

(c) For airplanes on which the modification specified in Boeing Service Bulletin 727-55-0087, dated June 20, 1986, (terminating action specified in AD 87-24-03, amendment 39-5769) has been accomplished: Prior to the accumulation of 1,600 flight hours, or within 12 months after the effective date of this AD, whichever occurs later, conduct an inspection to ensure proper clearance between the shear plate and the radii of the rear spar, in accordance with Boeing Service Bulletin 727-55-0087, Revision 1, dated March 31, 1994.—

(1) If clearance is within the limits specified in Part I of the Accomplishment Instructions of the service bulletin, no further action is required by this AD.

(2) If clearance is outside the limits specified in Part I of the Accomplishment Instructions of the service bulletin, prior to further flight, reaccomplish the repair in accordance with Part III of the service bulletin. After modification, no further action is required by this AD.—

(d) Modification or repair of the elevator rear spar in accordance with Part II or Part III of the Accomplishment Instructions of Boeing Service Bulletin 727-55-0087, Revision 1, dated March 31, 1994, constitutes terminating action for the requirements required 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, 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 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle 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 December 28, 1994.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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14 CFR Part 39

[Docket No. 94-NM-155-AD]

Airworthiness Directives; Canadair Model CL-600-2B19 (Regional Jet Series 100) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM)

that proposed a new airworthiness directive (AD), applicable to certain Canadair Model CL-600-2B19 series airplanes. That action would have required removal of certain shear pins and installation of stronger shear pins on the elevator flutter dampers. The proposed actions were intended to prevent problems associated with undampened vibration of the elevators in normal cruise conditions. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has issued other rulemaking that positively addresses the identified unsafe condition. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: A

proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to certain Canadair Model CL-600-2B19 series airplanes, was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on October 11, 1994 (59 FR 51392). The proposed rule would have required removal of certain shear pins from the elevator flutter dampers, and installation of stronger shear pins. That action was originally prompted by a report of sheared-off shear pins found on one airplane's elevator dampers. The proposed actions were intended to prevent undampened vibration of the elevators in normal cruise conditions, resulting from the failure of the shear pins installed in the elevator flutter dampers; when combined with hydraulic system failures, this condition can result in reduced controllability of the airplane. —

Since the issuance of that NPRM, Transport Canada Aviation, which is the airworthiness authority for Canada, has notified the FAA that the lugs of the elevator flutter damper sheared off of two Model CL-600-2B19 series airplanes. Investigation revealed that the shear pins that were installed in the elevator flutter dampers on these incident airplanes were the stronger pins, whose installation would have been required by the NPRM. The stronger shear pins caused the loads to transfer to the lugs of the elevator flutter damper, which subsequently failed under the increased loads. —

Consequently, on November 17, 1994, the FAA issued AD 94-24-02, amendment 39-9075 (59 FR 60888, November 29, 1994), applicable to certain Canadair Model CL-600-2B19 series airplanes, to require the removal of all elevator flutter dampers. It also requires revisions to the FAA-approved Airplane Flight Manual (AFM) that advise the flight crew of the need to perform daily checks to verify proper operation of the elevator control system, and that restrict altitude and airspeed of the airplane. —

The FAA has determined that the actions currently required by AD 94-24-02 positively address the previously identified unsafe condition. Removal of the elevator flutter dampers from these airplanes and the daily checks of the elevator control system will ensure that the risk of jamming or restricting movement of the elevator is eliminated. Additionally, the operational limitation will enable the pilot to avert conditions of potential flutter. —

In light of the fact that other rulemaking adequately addresses the identified unsafe condition, the FAA finds that the previously proposed action is unwarranted and hereby withdraws the NPRM.—

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.—

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39—

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal—

Accordingly, the notice of proposed rulemaking, Docket 94-NM-155-AD, published in the **Federal Register** on October 11, 1994 (59 FR 51392), is withdrawn.

Issued in Renton, Washington, on December 28, 1994.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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