action through the normal notice of proposed rulemaking (NPRM) AD process. The initial inspection time of 50 hours TIS is an adequate compliance for this AD action and met the FAA requirements for an NPRM followed by a final rule.

### Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) **Alternative Methods of Compliance (AMOCs):** The Manager, Standards Staff, 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 Direction générale de l'aviation civile AD No. F-2005-049, dated March 30, 2005; and APEX Aircraft Mandatory Service Bulletin No. 040401, dated October 29, 2004.

### Material Incorporated by Reference

(i) You must use APEX Aircraft Mandatory Service Bulletin No. 040401, dated October 29, 2004, to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Apex Aircraft, Bureau de Navigabilité, 1, route de Troyes, 21121 DAROIS—France; telephone: +33 380 35 65 10; fax +33 380 35 65 15; e-mail: [airworthiness@apex-aircraft.com](mailto:airworthiness@apex-aircraft.com); Internet: <http://www.apex-aircraft.com>.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Kansas City, Missouri, on May 9, 2007.

**Charles L. Smalley,**

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

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