

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-9060 (59 FR 58765, November 15, 1994), and by adding a new airworthiness directive (AD), amendment 39-9122, to read as follows:

94-22-10 R1 De Havilland: Amendment 39-9122. Docket 94-NM-235-AD. Revises AD 94-22-10, Amendment 39-9060.

Applicability: Model DHC-8-102, -103, -301, and -311 series airplanes, having serial numbers 003 through 214, inclusive; on which Modification 8/1273 (as described in De Havilland Service Bulletin S/B No. 8-33-19, Revision 'A', dated May 31, 1993) has not been accomplished; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure correct operation of the proximity switch electronics unit (PSEU) and its associated systems, accomplish the following:

(a) Within the applicable time specified in paragraph (a)(1) or (a)(2) of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. The revision of the AFM may be accomplished by inserting a copy of this AD into the AFM.

"The electrical power supplies for the white anti-collision lights may fail and cause the following abnormalities:

- Flashing of the landing gear green locked down advisory lights during cruise;
- Fluctuation of cabin pressurization rate needle during cruise; and
- Retraction and extension of roll and ground spoilers during ground operation.

The failure may also result in loss of nose landing gear steering subsequent to landing, and loss of wheel brakes below 35-40 knots.

If any of these abnormal indications are observed, select A/COL light switch—RED. Leave the switch in this position for the remainder of the flight."

(1) For Model DHC-8-102, -103, and -311 series airplanes: Accomplish the revision of the AFM within 30 days after December 15, 1994 (the effective date of AD 94-22-01, amendment 39-9060).

(2) For Model DHC-8-301 series airplanes: Accomplish the revision of the AFM within

30 days after the effective date of this amendment.

(b) If the flight crew reports the occurrence of any of the cockpit indications stated in paragraph (a) of this AD: Prior to the next flight, perform the maintenance procedures to confirm and isolate the faulty power supply unit, in accordance with paragraph III., Part B, Accomplishment Instructions of de Havilland Alert Service Bulletin S.B. A8-33-33, dated May 31, 1993.

(1) If any power supply unit is determined to be faulty, prior to further flight, replace the unit with a new or serviceable "Grimes" unit or a new "Whelen" system in accordance with the alert service bulletin.

(2) If the specific unit causing the faults cannot be determined, prior to further flight, replace all three units with new or serviceable "Grimes" units or a new "Whelen" system in accordance with the alert service bulletin. Installation of a new "Whelen" system at all three locations constitutes terminating action for the requirements of this AD and, following installation, the AFM revision required by paragraph (a) of this AD may be removed.

(c) Within 6 months after the effective date of this AD, install Modification 8/1273 (which entails replacement of the existing anti-collision strobe lights, brackets, and power supplies with the "Whelen" Anti-Collision Strobe Light System") at all three locations, in accordance with de Havilland Service Bulletin S/B No. 8-33-19, Revision 'A', dated May 31, 1993. Following installation, the AFM revision required by paragraph (a) of this AD may be removed.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), ANE-170, FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(e) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The actions shall be done in accordance with de Havilland Alert Service Bulletin S.B. A8-33-33, dated May 31, 1993; and de Havilland Service Bulletin S/B No. 8-33-19, Revision 'A', dated May 31, 1993; as applicable. This incorporation by reference was approved previously by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of December 15, 1994 (59 FR 58765, November 15, 1994). Copies may be obtained from de Havilland, Inc., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South

Franklin Avenue, Room 202, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on February 3, 1995.

Issued in Renton, Washington, on January 11, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-1127 Filed 1-18-95; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 94-NM-217-AD; Amendment 39-9108; AD 94-26-13]

Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737-300, -400, and -500 series airplanes. This action requires modification of the leading edge slat access panel and internal structure at Front Spar Station (FSS) 250.663. This amendment is prompted by reports that fuel leaking from the fuel line at FSS 250.663 flowed through a drain hole in a slat access panel and leaked into the turbine exhaust area. The actions specified in this AD are intended to prevent drainage from such a fuel leak into the turbine exhaust area, which could cause an external fire under the wing.

DATES: Effective on February 3, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 3, 1995.

Comments for inclusion in the Rules Docket must be received on or before March 20, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-217-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of

the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Stephen S. Bray, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2681; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: On March 10, 1994, the FAA issued AD 94-06-11, amendment 39-8858 (59 FR 13444, March 22, 1994), applicable to certain Boeing Model 737-300, -400, and -500 series airplanes. That AD requires modification of the leading edge slat access panel and internal structure at Front Spar Station (FSS) 250.663. That action was prompted by reports that fuel leaking from the fuel line at FSS 250.663 flowed through a drain hole in a slat access panel and leaked into the turbine exhaust area. (The strut drain system installed on these airplanes is designed to divert fuel leakage to a point five feet from the turbine exhaust area.) One of the incidents caused an external fire under the wing. Typically, such a fire could occur on the ground after the engines have been shut down. The resultant fire could spread from the turbine exhaust area to the strut and, subsequently, could ignite fuel within the strut. This condition, if not detected and corrected, could cause an external fire under the wing.

