

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:

95-21-08 Boeing; Amendment 39-9394, Docket 94-NM-133-AD.

*Applicability:* Model 757 series airplanes equipped with Pratt & Whitney PW2000 engines, as listed in Boeing Service Bulletin 757-76-0010, dated August 12, 1993; and Model 757 series airplanes equipped with Rolls-Royce RB211-535 engines, as listed in Boeing Service Bulletin 757-76-0011, dated December 2, 1993; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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) 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 reduce false indications of engine fuel valve faults, accomplish the following:

(a) For airplanes equipped with Pratt & Whitney PW2000 engines: Within 6 months after the effective date of this AD, modify the engine fuel valve indication circuits in accordance with Boeing Service Bulletin 757-76-0010, dated August 12, 1993.

(b) For airplanes equipped with Rolls-Royce RB211-535 engines: Within 18 months after the effective date of this AD, accomplish the modifications specified in paragraphs (b)(1) and (b)(2) of this AD. The modification specified in paragraph (b)(1) must be accomplished either prior to or concurrently with the modification specified in paragraph (b)(2). In any case, both modifications must be completed within 18 months after the effective date of this AD.

(1) Modify the engine fuel shutoff valve control in accordance with Boeing Service Bulletin 757-76-0007, Revision 2, dated January 23, 1992.

Note 2: Modification of the engine fuel shutoff valve control that was accomplished prior to the effective date of this AD in accordance with either Boeing Service Bulletin 757-76-0007 (original issue), dated February 22, 1990, or Revision 1, dated October 31, 1991, is considered acceptable for compliance with paragraph (b)(1) of this AD.

(2) Modify the engine fuel valve indication circuits in accordance with Boeing Service Bulletin 757-76-0011, dated December 2, 1993.

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

(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 modifications shall be done in accordance with Boeing Service Bulletin 757-76-0010, dated August 12, 1993; Boeing Service Bulletin 757-76-0007, Revision 2, dated January 23, 1992; and Boeing Service Bulletin 757-76-0011, dated December 2, 1993. 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.

(f) This amendment becomes effective on November 17, 1995.

Issued in Renton, Washington, on October 3, 1995.

Darrell M. Pederson,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-25032 Filed 10-17-95; 8:45 am]

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### **14 CFR Part 39**

[Docket No. 95-NM-189-AD; Amendment 39-9400; AD 95-21-13]

### **Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146-RJ 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 all British Aerospace Model BAe 146 and Model Avro 146-RJ series airplanes. This action requires inspection(s) to detect damaged and missing surface protective finish, corrosion, and cracking on the servo tab brackets and the trim tab drive brackets of the aileron, and corrective actions, if necessary. This amendment is prompted by a report of corrosion on an aileron tab bracket between the two tab drive flanges in the area of the two attachment bolts, which resulted in cracking of the flanges at their base. The actions specified in this AD are intended to prevent the failure of the servo tab brackets and trim tab drive brackets of the aileron due to cracking associated with corrosion, which could result in reduced controllability of the airplane.

**DATES:** Effective November 2, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 2, 1995.

Comments for inclusion in the Rules Docket must be received on or before December 18, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-189-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from British Aerospace Holding, 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 all British Aerospace Model BAe 146 and Model Avro 146-RJ series airplanes. The CAA advises that it has received a

report of corrosion on an aileron tab bracket between the two tab drive flanges in the area of the two attachment bolts. Such corrosion resulted in cracking of the bracket flanges at their base. The effects of such corrosion and resultant cracking could lead to the failure of the servo tab brackets and the trim tab drive brackets of the aileron. This condition, if not corrected, could result in reduced controllability of the airplane.

British Aerospace has issued Service Bulletin S.B. 57-47, dated June 15, 1995 (for Model BAe 146 series airplanes), and Service Bulletin S.B. 57-48, dated June 30, 1995 (for Model Avro 146-RJ series airplanes). These service bulletins describe procedures for detailed visual inspection(s) to detect damaged and missing surface protective finish, corrosion, and cracking on the servo tab brackets and the trim tab drive brackets of the aileron, and corrective actions, if necessary. These service bulletins also describe procedures for replacement of any cracked servo tab bracket or trim tab bracket with a new bracket. The CAA classified these service bulletins 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 prevent the failure of the servo tab brackets and the trim tab drive brackets of the aileron due to cracking associated with corrosion, which could result in reduced controllability of the airplane. This AD requires detailed visual inspection(s) to detect damaged and missing surface protective finish, corrosion, and cracking on the servo tab brackets and the trim tab drive brackets (a total of six brackets) of the aileron, and corrective actions, if necessary. This AD also requires replacement of any cracked servo tab bracket or trim tab bracket with a new bracket. The actions

are required to be accomplished in accordance with the service bulletins described previously.

