

## 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 96-NM-259-AD." The postcard will be date stamped and returned to the commenter.

## Regulatory Impact

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 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

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

96-23-11 Jetstream Aircraft Limited: Amendment 39-9816. Docket 96-NM-259-AD.

*Applicability:* Model 4101 airplanes, constructors numbers 41004 through 41084 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 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 (b) 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 jamming of the disconnect units of the aileron control system, which could result in reduced controllability of the airplane, accomplish the following:

(a) Within 30 days after the effective date of this AD, perform a one-time test to verify if the disconnect lock of the aileron disconnect control system functions properly, in accordance with Jetstream Alert

Service Bulletin J41-A27-042, dated May 13, 1996.

(1) If the lock functions properly, no further action is required by this AD.

(2) If the lock moves, but it does not move easily or could jam, prior to further flight, accomplish the actions specified in paragraph 2.A.(3)(c) of the Accomplishment Instructions of the alert service bulletin.

(3) If the lock does not move, prior to further flight, accomplish the actions specified in paragraph 2.A.(3)(d) of the Accomplishment Instructions of the alert service bulletin.

(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, 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 Jetstream Alert Service Bulletin J41-A27-042, dated May 13, 1996. 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 Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. 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 December 5, 1996.

Issued in Renton, Washington, on November 7, 1996.

Darrell M. Pederson,

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

[FR Doc. 96-29259 Filed 11-19-96; 8:45 am]

BILLING CODE 4910-13-U

## 14 CFR Part 39

[Docket No. 96-NM-258-AD; Amendment 39-9817; AD 96-23-12]

RIN 2120-AA64

## Airworthiness Directives; Jetstream Model 4101 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 Jetstream Model 4101 airplanes. This action requires a one-time check of the left and right main landing gear leg assemblies to determine whether certain assemblies have been installed; and the replacement of certain discrepant retaining bolts on these assemblies with correctly manufactured bolts. This amendment is prompted by a report indicating that some of these retaining bolts have failed during the assembly and installation of a main landing gear unit, due to an incorrect process that was used during the manufacture of the bolts. The actions specified in this AD are intended to prevent structural damage to the main landing gear due to failure of the retaining bolts which, if not corrected, could result in reduced controllability of the airplane during takeoff, landing, and taxiing.

**DATES:** Effective December 5, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 5, 1996.

Comments for inclusion in the Rules Docket must be received on or before January 21, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-258-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. 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 Jetstream Model 4101 airplanes. The CAA advises that it has received a

report indicating that some of the retaining bolts that secure the uplock attachment plate to the cylinder of the shock absorber strut on left and right main landing gear leg assemblies of certain Model 4101 airplanes failed during the assembly and installation of a main landing gear unit; these failures occurred as these bolts were being tightened to the torque specified for them.

An investigation revealed that the discrepant bolts were incorrectly heat-treated during manufacture, which causes them to be less capable of sustaining required loads. Other incorrectly heat-treated retaining bolts have been installed on airplanes now in service. Continued use of these bolts could result in failure of the bolts and consequent structural damage to the main landing gear. This condition, if not corrected, could result in reduced controllability of the airplane during takeoff, landing, and taxiing.

#### Explanation of Relevant Service Information

Jetstream has issued Service Bulletin J41-32-054, dated July 4, 1996, which describes procedures for a one-time check of the serial numbers on the left and right main landing gear leg assemblies to determine whether assemblies with discrepant retaining bolts have been installed. This service bulletin also describes procedures for replacing discrepant retaining bolts that secure the uplock attachment plate to the cylinder of the shock absorber strut on those assemblies. The replacement bolts have been correctly heat-treated. (The Jetstream service bulletin references APPH Precision Hydraulics Ltd. Service Bulletin AIR83090-32-03, dated June 1996, as an additional source of procedural service information for the one-time check and the replacement of discrepant bolts.)

The CAA classified this service bulletin as mandatory and issued CAA airworthiness directive 004-07-96, dated July 23, 1996, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

#### FAA's Conclusions

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.

#### Explanation of Requirements of Rule

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 failure of the retaining bolts and consequent structural damage to the main landing gear leg assemblies which, if not corrected, could result in reduced controllability of the airplane during takeoff, landing, and taxiing. This AD requires a one-time check of the serial numbers of the left and right main landing gear leg assemblies on certain Jetstream Model 4101 airplanes. It also requires the replacement of discrepant retaining bolts that secure the uplock attachment plate to the cylinder of the shock absorber strut on certain main landing gear leg assemblies with bolts that have been correctly heat-treated. The actions are required to be accomplished in accordance with the Jetstream service bulletin described previously.

#### Determination of Rule's Effective Date

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 96-NM-258-AD." The postcard will be date stamped and returned to the commenter.

#### Regulatory Impact

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 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

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

96-23-12 Jetstream Aircraft Limited:

Amendment 39-9817. Docket 96-NM-258-AD.

*Applicability:* Model 4101 airplanes having constructor numbers 41081 through 41086 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 (b) 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 failure of the retaining bolts and consequent structural damage to the main landing gear, which could result in reduced controllability of the airplane during takeoff, landing, and taxiing, accomplish the following:

(a) Within 60 days after the effective date of this AD, perform a one-time check of the left and right main landing gear leg assemblies to determine the serial numbers on these units, in accordance with Jetstream Service Bulletin J41-32-054, dated July 4, 1996.

Note 2: The Jetstream service bulletin references APPH Precision Hydraulics Ltd. Service Bulletin AIR83090-32-03, dated June 1996, as an additional source of procedural service information for the one-time check and replacement of discrepant bolts.

(1) If the serial number indicates that the unit is not subject to having discrepant retaining bolts installed, no further action is required for that unit.

(2) If the serial number indicates that the unit is subject to having discrepant retaining bolts installed, prior to further flight, replace each retaining bolt that secures the uplock attachment plate to the cylinder of the shock absorber strut of that unit with a bolt that is correctly heat-treated, in accordance with the Jetstream service bulletin.

(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, 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.

(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 one-time check and the replacement shall be done in accordance with Jetstream Service Bulletin J41-32-054, dated July 4, 1996. 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 Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. 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 December 5, 1996.

Issued in Renton, Washington, on November 7, 1996.

Darrell M. Pederson,

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

[FR Doc. 96-29261 Filed 11-19-96; 8:45 am]

BILLING CODE 4910-13-U

### 14 CFR Part 39

[Docket No. 95-NM-163-AD; Amendment 39-9822; AD 96-23-17]

RIN 2120-AA64

### Airworthiness Directives; de Havilland Model DHC-8-102 and -103 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain de Havilland Model DHC-8-102 and -103 series airplanes, that requires repetitive external inspections to detect cracks in the skin exterior of the fuselage at floor level, and repair, if necessary. This amendment also requires repetitive internal inspections to detect cracks of the subject area, which terminates the repetitive external inspections. This amendment is prompted by a report that one of the tasks in the Maintenance Program Airworthiness Limitations List inadvertently excluded certain airplanes from the instructions for the