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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2006-25810; Directorate Identifier 2006-CE-49-AD; Amendment 39-14838; AD 2006-24-09]

RIN 2120-AA64

Airworthiness Directives; PZL-Bielsko Model SZD-50-3 "Puchacz" Gliders

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 discrepancy between the design documentation and the Technical Service Manual. In 1981, a castellated nut with cotter pin was introduced to secure the rudder, replacing the self-locking nut through PZL-Bielsko Bulletin No. BE-06/50-3/81. This change has not been introduced to the Technical Service Manual and use of a self-locking nut, in accordance with the Manual, is still possible. We are issuing this AD to require actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective January 8, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 8, 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: Gregory Davison, Glider Program Manager, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; 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 September 27, 2006 (71 FR 56416). That NPRM proposed to correct an unsafe condition for the specific products. The MCAI states that a discrepancy between the design documentation and the Technical Service Manual has been identified. In 1981, a castellated nut with cotter pin was introduced to secure the rudder, replacing the self-locking nut through PZL-Bielsko Bulletin No BE-06/50-3/81. This change has not been introduced to the Technical Service Manual and use of a self-locking nut, in accordance with the Manual, is still possible. This was probably the reason of rudder disconnection during flight which occurred recently. If not corrected, loss of the nut could result and allow the rudder to slip out of its hinges, separate from the glider, and lead to loss of control. This AD requires you to inspect and, if necessary, replace the Rudder Attachment parts in accordance with the instruction contained in the Allstar PZL Glider Sp. z o.o. Mandatory Bulletin No. BE-058/SZD-50-3/2006 "PUCHACZ", dated August 10, 2006. Concurrently, changes in the Technical Service Manual must be introduced in accordance with the referenced bulletin.

Comments

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

Jack Buster with the Modification and Replacement Parts Association (MARPA) provides comments to the MCAI AD process pertaining to how the FAA addresses publishing manufacturer service information as part of a proposed AD action. Mr. Buster states that the rule, as proposed, attempts to require compliance with a public law by reference to a private writing (as referenced in paragraph (e) of the proposed AD). Mr. Buster would like the FAA to incorporate by reference (IBR) the Allstar PZL Glider Sp. z o.o. Mandatory Bulletin.

We agree with Mr. Buster. However, we do not IBR any document in a proposed AD action, instead we IBR the document in the final rule. Since we are issuing the proposal as a final rule AD action, Allstar PZL Glider Sp. z o.o. Mandatory Bulletin No. BE-058/SZD-50-3/2006 "PUCHACZ", dated August 10, 2006, is incorporated by reference.

Mr. Buster requests that IBR documents be made available to the public by publication in the Federal Register or in the Docket Management System (DMS).

We are currently reviewing issues surrounding the posting of service bulletins in the Department of Transportation's DMS as part of the AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be revised.

Conclusion

We reviewed the available data, including the comments received, 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 a U.S. court of law. 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 described in a separate paragraph of the AD. These requirements, if any, take precedence over the actions copied from the MCAI.

Costs of Compliance

We estimate that this AD will affect about 8 products of U.S. registry. We also estimate that it will take about 1.5 work-hours per product to comply with this AD. The average labor rate is \$80 per work-hour. Required parts will cost about \$2 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 \$976 or \$122 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:



2006-24-09 PZL-Bielsko: Amendment 39-14838; Docket No. FAA-2006-25810; Directorate Identifier 2006-CE-49-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective January 8, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to PZL-Bielsko Model SZD-50-3 "Puchacz" gliders, all serial numbers, certificated in any category.

Reason

(d) The mandatory continuing airworthiness information (MCAI) states that the aircraft manufacturer has identified a discrepancy between the design documentation and the Technical Service Manual. In 1981, a castellated nut with cotter pin was introduced to secure the rudder, replacing the self-locking nut, through PZL Bielsko Bulletin No. BE-06/50-3/81. This change has not been introduced to the Technical Service Manual and use of a self-locking nut, in accordance with the Manual, is still possible. This was probably the reason for rudder disconnection during flight which occurred recently. If not corrected, loss of the nut could result and allow the rudder to slip out of its hinges, separate from the glider, and lead to loss of control.

Actions and Compliance

(e) Unless already done, do the following actions except as stated in paragraph (f) below: Within 30 days of January 3, 2007 (the effective date of this AD) or before further flight, whichever occurs later, inspect and, if necessary, replace the Rudder Attachment parts in accordance with the instruction contained in Allstar PZL Glider Sp. z o.o. Mandatory Bulletin No. BE-058/SZD-50-3/2006 "PUCHACZ", dated August 10, 2006. Concurrently, changes in the Technical Service Manual must be introduced in accordance with the referenced Bulletin.

FAA AD Differences

(f) None.

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, Standards Staff, FAA, ATTN: Gregory Davison, Glider Program Manager, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; fax: (816) 329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(2) Return to Airworthiness: 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, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

Related Information

(h) This AD is related to EASA EAD No.: 2006-0243-E, which references Allstar PZL Glider Sp. z o.o. Mandatory Bulletin No BE-058/SZD-50-3/2006 "PUCHACZ", dated August 10, 2006.

Material Incorporated by Reference

(i) You must use Allstar PZL Glider Sp. z o.o. Mandatory Bulletin No. BE-058/SZD-50-3/2006 "PUCHACZ", dated August 10, 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 AllStar PZL Glider Sp. z o.o., ul. Cieszyńska 325, 43 300 Bielsko-Biala; telephone: +48 (0)33 8125021; fax: +48 (0)33 8123739; e-mail: office@szd.com.pl.

(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.

Issued in Kansas City, Missouri, on November 22, 2006.

Kim Smith,
Manager, Small Airplane Directorate, Aircraft Certification Service.
[FR Doc. E6-20325 Filed 12-1-06; 8:45 am]