

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new AD to read as follows:

Jetstream Aircraft Limited: Docket No. 92-CE-13-AD.

Applicability: Jetstream Models 3101 and 3201 airplanes (serial numbers 757 through 912), certificated in any category.

Compliance: Required within the next 50 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent occupant injury during an emergency situation because of the inability to remove an escape hatch, accomplish the following:

(a) For both Models 3101 and 3201 airplanes, modify the shear fitting at the top of the right-hand escape hatch in accordance with PART A of the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream Service Bulletin (SB) 52-JM 7752, dated December 17, 1991.

(b) For Model 3201 airplanes, modify the shear fitting at the top of the left-hand escape hatch in accordance with PART B of the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream SB 52-JM 7752, dated December 17, 1991.

(c) Special flight permits may be issued in accordance with §§ 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) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office (ACO), FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels ACO.

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

(e) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; telephone (44-292) 79888; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on February 6, 1995.

Michael K. Dahl,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-3360 Filed 2-9-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 90-CE-67-AD]

Airworthiness Directives; Jetstream Aircraft Limited (Formerly British Aerospace, Regional Aircraft Limited) Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of the comment period.

SUMMARY: This document reopens the comment period for an earlier proposed airworthiness directive (AD) that proposed to supersede AD 90-13-12, which currently requires modifying the airplane electrical system and revising the emergency procedures section of the Airplane Flight Manual (AFM) on certain Jetstream Aircraft Limited (JAL) Jetstream Models 3101 and 3201 airplanes. The proposal would have retained the requirements of that AD for those airplanes that have not installed modified inverters and restored the inverted transfer function. Since publication of that proposal, the Federal Aviation Administration (FAA) has re-examined various service difficulty reports on the affected airplanes, and determined that the proposed modification is still a valid safety issue (but not an urgent safety of flight issue). Since sufficient time has passed (more than 12 months) since the issuance of the original proposal, the FAA is allowing additional time for the public to comment. The proposed actions are intended to prevent alternating current system failures, which, if not detected and corrected, could result in damage to the airplane navigational systems.

DATES: Comments must be received on or before April 14, 1995.

ADDRESSES: Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-CE-67-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; telephone (44-292) 79888; facsimile (44-292) 79703; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029; telephone (703) 406-1161; facsimile (703) 406-1469. This

information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond A. Stoer, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium; telephone (322) 513.3830; facsimile (322) 230.6899; or Mr. John P. Dow, Sr., Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; facsimile (816) 426-2169.

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 should 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 that summarizes 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 No. 90-CE-67-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, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-CE-67-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

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

apply to certain JAL Jetstream Models 3101 and 3201 airplanes was published in the **Federal Register** on March 30, 1992 (57 FR 10747). The action proposed to supersede AD 90-13-12 with a new AD that would (1) retain the requirements of modifying the airplane electrical system and revising the emergency procedures section of the AFM required by AD 90-13-12; and (2) require these modification and revisions only for those airplanes that have not installed modified inverters, P/N 1B350-1B1-3, in accordance with the instructions in Jetstream Service Bulletin (SB) 24-JM 7740, dated November 15, 1990, and have not restored the inverter transfer function in accordance with the instructions in Jetstream SB 24-JA 900941, dated November 14, 1990; or Jetstream SB 24-JA 900941, Revision 1, dated February 18, 1992. The proposed airplane electrical modifications would be accomplished in accordance with Jetstream Alert Service Bulletin (ASB) 24-A-JA 900443, Revision 1, dated May 1, 1990; and Jetstream ASB 24-A-JM 7708, Revision 1, dated May 22, 1990.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

Since publication of the proposal, the FAA has re-examined various service difficulty reports on the affected airplanes, and determined that the proposed modification is still a valid safety issue, but is not considered an urgent safety of flight issue. Since sufficient time has passed (more than 12 months) since the issuance of the original proposal, the FAA is reopening the comment period to provide additional time for public comment.

The FAA estimates that 180 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 10 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$108,000. This figure is based on the assumption that no affected owner/operator has accomplished the required modification.

Since AD 90-13-12, which would be superseded by this action, required the same actions (except for a limit in the airplane applicability), there is no additional cost of this AD on U.S. operators. The \$28,800 cost difference between this AD (estimated \$108,000) and superseded AD 90-04-04

(estimated \$79,200) is a result of inflationary costs used in determining the costs of labor (\$60 per hour as opposed to \$40 per hour).

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 action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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 has been placed 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 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 90-13-12, Amendment 39-6629 (55 FR 23890, June 13, 1990), and adding a new AD to read as follows:

Jetstream Aircraft Limited: Docket No. 90-CE-67-AD.

Applicability: Jetstream Models 3101 and 3201 airplanes (serial numbers 697 through 904), certificated in any category, that have not accomplished the following:

1. Installed two modified inverters, part number (P/N) 1B350-1B1-3, in accordance with the instructions in Jetstream Service

Bulletin (SB) 24-JM 7740, dated November 15, 1990; and

2. Restored the inverter transfer function in accordance with the instructions in Jetstream SB 24-JA 900941, dated November 14, 1990; or Jetstream SB 24-JA 900941, Revision 1, dated February 18, 1992. Compliance: Required as indicated, unless already accomplished (compliance with superseded AD 90-13-12).

To prevent alternating current system failures, which, if not detected and corrected, could result in damage to the airplane navigational systems, accomplish the following:

(a) Within the next 50 hours time-in-service (TIS) after the effective date of this AD, modify the airplane electrical system and revise the emergency procedures section of the airplane flight manual in accordance with the instructions in Jetstream Alert Service Bulletin (ASB) 24-A-JA 900443, Revision 2, dated November 15, 1990, Section 2, ACCOMPLISHMENT INSTRUCTIONS; and APPENDIX C.