The FAA is considering further rulemaking action to supersede this AD to require, for certain airplanes, removal of the servo tab bracket and trim tab drive bracket of the aileron, a detailed visual inspection to detect damaged or missing surface protective finish, corrosion, or cracking, and corrective actions. However, the planned compliance time for these actions is sufficiently long so that notice and time for public comment would not be impracticable.

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-189-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:

95-21-13 British Aerospace Regional Aircraft Limited, Avro International Aerospace Division (Formerly British Aerospace, plc; British Aerospace Commercial Aircraft Limited): Amendment 39-9400. Docket 95-NM-189-AD.

*Applicability:* All Model BAe 146 series airplanes; and all Model Avro 146-RJ series airplanes, all line numbers up to and

including line number E3263; 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.

To prevent the failure of the servo and trim tab drive brackets of the aileron due to cracking associated with corrosion, which could result in reduced controllability of the airplane, accomplish the following:

(a) Within 14 days after the effective date of this AD, perform a detailed visual inspection to detect damaged or missing surface protective finish, corrosion, or cracking on the servo tab brackets and the trim tab drive brackets of the aileron (total of 6 brackets), in accordance with British Aerospace Service Bulletin S.B. 57-47, dated June 15, 1995 (for Model BAe 146 series airplanes), or British Aerospace Service Bulletin S.B. 57-48, dated June 30, 1995 (for Model Avro 146-RJ series airplanes), as applicable.

(1) If no discrepancy is found, no further action is required by this AD.

(2) If any discrepancy is found on the surface protection finish, but no corrosion or cracking is detected on any servo tab bracket or trim tab drive bracket, prior to further flight, reapply the intermediate (barrier) coat and the strippable polyurethane gloss top coat (aluminum colored), in accordance with the applicable service bulletin.

(3) If any corrosion, but no cracking, is detected on the servo tab bracket or trim tab drive bracket, repeat the inspection thereafter at intervals not to exceed 50 landings. Prior to the accumulation of 500 landings after the initial inspection, remove corrosion and reapply the intermediate (barrier) coat and the strippable polyurethane gloss top coat (aluminum colored), in accordance with the applicable service bulletin.

(4) If any cracking is detected on the servo tab drive bracket, prior to further flight, replace the cracked bracket with a new bracket, in accordance with the applicable service bulletin. After accomplishing the replacement, no further action is required by this AD for that servo tab bracket.

(5) If any cracking is detected in only one flange of a single trim tab drive bracket and no other discrepancy is detected, repeat the inspection thereafter at intervals not to exceed 10 landings. Prior to the

accumulation of 50 landings after the initial inspection, replace the cracked trim tab drive bracket with a new bracket, in accordance with the applicable service bulletin. After accomplishing the replacement, no further action is required by this AD for that trim tab drive bracket.

(6) If any cracking is detected in the trim tab drive bracket and the crack has propagated through the flange or cracking exists in more than one flange of the bracket, prior to further flight, replace the cracked trim tab drive bracket with a new bracket, in accordance with the applicable service bulletin. After accomplishing the replacement, no further action is required by this AD for that trim tab drive bracket.

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

(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 actions shall be done in accordance with British Aerospace Service Bulletin S.B. 57-47, dated June 15, 1995, or British Aerospace Service Bulletin S.B. 57-48, dated June 30, 1995, as applicable. 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.

(e) This amendment becomes effective on November 2, 1995.

Issued in Renton, Washington, on October 6, 1995.

Gary L. Killion,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-25450 Filed 10-17-95; 8:45 am]

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## 14 CFR Part 39

[Docket No. 91-CE-46-AD; Amendment 39-9401; AD 95-21-14]

### Airworthiness Directives; de Havilland DHC-6 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes Airworthiness Directive (AD) 83-18-03, which currently requires repetitively inspecting the tailplane outboard hinge assembly on certain de Havilland DHC-6 series airplanes, and replacing any cracked tailplane outboard hinge assembly. The Federal Aviation Administration's policy on aging commuter-class aircraft is to eliminate or, in certain instances, reduce the number of certain repetitive short-interval inspections when improved parts or modifications are available. This action requires eventually modifying the tailplane outboard hinge arm and tailplane hinge plate with parts of improved design (Modification No. 6/1799) as terminating action for the currently required repetitive inspections. The actions specified by this AD are intended to prevent tailplane failure caused by cracks in either outboard hinge arm or the hinge plate, which, if not detected and corrected, could result in loss of control of the airplane.

**DATES:** Effective December 4, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 4, 1995.

**ADDRESSES:** Service information that applies to this AD may be obtained from de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario, Canada, M3K 1Y5. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 91-CE-46-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Jon Hjelm, Aerospace Engineer, FAA, New York Aircraft Certification Office, 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581; telephone (516) 256-7523; facsimile (516) 568-2716.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to