

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 amendment 39-8970 (59 FR 35240, July 11, 1994), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 94-NM-251-AD. Supersedes AD 94-14-21, Amendment 39-8970.

Applicability: Model 747-400 series airplanes having line numbers 696 through 1036 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 use the authority provided in paragraph (d) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

Note 2: Paragraph (a) of this AD merely restates the requirements of paragraph (a) of AD 94-14-21, amendment 39-8970. As allowed by the phrase, "unless accomplished previously," if those requirements of AD 94-14-21 have already been accomplished, this AD does not require that those actions be repeated.

To prevent the possibility of an all-flaps-up landing due to the loss of control of flap operations, accomplish the following:

(a) For airplanes having serial numbers 696 through 1019 inclusive, and 1021 through 1026 inclusive: Within 30 days after August 10, 1994 (the effective date of AD 94-14-21, amendment 39-8970), revise the input wiring for the flap control unit (FCU) in accordance with Boeing Service Bulletin 747-27A2346, Revision 1, dated May 19, 1994, or Revision 2, dated January 12, 1995.

(b) For airplanes having serial numbers 1020, and 1027 through 1036 inclusive:

Within 30 days after the effective date of this AD, revise the input wiring for the FCU in accordance with Boeing Service Bulletin 747-27A2346, Revision 2, dated January 12, 1995.

(c) For airplanes having serial numbers 696 through 1036 inclusive: Within 120 days after the effective date of this AD, perform the additional systems test for the wiring of the trailing edge flap in accordance with Boeing Service Bulletin 747-27A2346, Revision 2, dated January 12, 1995.

(d) 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 Aircraft 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(e) 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 February 9, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-3752 Filed 2-14-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 94-NM-218-AD]

Airworthiness Directives; Jetstream Aircraft Limited Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to revise an existing airworthiness directive (AD), applicable to all Jetstream Model 4101 airplanes, that currently requires modification of the mounting structure of the elevator controls on the rear pressure bulkhead. That proposal was prompted by results of a structural analysis which indicate that certain structure in the elevator control system may be subject to deformation when maximum load is exerted by the pilot(s) in the event of a jam in the elevator control cables. This action would limit the applicability of the rule. The actions specified by the proposed AD are intended to prevent reduced controllability of the airplane due to structural deformation in the elevator control system.

DATES: Comments must be received by March 27, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-218-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 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.

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) 227-1320.

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 94-NM-218-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. 94-NM-218-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On June 23, 1994, the FAA issued AD 94-14-07, amendment 39-8959 (59 FR 35247, July 11, 1994), applicable to all Jetstream Model 4101 airplanes, to require modification of the mounting structure of the elevator controls on the rear pressure bulkhead. That action was prompted by the results of a structural analysis which indicate that certain structure in the elevator control system may be subject to deformation when maximum load is exerted by the pilot(s) in the event of a jam in the elevator control cables. The requirements of that AD are intended to prevent reduced controllability of the airplane due to structural deformation in the elevator control system.

Since the issuance of that AD, Jetstream has issued Revision 1 (dated October 3, 1994) to Service Bulletin J41-53-012-41262A, which was referenced in AD 94-17-04 as the appropriate source of service information. This revision of the service bulletin is essentially the same as the originally issued version, insofar as the modification procedures described. However, Revision 1 has been revised to specify that, if previously installed, a certain modification does not need to be reinstalled. Additionally, the effectivity listing in Revision 1 has been limited to specify only those Model 4101 airplanes on which the modification has not been accomplished. The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, classified Revision 1 as mandatory.

Since AD 94-14-07 currently is applicable to "all" Jetstream Model 4101 airplanes, the FAA finds that the applicability of that AD must be revised to limit it to only airplanes on which the subject modification has not been accomplished. Airplanes that have been modified previously are considered to be in compliance with the existing AD, and are not subject to the unsafe condition addressed by it. In accordance with part 39 of the Federal Aviation Regulations (14 CFR part 39) and Executive Order 12866, the purpose of AD's is to mandate actions to correct unsafe conditions while imposing the least necessary burden on the public. The unsafe condition addressed by this AD action has been found not to exist

with regard to airplanes previously modified; therefore, to make the AD applicable to airplanes on which it has been determined that the unsafe condition does not exist would be contrary to this purpose.

