

rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 78.41 and that was published in 60 FR 28322-28323 on May 31, 1995.

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 18th day of August 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-21187 Filed 8-25-95; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-135-AD; Amendment 39-9343; AD 95-17-13]

Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146-RJ Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 146 and Model Avro 146-RJ airplanes. This action requires modification of the left- and right-hand elevators to improve water drainage. This amendment is prompted by reports that elevator oscillations and resultant airplane pitch oscillations have occurred due to the elevator balance changes as a result of accumulation of water in the elevators. The actions specified in this AD are intended to minimize accumulation of water in the elevators, which could lead to elevator and airplane pitch oscillations with a subsequent reduction of controllability

of the airplane and damage to the tail surface structure.

DATES: Effective September 12, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of September 12, 1995.

Comments for inclusion in the Rules Docket must be received on or before October 27, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-135-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from British Aerospace Holdings, Inc., Avro International Aerospace Division, P.O. Box 16039, Dulles International Airport, Washington DC 20041-6039. 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: William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1149.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain British Aerospace Model BAe 146 and Model Avro 146-RJ airplanes. The CAA advises that it received several reports indicating that elevator oscillations have occurred, which resulted in airplane pitch oscillations. Investigation revealed that, when the airplane had completed steep climb maneuvers, water had accumulated in the left- and right-hand elevators. Accumulation of water, if not corrected, may upset the balance of the elevators, which could result in elevator oscillation and subsequent airplane pitch oscillations; this condition could result in reduced controllability of the airplane or damage to the tail surface structure.

British Aerospace Regional Aircraft Limited, Avro International Division, has issued Service Bulletin SB.55-13-01490B, dated July 7, 1995, which describes procedures for modification of the left- and right-hand elevators. The modification involves the following actions:

1. Drilling, reaming, and deburring new drain holes in the underside of the left- and right-elevators;

2. Applying protective treatment to the left- and right-hand elevators;

3. Performing a visual inspection to determine if all of the seams on the elevators are sealed, and resealing, if necessary; and

4. Plugging (blanking off) certain existing drain holes with a grommet (for certain airplanes).

Accomplishment of this modification will improve the drainage of water from the elevators and minimize the accumulation of water in the elevators.

The CAA classified the service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to minimize accumulation of water in the elevators, which could lead to elevator oscillations. This AD requires modification of the left- and right-hand elevators (Mod. No. HCMO1490B). The actions are required to be accomplished, in part, in accordance with the service bulletin described previously.

In addition, the FAA has received a recommendation from the CAA that certain additional procedures be accomplished concurrent with the modification. These procedures have been added to this AD.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

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 long-standing requirement.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an 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 95-NM-135-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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

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

95-17-13 British Aerospace Regional Aircraft Limited, AVRO International Aerospace Division (Formerly British Aerospace, plc; British Aerospace Commercial Aircraft Limited): Amendment 39-9343. Docket 95-NM-135-AD.

Applicability: Model British Aerospace BAe 146 and Model Avro 146-RJ airplanes; as listed in British Aerospace Service Bulletin SB.55-13-01490B, dated July 7, 1995; 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 (c) of this AD 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.

Note 2: This AD references certain portions of a British Aerospace service bulletin for applicability and modification information. In addition, this AD specifies further detailed instructions, and in certain cases, specifies that a different sealant be used. Where there are differences between the AD and the service bulletin, the AD prevails.

To minimize accumulation of water in the elevators, which could lead to elevator and airplane pitch oscillations with a subsequent reduction of controllability of the airplane and tail surface structural damage.

(a) Within 30 days after the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD, as applicable.

(1) For all airplanes: Accomplish the following requirements of paragraph (a)(1)(i), (a)(2)(ii), (a)(3)(iii) of this AD:

(i) Drill, ream, and deburr new drain holes in the left- and right-elevators in accordance with British Aerospace Service Bulletin SB.55-13-01490B, dated July 7, 1995. The following procedures shall be accomplished in addition to procedures specified in the service bulletin. Identify the drain hole positions to be added in accordance with Drawing No. 1 of the service bulletin. Where drain holes already exist in the same rib bay within a distance of 2 inches of the new drain hole position defined in the service bulletin, no additional drain holes shall be added. Drawing No. 1 of the service bulletin shows the required number and bay locations of drain holes after the accomplishment of this paragraph. No drain holes other than those specified in drawing No. 1 shall be added.

