

this part that sets forth the legal or factual errors for our review of an initial decision.

**§ 366.17 What are the possible consequences for violating this part?**

Depending on the circumstances, violations of this part may result in rescission or termination of a contract, as well as administrative, civil, or criminal sanctions.

Dated in Washington, DC, this 12th day of November, 2002.

By order of the Board of Directors.  
Federal Deposit Insurance Corporation.

**Valerie J. Best,**

*Assistant Executive Secretary.*

[FR Doc. 02-29407 Filed 11-19-02; 8:45 am]

BILLING CODE 6714-01-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2002-CE-48-AD; Amendment 39-12954; AD 2002-23-10]

RIN 2120-AA64

**Airworthiness Directives; Piaggio Aero Industries S.p.A. Model P-180 Airplanes**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to all Piaggio Aero Industries S.p.A. Model P-180 airplanes. This AD requires you to inspect for proper clearance between the first outboard flap control rod and the bleed air duct for interference, replace worn or damaged parts or correct interference, and adjust clearance. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Italy. The actions specified by this AD are intended to detect and correct interference or damage of the first outboard flap control rod and bleed air duct, which could result in failure of the flap control rod. Such failure could lead to loss of airplane control.

**DATES:** This AD becomes effective on December 17, 2002.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation as of December 17, 2002.

The Federal Aviation Administration (FAA) must receive any comments on this rule on or before January 22, 2003.

**ADDRESSES:** Submit comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002-CE-48-AD, 901 Locust, Room 506, Kansas City, Missouri 64106. You may view any comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. You may also send comments electronically to the following address: 9-ACE-7-Docket@faa.gov. Comments sent electronically must contain "Docket No. 2002-CE-48-AD" in the subject line. If you send comments electronically as attached electronic files, the files must be formatted in Microsoft Word 97 for Windows or ASCII text.

You may get the service information referenced in this AD from Piaggio Aero Industries S.p.A., Via Cibrario 4, 16154 Genoa, Italy. You may view this information at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002-CE-48-AD, 901 Locust, Room 506, 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:**

Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

*What Events Have Caused This AD?*

The Ente Nazionale per l'Aviazione Civile (ENAC), which is the airworthiness authority for Italy, recently notified FAA that an unsafe condition may exist on all Piaggio Model P-180 airplanes. The ENAC reports an incorrect installation with insufficient clearance between the first outboard flap control rod and the bleed air duct. This caused interference with consequent loss of flap control.

*What Are the Consequences If the Condition Is Not Corrected?*

The failure of the flap control rod could lead to loss of airplane control.

*Is There Service Information That Applies to This Subject?*

PIAGGIO has issued Alert Service Bulletin No. 80-0182, Original Issue: June 7, 2002.

The service bulletin includes procedures for:

- Inspecting for interference between the first outboard flap control rod and bleed air duct, and inspecting for damage or wear in this area;

- Replacing damaged parts or correcting interference; and
- Correcting where clearance is less than the correct value, but no interference is found.

*What Action Did the ENAC Take?*

The ENAC classified this service bulletin as mandatory and issued Italian AD Number 2002-442, dated August 22, 2002, in order to ensure the continued airworthiness of these airplanes in Italy.

*Was This in Accordance With the Bilateral Airworthiness Agreement?*

This airplane model is manufactured in Italy 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 ENAC has kept us informed of the situation described above.

**The FAA's Determination and an Explanation of the Provisions of This AD**

*What Has FAA Decided?*

The FAA has examined the findings of the ENAC; reviewed all available information, including the service information referenced above; and determined that:

- The unsafe condition referenced in this document exists or could develop on other Piaggio Model P-180 airplanes of the same type design;
- The actions specified in the previously-referenced service information (as specified in this AD) should be accomplished on the affected airplanes; and
- AD action should be taken in order to correct this unsafe condition.

*What Does This AD Require?*

This AD requires you to incorporate the actions in the previously-referenced service bulletin.

In preparation of this rule, we contacted type clubs and aircraft operators to obtain technical information and information on operational and economic impacts. We did not receive any information through these contacts. If received, we would have included, in the rulemaking docket, a discussion of any information that may have influenced this action.

*Will I Have the Opportunity To Comment Prior to the Issuance of the Rule?*

Because the unsafe condition described in this document could result

in failure of the flap control rod and loss of airplane control, we find that notice and opportunity for public prior comment are impracticable. Therefore, good cause exists for making this amendment effective in less than 30 days.

**Comments Invited**

*How Do I Comment on This AD?*

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, FAA invites your comments on the rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments to the address specified under the caption **ADDRESSES**. We will consider all comments received on or before the closing date specified above. We may amend this rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of this AD action and determining whether we need to take additional rulemaking action.

*Are There Any Specific Portions of This AD I Should Pay Attention to?*

We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. You may view all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each FAA contact with the public that concerns the substantive parts of this AD.

*How Can I Be Sure FAA Receives My Comment?*

If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write "Comments to Docket No. 2002-CE-48-AD." We will date stamp and mail the postcard back to you.

**Compliance Time of this AD**

*What Is the Compliance Time of This AD?*

The compliance time of this AD is within the next 15 days after the effective date of the AD.

*Why Is the Compliance Time Presented in Calendar Time Instead of Hours Time-in-Service (TIS)?*

The compliance of this AD is presented in calendar time instead of hours TIS because the affected first outboard flap control rod and bleed air duct components are unsafe as a result of an incorrect installation. The problem has the same chance of existing on an airplane with 50 hours TIS as it would for an airplane with 1,000 hours TIS. Therefore, we believe that a compliance time of 15 days will:

- Ensure that the unsafe condition does not go undetected for a long period of time on the affected airplanes; and
- Not inadvertently ground any of the affected airplanes.

