

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 adding the following new airworthiness directive:

British Aerospace Regional Aircraft Limited, Avro International Aerospace Division (Formerly British Aerospace, plc; British Aerospace Commercial Aircraft Limited): Docket 95-NM-27-AD.

Applicability: Model BAe 146-00A, -200A, and -300A airplanes, as listed in British Aerospace Service Bulletin SB.27-77-00955A&C, Revision 2, dated March 10, 1989, 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 uncommanded descent of the airplane and reduced controllability of the airplane, accomplish the following:

(a) Within 60 days after the effective date of this AD, modify the elevator control system of the flight controls in accordance with British Aerospace Service Bulletin SB.27-77-00955A&C, Revision 2, dated March 10, 1989.

(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 §§ 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 April 20, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-10200 Filed 4-25-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 94-NM-161-D]

Airworthiness Directives; British Aerospace BAC 1-11-200 and -400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace BAC 1-11-200 and -400 series airplanes. This proposal would require repetitive radiographic inspections to detect corrosion of the center torque shaft of the wing spoiler, and replacement, if necessary. This proposal is prompted by a report of the wing spoiler failing to retract fully after deployment, which caused the wing to drop significantly. Subsequent investigation revealed that the torque shaft assembly of the wing spoiler had failed, due to severe corrosion. The actions specified by the proposed AD are intended to prevent such failures, which can result in an adverse effect on controllability of the airplane.

DATES: Comments must be received by May 5, 1995.

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

161-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 British Aerospace, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. 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-161-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-161-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

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 all British Aerospace Model BAC 1-11-200 and -400 series airplanes. The CAA advises that it has received a report of a failure of a wing spoiler on one airplane to retract fully after deployment. This failure caused the airplane wing to drop significantly. Subsequent investigation revealed that the center torque shaft of the wing spoiler had failed due to severe corrosion present on the internal surface of the shaft assembly. Such corrosion, if not detected and corrected in a timely manner, could cause the torque shaft to fail and, consequently, cause the airplane wing to drop significantly; this would result in an adverse effect on controllability of the airplane.

British Aerospace has issued Alert Service Bulletin 27-A-PM6007, Issue 1, dated April 10, 1992, which describes procedures for accomplishing repetitive radiographic inspections for corrosion of the center torque shaft of the spoiler on the left and right wing, and replacement of the shaft assembly, if necessary. The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 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 require accomplishment of repetitive radiographic inspections to detect corrosion of the center torque shaft of the wing spoiler, and replacement of the torque shaft assembly, if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may

misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.

The FAA estimates that 31 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 40 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$74,400, or \$2,400 per airplane, per inspection cycle.

Should an operator be required to accomplish the replacement of the torque shaft assembly, it would take approximately 40 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$2,950 per airplane. Based on these figures, the total cost impact of any necessary replacement action is estimated to be \$5,350 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

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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 adding the following new airworthiness directive:

British Aerospace Airbus Limited (Formerly British Aerospace Commercial Aircraft Limited, British Aerospace Aircraft Group): Docket 94-NM-161-AD.

Applicability: All Model BAC 1-11-200 and -400 series airplanes, 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.

To prevent failure of the center torque shaft of the spoiler on the left and right wing, accomplish the following:

(a) Perform a radiographic inspection to detect internal corrosion of the center torque shaft on the left and right wing spoilers, in accordance with the Accomplishment Instructions of British Aerospace BAC 1-11

Alert Service Bulletin 27-A-PM6007, Issue 1, dated April 10, 1992, at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable. If the date of installation of a center torque shaft cannot be determined, the radiographic inspection of that shaft must be accomplished within 9 months after the effective date of this AD.

(1) For the center torque shaft on the left wing spoiler: Inspect within 10 years after the date of installation of that center torque shaft, or within 9 months after the effective date of this AD, whichever occurs later.

(2) For the center torque shaft on the right wing spoiler: Inspect within 10 years after the date of installation of that center torque shaft, or within 9 months after the effective date of this AD, whichever occurs later.

(b) If no internal corrosion is detected, repeat the radiographic inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 4 years.