(ii) Apply protective treatment in the areas of the new drain holes in the left- and right-hand elevators in accordance with the service bulletin.

(iii) Perform a visual inspection to determine if all of the seams on the elevator are sealed as specified in Drawing No. 5 of the service bulletin. Accomplish the inspection in accordance with the service bulletin.

(A) If all the seams of the elevators are sealed, as specified in Drawing No. 5 of the service bulletin, no further action is required by this paragraph.

(B) If any seam is not sealed, as specified in Drawing No. 5 of the service bulletin, prior

to further flight, seal the seam in accordance with the procedures specified in the service bulletin. Only Thiokol sealant PR-1431 Type 1, PR-1431 Type 2, PR-1431-T, PR-1431-T6, PR-1422B-2NA, or PR-1422B-4NA shall be used to seal the seam.

(2) For airplanes on which Modification HCM00912A has been accomplished: At the positions shown in Drawing No. 4 of the service bulletin, plug (blank off) the drain holes with a grommet, fill the inside of each grommet with sealant, and insert it into the drain hole to be plugged, in accordance with the procedures specified in the service bulletin. Only Thiokol sealant PR-1431 Type 1, PR-1431 Type 2, PR-1431-T, PR-1431-T6, PR-1422B-2NA or PR-1422B-4NA shall be used to fill the inside of each grommet.

(b) As of the effective date of this AD, no person shall install any elevator on any airplane affected by this AD unless that elevator has been modified in accordance with this AD.

(c) 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, Standardization Branch, ANM-113, 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, Standardization Branch, ANM-113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(d) 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.

(e) The actions shall be done in accordance with British Aerospace Service Bulletin SB.55-13-01490B, dated July 7, 1995, where specified. 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 British Aerospace Holding, Inc., Avro International Aerospace Division, P.O. Box 16039, Dulles International Airport, Washington DC 20041-6039. 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.

(f) This amendment becomes effective on September 12, 1995.

Issued in Renton, Washington, on August 15, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-20629 Filed 8-25-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 95-NM-139-AD; Amendment 39-9344; AD 95-17-14]

Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A and -3R) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Bombardier Model CL-600-1A11, CL-600-2A12, and CL-600-2B16 series airplanes. This action requires functional testing of the brake of the horizontal stabilizer trim actuator (HSTA); and exercising the pitch trim system, revising the FAA-approved Airplane Flight Manual (AFM), operational testing of the HSTA, and replacing the HSTA or horizontal stabilizer trim control unit, if necessary. This amendment is prompted by reports of overspeed annunciation of the pitch trim due to slippage of the no-back device on the HSTA. The actions specified in this AD are intended to prevent uncommanded movement of the HSTA due to failure of the no-back device on the HSTA to operate properly; this condition could adversely affect the controllability of the airplane.

DATES: Effective September 12, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 12, 1995.

Comments for inclusion in the Rules Docket must be received on or before October 27, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-139-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Peter Cuneo, Aerospace Engineer, Systems and Equipment Branch, ANE-173, FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7506; fax (516) 568-2716.

SUPPLEMENTARY INFORMATION: Transport Canada Aviation, which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A and -3R) series airplanes. Transport Canada Aviation advises that it has received reports of overspeed annunciation of the pitch trim. Each time such annunciation occurred, the horizontal stabilizer trim actuator (HSTA) mechanical brake prevented uncommanded movement of the HSTA, i.e., HSTA runaway. Investigation has revealed that the reported overspeed annunciation of the pitch trim may be attributed to slippage of the no-back device on the HSTA. Further investigation revealed that the no-back device on the HSTA failed to operate properly at low temperatures, but operated properly at ambient temperatures above zero degrees centigrade. This condition, if not corrected, could result in uncommanded movement of the HSTA, which could adversely affect the controllability of the airplane.

Bombardier has issued Alert Service Bulletins A600-0645 (for Model CL-600-1A11 series airplanes), and A601-0443 (for Model CL-600-2A12 and CL-600-2B16 series airplanes), both dated January 11, 1995, which describe procedures for an operational test of the HSTA brake, and replacement of the HSTA or horizontal stabilizer trim control unit (HSTCU) with a serviceable unit. Transport Canada Aviation approved these service bulletins and issued Canadian airworthiness directive CF-95-02, dated February 28, 1995, in order to assure the continued airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada Aviation,