Additionally, the FAA considers that revising the applicability of the existing AD is necessary in order to eliminate any ambiguity regarding whether or not airplanes previously modified would be required to be modified again. -

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.

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, the proposed AD would revise AD 94-14-07 to limit the applicability to airplanes that have not been previously modified in accordance with the requirements of the AD. This proposed revision would continue to require modification of the mounting structure of the elevator controls on the rear pressure bulkhead on airplanes not previously modified.

The FAA estimates that 8 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 17 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$8,160, or \$1,020 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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 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 amendment 39-8959 (59 FR 35247, July 11, 1994), and by adding a new airworthiness directive (AD), to read as follows:

Jetstream Aircraft Limited: Docket 94-NM-218-AD. Revises AD 94-14-07, Amendment 39-8959.

Applicability: Model 4101 airplanes, as listed in Jetstream Service Bulletin J41-53-012-41262A, Revision 1, dated October 3, 1994, 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 use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration

eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced controllability of the airplane due to structural deformation in the elevator control system, accomplish the following:

(a) Within 6 months after August 10, 1994 (the effective date of AD 94-14-07, amendment 39-8959), modify the mounting structure of the elevator controls on the rear pressure bulkhead, in accordance with Jetstream Service Bulletin J41-53-012, dated November 30, 1993, or Revision 1, dated October 3, 1994.

(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, 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. Issued in Renton, Washington, on February 9, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 95-3753 Filed 2-14-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 91-NM-195-AD]

Airworthiness Directives; Boeing Model 747-400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed to supersede an existing airworthiness directive (AD), applicable to certain Boeing Model 747-400 series airplanes. That action would have required the modification of certain distance measuring equipment (DME), which would terminate a previously required limitation of the FAA-

approved Airplane Flight Manual (AFM) that prohibits terminal area and enroute area navigation operations under certain conditions. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has issued separate rulemaking that requires installation of the modification proposed in the NPRM. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Pete Skaves, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2795; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to supersede AD 91-12-08, amendment 39-7019 (56 FR 25362, June 4, 1991), applicable to certain Boeing Model 747-400 series airplanes, was published in the **Federal Register** on November 1, 1991 (56 FR 56177). The proposed rule would have required modification of certain distance measuring equipment (DME). Accomplishment of that modification would have constituted terminating action for a previously required limitation of the FAA-approved Airplane Flight Manual (AFM) that prohibits terminal area and enroute area navigation operations under certain conditions. That action was prompted by the development of a design change that would prevent erroneous distance information from being displayed to the flight crew and sent to the flight management computer (FMC). The proposed actions were intended to prevent decreased enroute area navigation (RNAV) accuracy or decreased terminal area navigation capabilities, which may then necessitate missed approaches, the use of alternative means of navigation for approach, or diversion to an alternative airport.

Since the issuance of that NPRM, the FAA issued AD 94-02-02 (59 FR 2519, January 18, 1994), applicable to Rockwell International/Collins Air Transport Division DME-700 Distance Measuring Equipment. (A correction of the rule was published in the **Federal Register** on February 23, 1994 (59 FR 8519)). That AD requires, in part, modification of certain DME units, including those units installed on the Boeing Model 747-400 series airplanes that would have been applicable to the rule proposed by the NPRM.

Since modification of the DME units is now required by AD 94-02-02, the FAA finds that the proposed

requirements of the NPRM are unnecessary, since they would merely duplicate those currently required by AD 94-02-02. Accordingly, the proposed rule is hereby withdrawn.

Additionally, since the modification required by AD 94-02-02 eliminates the need for the AFM limitation required by AD 91-12-08, the FAA is considering rescinding that AD by a separate rulemaking action.

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.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 91-NM-195-AD, published in the **Federal Register** on November 1, 1991 (56 FR 56177), is withdrawn.

Issued in Renton, Washington, on February 9, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 95-3751 Filed 2-14-95; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 876

[Docket No. 94N-0380]

Gastroenterology-Urology Devices; Effective Date of the Requirement for Premarket Approval of the Implanted Mechanical/Hydraulic Urinary Continence Device

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; opportunity to request a change in classification.

SUMMARY: The Food and Drug Administration (FDA) is proposing to require the filing of a premarket approval application (PMA) or a notice