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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2008-0056 Directorate Identifier 2007-CE-096-AD; Amendment 39-15446; AD 2008-07-05]

RIN 2120-AA64

Airworthiness Directives; APEX Aircraft Model CA 10B 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:

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.

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

DATES: This AD becomes effective April 30, 2008.

On April 30, 2008, 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://www.regulations.gov> or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

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:

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 January 24, 2008 (73 FR 4121). That NPRM proposed 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.

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 19 work-hours per product to comply with basic requirements of this 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 this AD to the 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 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://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 the NPRM, 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.

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:



2008-07-05 APEX Aircraft: Amendment 39-15446; Docket No. FAA-2008-0056; Directorate Identifier 2007-CE-096-AD.

Effective Date

- (a) This airworthiness directive (AD) becomes effective April 30, 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 7,000 hours time-in-service (TIS).

DGAC France Airworthiness Directive (AD) F-2004-071 was issued to introduce a 4,000 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 4,000 hours TIS.

The present AD supersedes DGAC France AD F-2004-071, reduces to 2,000 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 April 30, 2008 (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 in 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.

Material Incorporated by Reference

(i) You must use APEX Aircraft Service Bulletin No. 040102 R1, Revision 1, dated September 18, 2007, 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; 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 March 17, 2008.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8-5955 Filed 3-25-08; 8:45 am]