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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2006-26401; Directorate Identifier 2006-CE-72-AD; Amendment 39-14987; AD 2007-06-06]**

**RIN 2120-AA64**

**Airworthiness Directives; B-N Group Ltd. BN-2, BN-2A, BN-2B, BN-2T, and BN-2T-4R Series (All Individual Models Included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, Dated December 9, 2002), and BN-2A-MkIII Trislander Series (All Individual Models Included in Type Certificate Data Sheet (TCDS) A29EU, Revision 4, Dated December 9, 2002) Airplanes**

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

**ACTION:** Final rule.

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**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:

\* \* \* incidences have been reported to Britten-Norman Aircraft Ltd where cracks have been found in the inner shell of the pitot/static pressure heads. This could result in incorrect readings on the pressure instrumentation, e.g. altimeters, vertical speed indicators (rate-of-climb) and airspeed indicators.

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

**DATES:** This AD becomes effective April 20, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 20, 2007.

**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:** Taylor B. Martin, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri, 64106; telephone: (816) 329-4138; facsimile: (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 December 22, 2006 (71 FR 76952). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states that:

\* \* \* incidences have been reported to Britten-Norman Aircraft Ltd. where cracks have been found in the inner shell of the pitot/static pressure heads. If not corrected this could result in incorrect readings on the pressure instrumentation, e.g. altimeters, vertical speed indicators (rate-of-climb) and airspeed indicators.

### **Comments**

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

#### **Comment Issue No. 1: Reference to Service Bulletin**

Jack Buster of the Modification and Replacement Parts Association (MARPA) comments that the correct reference to the service bulletin is Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006.

When referencing what is in the MCAI, we reference it as “B-N Service Bulletin 310 Issue 2” because we try to use terminology straight from the MCAI when we can. We are not able to use this reference in the actual AD portion because to incorporate by reference (IBR) this service bulletin, we must reference it exactly how it appears in the reference document. Therefore, we will reference it in the AD as follows:

When referencing the MCAI: We will reference it as B-N Service Bulletin 310 Issue 2.

All other references: We will reference it as Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006.

## **Comment Issue No. 2: Incorporation of Service Documents**

MARPA comments that it was informed service documents are usually not incorporated into proposed actions (NPRMs), but only into final actions. MARPA notes there is no indication in the NPRM the FAA intends to incorporate by reference the necessary service information. In addition, there is no indication of which service documents are mandatory and which are merely sources of additional service information. Therefore, the reader is unsure of the FAA's intent. MARPA asks that future proposed actions indicate the FAA's intent by including the following, or a similar statement: "We intend to incorporate by reference the following publications."

We do not concur with the commenter's request to indicate in an NPRM our intent to incorporate service information by reference. When we propose that actions be accomplished in accordance with certain service information in an NPRM, the public may assume we intend to Incorporate by Reference (IBR) that service information, as requested by the Office of the Federal Register. Service information that is cited in the proposed AD as a source of additional information is not presented as a requirement, and the public may assume we do not intend to IBR that service information. No change to this final rule is necessary in regard to the commenter's request.

### **Conclusion**

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

### **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 135 products of U.S. registry. We also estimate that it will take about 2 work-hours per product to comply with this AD. The average labor rate is \$80 per work-hour. Required parts will cost about \$10,000 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$1,371,600, or \$10,160 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://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:



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**2007-06-06 B-N Group Ltd:** Amendment 39-14987; Docket No. FAA-2006-26401; Directorate Identifier 2006-CE-72-AD.

**Effective Date**

- (a) This airworthiness directive (AD) becomes effective April 20, 2007.

**Affected ADs**

- (b) None.

**Applicability**

(c) This AD applies to B-N Group Ltd BN-2, BN-2A, BN-2B, BN-2T, and BN-2T-4R Series (all individual models included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, dated December 9, 2002), and BN-2A-MkIII Trislander Series (all individual models included in TCDS A29EU, Revision 4, dated December 9, 2002) airplanes, certificated in any category.

**Reason**

(d) The mandatory continuing airworthiness information (MCAI) states:  
\* \* \* incidences have been reported to Britten-Norman Aircraft Ltd. where cracks have been found in the inner shell of the pitot/static pressure heads. If not corrected this could result in incorrect readings on the pressure instrumentation, e.g. altimeters, vertical speed indicators (rate-of-climb) and airspeed indicators.

**Actions and Compliance**

(e) Unless already done, do the following actions in accordance with Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006:

(1) Within the next 60 days after the effective date of this AD, perform the inspection procedure and the leak test procedure as detailed in Section 6 Action, of Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006. Repeat this inspection procedure and the leak test procedure at intervals not to exceed 500 hours time-in-service (TIS).

(2) In addition, within 500 hours after the initial inspection, perform an initial inspection of the drain traps for moisture. Repeat this inspection at intervals not to exceed 500 hours TIS.

(3) Before further flight, after any inspection or procedure required by this AD, correct, modify, or replace, as specified in the service information.

## **FAA AD Differences**

Note: This AD differs from the MCAI and/or service information as follows: This AD references the service bulletin as Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006; and the MCAI references the service bulletin as B-N Service Bulletin 310 Issue 2.

## **Other FAA AD Provisions**

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, Standards Staff, FAA, ATTN: Taylor B. Martin, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4138; facsimile: (816) 329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(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**

(g) Refer to MCAI European Aviation Safety Agency (EASA), AD No.: 2006-0143, dated May 30, 2006; and Britten-Norman Service Bulletin SB 310, Issue 2, dated March 1, 2006, for related information.

## **Material Incorporated by Reference**

You must use Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006 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 Britten-Norman Aircraft Limited, Bembridge Airport, Isle of Wight, United Kingdom, PO35 5PR.

(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/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Kansas City, Missouri, on March 6, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-4729 Filed 3-15-07; 8:45 am]