(b) Within the next 100 hours TIS after the effective date of this AD, modify the airplane electrical system in accordance with the instructions in Jetstream ASB 24-A-JM 7708, Revision 1, dated May 22, 1990, and revise the emergency procedures section of the airplane flight manual in accordance with the instructions in Jetstream ASB 24-A-JA 900443, Revision 2, dated November 15, 1990, APPENDIX C; or whichever of the following Advance Amendment Bulletins (AAB) is applicable:

Model	Publication
3101	AFM HP.4.10, Jetstream AAB number 6 with at least issue 1 status; and AFM HP.4.10, Jetstream AAB number 4 with at least issue 2 status.
3201	AFM HP.4.16, Jetstream AAB number 2 with at least issue 2 status, and removal of Jetstream AAB number 2, issue 1.

Note 1: Compliance with a previous revision level of the service bulletins referenced in this AD fulfills the applicable requirements of this AD and is considered "unless already accomplished".

(c) Replacement of both inverters, P/N 1B350-1B1-2, with modified inverters P/N 1B350-1B1-3 in accordance with the "ACCOMPLISHMENT INSTRUCTIONS" section of Jetstream SB 24-JM 7740, dated November 15, 1990, and restoration of the inverter transfer function in accordance with Jetstream ASB 24-JA 900941, dated November 14, 1990; or Jetstream ASB 24-JA 900941, Revision 1, dated February 18, 1992, is considered terminating action for the requirements of this AD.

(d) Special flight permits may be issued in accordance with §§ 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) An alternative method of compliance or adjustment of the compliance times that

provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office ACO, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels ACO.

(f) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; telephone (44-292) 79888; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) This amendment supersedes AD 90-13-12, Amendment 39-6629.

Issued in Kansas City, Missouri, on February 6, 1995.

Michael K. Dahl,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-3361 Filed 2-9-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 94-NM-70-AD]

Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes and Model KC-10A (Military) 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 all McDonnell Douglas Model DC-10 series airplanes and Model KC-10A (military) airplanes. That action would have required modification of the fuel crossfeed dump shutoff system. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has determined that other means are in place that adequately address the unsafe condition. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Ray Vakili, Aerospace Engineer, Propulsion Branch, ANM-141L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5262; fax (310) 627-5210.

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 all McDonnell Douglas Model DC-10 series airplanes and Model KC-10A (military) airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on July 27, 1994 (59 FR 38141). The proposed rule would have required modification of the fuel crossfeed dump shutoff system. That action was prompted by an FAA determination that, in the event of a failure of the number 2 bus tie relay and subsequent loss of the electrical power source of the number 2 engine, an all-engine flameout event could occur due to fuel starvation during or shortly after a fuel dumping operation. The proposed actions were intended to prevent loss of the fuel crossfeed dump shutoff system due to a failure of the number 2 DC bus electrical relay and subsequent loss of the electrical power source of the number 2 engine.

Interested persons have been afforded an opportunity to comment on the proposal. Due consideration has been given to the comments received.

The majority of commenters request that the proposed rule be withdrawn for several reasons:

First, the commenters reference AD 92-22-06, amendment 39-8392 (57 FR 47570, October 19, 1992), applicable to Model MD-11 and DC-10 series airplanes and Model KC-10A (military) airplanes, which was cited in the preamble to the notice. That AD requires revising the Airplane Flight Manual (AFM) to include information to specify that electrical malfunctions may render the automatic fuel dump termination feature inoperative. That AD was prompted by an incident in which the fuel crossfeed dump shutoff system became inoperative, and fuel was dumped below the minimum allowable level. The commenters point out that the event that prompted the issuance of that AD occurred on a Model MD-11 airplane, not a Model DC-10 series airplane. Because the design of the fuel shutoff system of the Model DC-10 is similar to that of the Model MD-11, the FAA concluded that the potential unsafe condition could exist with regard to those airplanes; however, there was no service history relevant to the Model DC-10.

Second, the commenters indicate that the proposed modification of the fuel crossfeed dump shutoff system, which is described in McDonnell Douglas DC-10 Service Bulletin 28-208, would do nothing more than add a third level of redundancy to the crossfeed low level

shutoff relay. In fact, the manufacturer, in its comments to the proposal, calls this modification merely "a design enhancement" to the automatic shut-off features of the fuel dump system; the manufacturer does not consider that an AD to mandate the modification is justified.

Third, the commenters consider that the Model DC-10 already has adequate redundancy present by means of a third crew member (the flight engineer), who has specific required duties to monitor fuel quantity and associated fault indication systems during fuel dump operations. The commenters consider that, with this additional crew member in the cockpit directly managing the fuel dumping process, there is adequate protection against dumping fuel below the minimum level. The commenters also point out that, even though AD 94-07-07 [amendment 39-8865 (59 FR 15853, April 5, 1994)] mandated a similar modification of the Model MD-11, those airplanes are operated by a two-man crew and, therefore, do not have the same level of redundancy as the Model DC-10 with its three-man crew.

For these reasons, the commenters contend that mandatory modification in accordance with the requirements of the proposed rule is not justified for Model DC-10 series airplanes.

Upon further consideration, the FAA concurs. The FAA has reviewed the service history of Model DC-10 series airplanes with regard to the fuel crossfeed dump shutoff system and finds that the unsafe condition previously specified in the proposal is addressed adequately by:

1. the current AFM revisions required by AD 92-22-06, and
2. the flight engineer having specific duties associated with monitoring minimum fuel during dumping operations.

Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this notice of proposed rulemaking 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.