**Regulatory Impact**

*Does This AD Impact Various Entities?*

These regulations 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. Therefore, FAA has determined that this final rule does not have federalism implications under Executive Order 13132.

*Does This AD Involve a Significant Rule or Regulatory Action?*

We have determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and 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 (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

**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 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. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

2. FAA amends § 39.13 by adding a new airworthiness directive (AD) to read as follows:

**2002-23-10 Piaggio Aero Industries S.P.A.:**  
Amendment 39-12954; Docket No. 2002-CE-48-AD

(a) *What airplanes are affected by this AD?*  
This AD affects Model P-180 airplanes, all serial numbers, that are certificated in any category.

(b) *Who must comply with this AD?*  
Anyone who wishes to operate any of the airplanes identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?*  
The actions specified by this AD are intended to detect and correct interference or damage of the first outboard flap control rod and bleed air duct, which could result in failure of the flap control rod. Such failure could lead to loss of airplane control.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Inspect the first outboard flap control rod part number (P/N) C132761-1, and the bleed air ducts, P/N 80-247475-405 (left-hand wing), and P/N 80-247475-407 (right-hand wing) for required clearance and wear/damage.	Within the next 15 days after December 17, 2002 (the effective date of the AD), unless already accomplished.	In accordance with the Accomplishment Instructions in Piaggio Aero Industries S.p.A. Alert Service Bulletin No.: ASB-80-0182, Original Issue: June 7, 2002.
(2) If interference or wear/damage is found during the inspection required in paragraph (d)(1) of this AD, correct the interference and replace any damaged parts.	Accomplish any necessary replacements or correct interference prior to further flight after the inspection required by paragraph (d)(1) of this AD, unless already accomplished.	In accordance with the Accomplishment Instructions in Piaggio Aero Industries S.p.A. Alert Service Bulletin No.: ASB-80-0182, Original Issue: June 7, 2002, and the applicable maintenance manual.

Actions	Compliance	Procedures
(3) If neither wear/damage nor interference is found but the clearance between the first outboard flap control rod and bleed air duct on both the left- and right-hand side is less than the correct value, adjust to the correct value, adjust to the correct value specified in the service bulletin.	Accomplish any necessary adjustment prior to further flight after the inspection required by paragraph (d)(1) of this AD, unless already accomplished.	In accordance with the Accomplishment Instructions in Piaggio Aero Industries S.p.A. Alert Service Bulletin No.: ASB-80-0182, Original Issue: June 7, 2002, and the applicable maintenance manual.
(4) If no wear/damage or interference is found and the clearance between the first outboard flap control rod and bleed air duct on both the left- and right-hand side is correct, no further action is required.	Not Applicable .....	Not Applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

- (1) Your alternative method of compliance provides an equivalent level of safety; and
- (2) The Standards Office Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Standards Office Manager.

**Note 1:** This AD applies to each airplane identified in paragraph (a) of this AD, 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 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Piaggio Aero Industries S.p.A. Alert Service Bulletin No. 80-0182, dated June 7, 2002. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Piaggio Aero Industries S.p.A., Via Cibrario 4, 16154 Genoa, Italy. You may view copies at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on December 17, 2002.

**Note 2:** The subject of this AD is addressed in Italian AD No. 2002-442, issued August 22, 2002.

Issued in Kansas City, Missouri, on November 8, 2002.

**Michael Gallagher,**  
*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 02-29133 Filed 11-19-02; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. 2001-CE-21-AD; Amendment 39-12955; AD 2002-23-11]**

**RIN 2120-AA64**

**Airworthiness Directives; Raytheon Aircraft Company 200, 300, and 1900 Series, and Models F90 and A100-1 Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) 200, 300, and 1900 series, and Models F90 and A100-1 airplanes. This AD requires you to check the airplane logbook to determine if the elevator(s) has/have been removed from the airplane. If the elevator(s) has/have been removed, this AD also requires you to inspect the elevator balance weight attachment screws for correct length, and, if necessary, install new bolts that are of improved design and rebalance the elevator, depending on the results of the inspection. This AD is the result of the elevator balance weight attachment screws and balance weights being improperly installed when balancing the elevator after it had

been removed for repair or repainting. The actions specified by this AD are intended to prevent the balance weight attachment screws from becoming loose. Loose screws could come into contact and interfere with the horizontal stabilizer. This interference could restrict elevator movement and result in loss of elevator pitch control.

**DATES:** This AD becomes effective on January 10, 2003.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of January 10, 2003.

**ADDRESSES:** You may get the service information referenced in this AD from Raytheon Aircraft Company, P.O. 9709 E. Central, Kansas 67201-0085; telephone: (800) 429-5372 or (316) 676-3140. You may view this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001-CE-21-AD, 901 Locust, Room 506, 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:** Paul DeVore, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4142; facsimile: (316) 946-4407.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

*What Events Have Caused This AD?*

Raytheon notified FAA of three incidents in which the elevator jammed during takeoff and landing on Models 200, B300, and 1900C airplanes. Investigations showed the cause for the elevator to jam was that the attachment screws and balance weights were not properly installed when the elevators were balanced after they were removed for repair or repainting.

Improperly installed balance weight attachment screws could result in the