(c) If any internal surface corrosion is detected, prior to further flight, replace that shaft assembly with either a used serviceable assembly or a new assembly, in accordance with British Aerospace Alert Service Bulletin 27-A-PM6007, Issue 1, dated April 10, 1992. Perform the radiographic inspection in accordance with that service bulletin at the applicable time specified in paragraph (c)(1) or (c)(2) of this AD.

(1) If a new shaft assembly is installed: Perform the inspection within 10 years after installation. Thereafter, repeat the inspection at intervals not to exceed 4 years.

(2) If a used serviceable shaft is installed: Prior to installation, perform an initial radiographic inspection of that shaft in accordance with the service bulletin. Thereafter, repeat the inspection at intervals not to exceed 4 years.

(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, 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.

(e) 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.

Issued in Renton, Washington, on April 20, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-10202 Filed 4-25-95; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

19 CFR Part 210

Notice of Commission Decision Not To Proceed With Proposed Rulemaking Concerning Voting Procedures in Investigations and Related Proceedings on Unfair Practices in Import Trade

AGENCY: International Trade Commission.

ACTION: Notice that a proposed rulemaking will not proceed.

SUMMARY: The Commission will not proceed at this time with the proposed amendment of certain final rules for investigations and related proceedings under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The proposed amendments were intended to do the following: (1) Increase the number of votes required for the Commission to review an initial determination (ID) on a matter other than temporary relief or grant a request for oral argument in connection with such a review; and (2) prescribe the effect of a tie vote concerning post-review disposition of an ID on a matter other than temporary relief.

DATES: April 26, 1995.

FOR FURTHER INFORMATION CONTACT: P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3061. Hearing-impaired individuals can obtain information concerning the proposed rulemaking by contacting the Commission's TDD terminal at 202-205-1810.

SUPPLEMENTARY INFORMATION: On January 19, 1995, the Commission published an advance notice of proposed rulemaking for the final rules to be codified in 19 CFR part 210 concerning investigations and related proceedings under section 337 of the Tariff Act. 60 FR 3785 (Jan. 19, 1995). The notice solicited written comments on whether the Commission should do the following:

1. Amend final rule 210.43(d)(3) to provide that the Commission will review an ID on a matter other than temporary relief when at least one-half of the participating Commissioners vote in favor of a review;

2. Amend final rule 210.45(a) to provide that the Commission will grant a request for oral argument in connection with review of an ID on a matter other than temporary relief when at least one-half of the participating Commissioners vote in favor of such argument; and/or

3. Amend final rule 210.45(c), without statutory changes, to state what effect a tie-vote will have on the Commission's

disposition of an ID on a matter other than temporary relief—e.g., that a tie vote on the disposition of an ID after a review will constitute an affirmance of the ID.

Comments were filed by the American Bar Association's Section of International Law and Practice, the Customs and International Trade Bar Association, and the International Trade Commission Trial Lawyers Association. For the most part, the commenters advocated alternative amendments or retention of the existing rule or practice in response to the questions of whether the Commission should amend rules 210.43(d) and 210.45(a) as described in the advance notice. The commenters that addressed final rule 210.45(c) were evenly divided on whether the Commission should amend that rule as described in the advance notice.

A majority of the Commission has determined not to proceed with the proposed amendment of final rules 210.43(d) and 210.45(a) at this time. A majority of the Commission also has determined not to proceed with the proposed amendment of final rule 210.45(c) at this time.

Dated: April 21, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-10257 Filed 4-25-95; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01-95-036]

Special Local Regulation: Whatever Festival Hydroplanes, Kennebec River, Augusta, ME

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent special local regulation for a racing event called the Whatever Festival Hydroplanes. The race will be held on Saturday, June 24, and Sunday, June 25, 1995, and thereafter annually on the fourth weekend in June in the waters of the Kennebec River, Augusta, ME. This regulation is needed to protect the boating public from the hazards associated with high speed hydroplane racing in confined waters.

DATES: Comments must be received on or before May 24, 1995.

ADDRESSES: Comments should be mailed to Commander(b), First Coast