Since issuance of AD 94-06-11, the FAA has determined that the same unsafe condition addressed in that AD may exist on certain additional Model 737-300, -400, and -500 series airplanes; therefore, these additional airplanes also are subject to fuel leakage into the turbine exhaust area, which could cause an external fire under the wing. AD 94-06-11 is applicable only to airplanes having line positions 1001 through 1976 inclusive, 1978 through 2183 inclusive, 2185 through 2186 inclusive, and 2188 through 2193 inclusive. The additional airplanes identified are those having line positions 2184, 2187, 2194 through 2197 inclusive, and 2199. These additional airplanes are operated currently by non-U.S. operators under foreign registry.

The FAA has reviewed and approved Boeing Service Bulletin 737-57-1221, Revision 2, dated November 17, 1994, that describes procedures for modifying the leading edge slat access panel and internal structure at FSS 250.663. Incorporation of this modification entails sealing the drain hole in Slat Access Panels 6307L and 6407R, changing the internal structure of the leading edge panel by creating a drain

path to the strut drain system, and sealing the slat access panel and the internal structure of the leading edge panel to keep fuel leakage within the new drain path.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent drainage from a fuel leak into the turbine exhaust area, which could cause an external fire under the wing. This AD requires modification of the leading edge slat access panel and internal structure at FSS 250.663. The actions are required to be accomplished in accordance with the service bulletin described previously. This AD applies only to Model 737-300, -400, and -500 series airplanes having line positions 2184, 2187, 2194 through 2197 inclusive, and 2199.

Note: The FAA's normal policy is that when an AD requires a substantive change, such as a change (expansion) in its applicability, the "old" AD is superseded by removing it from the system and a new AD is added. In the case of this AD action, the FAA normally would have proposed superseding AD 94-06-11 to expand its applicability to include the additional affected airplanes. However, in reconsideration of the entire fleet size that would be affected by a supersedure action, and the consequent workload associated with revising maintenance record entries, the FAA has determined that a less burdensome approach is to issue a separate AD applicable only to these additional airplanes. This AD does not supersede AD 94-06-11; airplanes listed in the applicability of AD 94-06-11 are required to continue to comply with the requirements of that AD. This AD is a separate AD action, and is applicable on to Model 737-300, -400, and -500 series airplanes, line positions 2184, 2187, 2194 through 2197 inclusive, and 2199.]

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this rule to clarify this requirement.

None of the Model 737-300, -400, or -500 series airplanes affected by this

action is on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 10 work hours to accomplish the required actions, at an average labor charge of \$60 per work hour. The cost of required parts is expected to be negligible. Based on these figures, the total cost impact of this AD would be \$600 per airplane.

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the Federal Register.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments

submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94-NM-217-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects 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. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

94-26-13 Boeing: Amendment 39-9108.
Docket 94-NM-217-AD.

Applicability: Model 737-300, -400, and -500 series airplanes; line positions 2184, 2187, 2194 through 2197 inclusive, and 2199; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent drainage from a fuel leak into the turbine exhaust area, which could cause an external fire under the wing, accomplish the following:

(a) Within 24 months after the effective date of this AD, modify the leading edge slat access panel and internal structure at Front Spar Station (FSS) 250.663 in accordance with Boeing Service Bulletin 737-57-1221, Revision 2, dated November 17, 1994.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with Boeing Service Bulletin 737-57-1221, Revision 2, dated November 17, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(e) This amendment becomes effective on February 3, 1995.

Issued in Renton, Washington, on December 21, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-1362 Filed 1-18-95; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 93-AWP-19]

Amendment of Class D Airspace; Luke Air Force Base, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies Class D airspace at Luke Air Force Base, AZ. The Class D airspace will be amended due to the relocation of the Luke Air Force Base TACAN. This action will realign the Class D airspace for instrument flight rules (IFR) operations.

EFFECTIVE DATE: 0901 UTC, March 30, 1995.

FOR FURTHER INFORMATION CONTACT: Charles Register, System Management Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 297-1640.

SUPPLEMENTARY INFORMATION:

History

On March 1, 1993, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by modifying Class D airspace at Luke Air Force Base, AZ (58 FR 58311). This action will realign the Class D airspace for instrument flight rules (IFR) operations. The Luke Air Force Base TACAN was relocated from lat. 33°32'06" N, long. 112°22'59" W to lat. 33°32'16" N, long. 112°22'49" W.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class D airspace is published in Paragraph 5000 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations amends