

discrimination. No particular form of complaint is required. The complaint must be filed within 180 calendar days from the date the person knew or reasonably should have known of the alleged discrimination, unless the time is extended for good cause by the Assistant Secretary for Administration or his designee. Any person who complains of discrimination under this part in any fashion shall be advised of his or her right to file a complaint as herein provided.

(b) All complaints under this part should be filed with the Director of Civil Rights Adjudication and Enforcement, United States Department of Agriculture, Washington, DC 20250, who will investigate the complaints. The Assistant Secretary for Administration will make final determinations as to the merits of complaints under this part and as to the corrective actions required to resolve the complaints. The complainant will be notified of the final determination on his or her complaint.

(c) Any complaint filed under this part that is subject to a Department complaint process that is implemented under specific statutory authority will be processed under the statutory complaint process.

§ 15d.5 Effect of regulation.

Nothing in this part shall be construed as making unlawful any program or activity conducted by the Department that is otherwise lawful.

Dated: April 16, 1996.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 96-9900 Filed 4-22-96; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-192-AD]

Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER) Model EMB-120 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB-120 series airplanes. This proposal would

require repetitive inspections to detect cracks in the wing rib-to-skin support brackets (shear clips), and replacement of cracked brackets with new or serviceable brackets. This proposal also would require the eventual replacement of certain brackets with new brackets, which would terminate the requirement for the inspections. This proposal is prompted by reports of cracks in the wing rib-to-skin support brackets in both the lower and upper skin of the wings. The actions specified by the proposed AD are intended to prevent cracking of those support brackets, which can subsequently lead to the loosening of the rivets in the wing skin, leakage of fuel through the rivet holes, and, ultimately, the reduction of the structural integrity of the wing.

DATES: Comments must be received by June 3, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-192-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from EMBRAER, Empresa Brasileira De Aeronautica S/A, Sao Jose dos Campos - SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Curtis Jackson, Aerospace Engineer, Airframe and Propulsion Branch, ACE-117A, FAA, Atlanta Aircraft Certification Office, Small Airplane Directorate, Campus Building, 1701 Columbia Avenue, Suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7358; fax (404) 305-7348.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-NM-192-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-192-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

The Departamento de AviaCão Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB-120 series airplanes. The DAC advises that it has received reports of cracks in the rib-to-skin fitting brackets (shear clips) both in the lower and upper skin of the wings on Model EMB-120 series airplanes. The development of cracking of the shear clips can occur in the wing skin riveting line and can cause the complete failure of the ledge of the shear clips, resulting in separation of the skin from the shear clip on the affected area. Although there are several shear clips per rib, the simultaneous occurrence of cracking in several shear clips will affect the wing's structural integrity. The cause of the cracking is attributed to fatigue. Cracking of those support brackets can cause rivets in the wing skin to loosen and, consequently, permit fuel to leak into the wing through the rivet holes. Propagation of such cracking, if not corrected, could reduce the structural integrity of the wing and permit fuel leakage into the wing.

EMBRAER has issued Service Bulletin (SB) 120-57-0031, dated July 6, 1995, which describes procedures for repetitive internal visual inspections to detect cracks in the wing rib-to-skin support brackets (shear clips), and replacement of cracked brackets with new or serviceable parts. The service

bulletin also describes procedures for a terminating action for the repetitive inspections. That action involves replacement of all wing rib-to-skin support brackets of ribs 15 and 16 with brackets having a new part number; inspection to detect cracking of the wing skin support brackets of ribs 18, 19, 20, 21, and 22; and replacement of cracked brackets with new or serviceable brackets having the same part number. The DAC classified this service bulletin as mandatory and issued Brazilian airworthiness directive (DA) 95-05-01 R1, dated August 25, 1995, in order to assure the continued airworthiness of these airplanes in Brazil.

This airplane model is manufactured in Brazil 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 DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, 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, the proposed AD would require repetitive internal visual inspections to detect cracks in the wing rib-to-skin support brackets (shear clips). If cracks are found that are within certain limits (in length), this proposed AD would permit flights to continue, but the inspections would be required to be conducted more often. If cracks are found that are outside certain limits, the bracket would be required to be replaced prior to further flight, and additional inspection of other adjacent support brackets would be required to be accomplished. This proposed AD also would require that all wing rib to skin support brackets of ribs 15 and 16 be replaced with new brackets. This replacement would constitute terminating action for the required inspections. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Operators should note that, in addition to the inspection for cracking of the wing skin brackets recommended in the referenced Embraer service bulletin, this proposed AD would require that a repetitive visual inspection of the wing skin for fuel leakage be accomplished within every 50 flight hours until the terminating

action has been accomplished. The FAA finds that inspections for such fuel leakage [fuel leakage as defined and classified in the Airplane Maintenance Manual (AMM)] are necessary to provide an indication of the urgency of need to inspect for cracking of the wing skin brackets.

The FAA estimates that 169 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 6 work hours per airplane to accomplish the proposed visual inspection for cracking, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this proposed inspection action on U.S. operators is estimated to be \$60,840, or \$360 per airplane, per inspection cycle.

It would take approximately 56 work hours to accomplish the proposed replacement of support brackets, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$1,000 per airplane. Based on these figures, the cost impact of the proposed replacement on U.S. operators is estimated to be \$736,840, or \$4,360 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this proposed AD, and that no operator would accomplish those actions in the future if this proposal were not adopted. However, the FAA has been advised that the terminating modification already has been installed on a number of airlines that are subject to this AD. Therefore, the future economic cost impact of this rule on U.S. operators is expected to be less than the cost impact figures indicated above.

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 copy of the draft

regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption

ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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), 40113, 44701.

§ 39.13 [Amended]

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

EMBRAER: Docket 95-NM-192-AD.

Applicability: Model EMB-120 airplanes, serial numbers 120001, 120003, 120004, and 120006 through 120304 inclusive; 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 request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced wing structural integrity and fuel leakage of the wing due to cracking of wing rib-to-skin support brackets, accomplish the following:

Note 2: The term "fuel leakage" and "stain," as used throughout this AD, are used as they are defined and classified in Chapter 28, Fuel, of the Airplane Maintenance Manual (AMM).

(a) Within 10 days after the effective date of this AD: Perform a visual inspection of the wing skin along rib lines 15 and 16 to detect any fuel leakage other than a stain. Thereafter, repeat this inspection every 50 flight hours until the requirements of paragraph (d) of this AD have been accomplished.

(b) For airplanes on which fuel leakage is detected during any inspection required by

paragraph (a) of this AD: Within 50 flights after detection of fuel leakage; perform an internal visual inspection to detect cracking of the wing rib-to-skin support brackets (shear clips) that connect the lower and upper wing skins to ribs 15 and 16, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 120-57-0031, dated July 6, 1995, at the time specified in paragraph (b)(1), (b)(2), or (b)(3) of this AD, as applicable.

(1) If no cracking is detected: Repeat the internal visual inspection required by paragraph (b) of this AD thereafter at intervals not to exceed 1,200 flight cycles until the requirements of paragraph (d) of this AD have been accomplished.

(2) If any cracking is detected in only one wing skin support bracket and that cracking is more than half the length of the bracket; and if any cracking also is detected in up to two additional wing skin support brackets and that cracking is less than half the length of the bracket: Repeat the internal visual inspection required by paragraph (b) of this AD thereafter at intervals not to exceed 400 flight cycles, until the requirements of paragraph (d) of this AD have been accomplished.

(3) If any cracking is detected other than that specified in paragraph (b)(2) of this AD: Prior to further flight, replace any support bracket that is cracked beyond the limits specified in paragraph (b)(2) of this AD with a new bracket, in accordance with the Accomplishment Instructions of the service bulletin. Following any replacement, prior to further flight, perform an additional internal visual inspection to detect cracking of the support brackets that connect the wing skins to ribs 18, 19, 20, 21, and 22 in accordance with the service bulletin.

(i) If no cracking is found, repeat the internal visual inspection required by paragraph (b) of this AD thereafter at intervals not to exceed 1,200 flight cycles until the requirements of paragraph (d) of this AD are accomplished.

(ii) If any cracking is found, prior to further flight, replace any cracked bracket with a serviceable part, in accordance with the service bulletin.

(c) For airplanes on which no wing fuel leakage is detected during any inspection required by paragraph (a) of this AD: Perform an internal visual inspection to detect cracking of the wing rib-to-skin support brackets (shear clips) that connect the lower and upper wing skins to ribs 15 and 16, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 120-57-0031, dated July 6, 1995, at the time specified in paragraph (c)(1), (c)(2), (c)(3), or (c)(4) of this AD, as applicable. Thereafter, repeat this inspection as intervals not to exceed 1,200 flight cycles until the requirements of paragraph (d) of this AD are accomplished.

(1) For airplanes that have accumulated less than 4,000 total flight cycles as of the effective date of this AD: Inspect prior to the accumulation of 5,200 total flight cycles, or within 1,200 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated 4,000 or more total flight cycles, but less than

8,000 total flight cycles as of the effective date of this AD: Inspect within 1,200 flight cycles after the effective date of this AD.

(3) For airplanes that have accumulated 8,000 or more total flight cycles, but less than 12,000 total flight cycles as of the effective date of this AD: Inspect within 800 flight cycles after the effective date of this AD.

(4) For airplanes that have accumulated 12,000 or more total flight cycles as of the effective date of this AD: Inspect within 400 flight cycles after the effective date of this AD.

(d) Within 2 years after the effective date of this AD: Replace all wing rib-to-skin support brackets of ribs 15, 16, and 18 with new brackets in accordance with EMBRAER Service Bulletin 120-57-0031, dated July 6, 1995. Prior to further flight following the replacement, perform a visual inspection to detect cracking of the wing skin support brackets of ribs 19, 20, 21, and 22. If any cracking is found, prior to further flight, replace cracked brackets with serviceable brackets in accordance with the service bulletin. Accomplishment of these requirements constitutes terminating action for the requirements of this AD.

(e) 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, Atlanta Aircraft Certification Office (ACO), FAA, Small 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, Atlanta ACO.

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

(f) 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.

Issued in Renton, Washington, on April 17, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-9934 Filed 4-22-96; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 95-NM-268-AD]

Airworthiness Directives; de Havilland Model DHC-8-301, -311, and -315 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain de Havilland Model DHC-8-301, -311, and

-315 series airplanes, that currently requires modification of the airspeed limitations placard and revision of the Airplane Flight Manual to specify operating at lower airspeeds when the airplane is operating at full flaps. That action also provides for the optional termination of the requirements of the AD for certain airplanes. That action was prompted by a report that incorrect rivets were installed on the outboard flaps assemblies of these airplanes. The actions specified in that AD are intended to prevent structural failure of the outboard flaps of the wings due to the installation of incorrect rivets in the flap assemblies, which could result in reduced controllability of the airplane. This action would require installation of the terminating modification on certain airplanes.

DATES: Comments must be received by June 3, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-268-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, 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.

FOR FURTHER INFORMATION CONTACT: Franco Pieri, Aerospace Engineer, Airframe Branch (ANE-171), FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7526; fax (516) 568-2716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be