

**§ 39.13 [Amended]**

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

**Boeing:** Docket 95–NM–26–AD.

*Applicability:* Model 757 series airplanes having line positions 1 through 650 inclusive, and equipped with Sundstrand ram air turbine (RAT)/hydraulic pumps having part number (P/N) 730814 series, serial numbers 0001 through 0735 inclusive; and Model 767 series airplanes having line positions 1 through 565 inclusive, and equipped with Sundstrand RAT/hydraulic pumps having P/N 729548 series, serial numbers 0001 through 0620 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 (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 cracking of the hydraulic pressure transfer tube of the ram air turbine (RAT), which could result in the loss of all center systems hydraulic fluid and the inability of the RAT to pressurize the center hydraulic system, accomplish the following:

(a) Within 24 months after the effective date of this AD, replace the hydraulic pressure transfer tube of the RAT system with a new hose assembly, in accordance with Boeing Alert Service Bulletin 757–29A0046, dated October 6, 1994 (for Model 757 series airplanes); or Boeing Alert Service Bulletin 767–29A0077, dated October 6, 1994 (for Model 767 series airplanes), as applicable.

**Note 2:** Boeing Alert Service Bulletin 757–29A0046 references Sundstrand Service Bulletin 730814–29–11, dated November 3, 1994; and Boeing Alert Service Bulletin 767–29A0077 references Sundstrand Service Bulletin 729548–29–14, dated November 3, 1994; as additional sources of service information for procedures to replace the pressure tube.

**Note 3:** Modification of the hydraulic pressure transfer tube of the RAT system in accordance with Sundstrand Service Bulletin 730814–29–9, Revision 1, dated November 3, 1994 (for Model 757 series airplanes); or Sundstrand Service Bulletin 729548–29–12, Revision 2, dated November 3, 1994 (for Model 767 series airplanes); is considered acceptable for compliance with the

modification requirements of paragraph (a) of this AD.

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

(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 25, 1995.

**James V. Devany,**

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

[FR Doc. 95–10585 Filed 4–28–95; 8:45 am]

**BILLING CODE 4910–13–U**

**14 CFR Part 39**

[Docket No. 94–NM–111–AD]

**Airworthiness Directives; British Aerospace Model Viscount Model 744, 745D, and 810 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 Model Viscount Model 744, 745D, and 810 airplanes. This proposal would require inspections to detect cracking of certain fittings of the tailplane spar, and replacement of the fittings with serviceable parts, if necessary. This proposal is prompted by reports of fatigue cracking of certain fittings in the tailplane spar. The actions specified by the proposed AD are intended to prevent such cracking, which could result in structural degradation of the attachment of the horizontal stabilizer to the fuselage. **DATES:** Comments must be received by June 12, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–111–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 Regional Aircraft Ltd., Engineering Support Manager, Military Business Unit, Chadderton Works, Greengate, Middleton, Manchester M24 1SA, 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–111–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–111–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 Viscount Model 744, 745D, and 810 airplanes. The CAA advises that it has received reports of fatigue cracking of certain attach fittings of the tailplane spar on these airplanes. The cracking was found in the top fitting of the tailplane spar at the junction of the chamfer and the innermost hole of the bolt group through the top flange. Such fatigue cracking, if not detected and corrected in a timely manner, could result in structural degradation of the attachment of the horizontal stabilizer to the fuselage.

British Aerospace has issued Alert Preliminary Technical Leaflet (PTL) 264, Issue 3, dated September 1, 1992 (for Model Viscount 744 and 745D airplanes), and Alert PTL 127, Issue 3, dated June 1, 1992 (for Model Viscount 810 airplanes). These Alert PTL's describe procedures for performing repetitive high frequency eddy current (HFEC) inspections to detect cracking of the bolt holes on the top fittings of the tailplane spar, and replacement of cracked fittings with serviceable parts. The CAA classified these Alert PTL's as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

These airplane models are manufactured in the United Kingdom and are 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 repetitive HFEC inspections to detect cracking of certain fittings of the tailplane spar, and replacement of the fittings with serviceable parts, if necessary. The actions would be required to be accomplished in accordance with the Alert PTL's described previously.

Operators should note that the proposed compliance time for the initial inspection of the fittings on Model Viscount 810 airplanes is shorter than that proposed for the Model Viscount 744 and 745D airplanes because the fittings on Model Viscount 810 airplanes are of a different configuration. The fittings on Model Viscount 810 airplanes are loaded to higher stress levels, which makes them more susceptible to fatigue cracking than the fittings on the Model Viscount 744 and 745D airplanes.

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 long-standing requirement.

The FAA estimates that 29 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 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 \$6,960, or \$240 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 adding the following new airworthiness directive:

**British Aerospace Regional Aircraft Limited (Formerly British Aerospace Commercial Aircraft Limited, Vickers-Armstrongs Aircraft Limited):** Docket 94-M-111-AD.

*Applicability:* All Model Viscount 744, 745D, and 810 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 structural degradation of the attachment of the horizontal stabilizer to the fuselage, accomplish the following:

(a) For Model Viscount 744 and 745D airplanes: Within 3,000 landings or 3 years after the effective date of this AD, whichever occurs first, perform a high frequency eddy current (HFEC) inspection to detect cracking of the bolt holes on the top fittings of the root joint of the tailplane spar, in accordance with British Aerospace Alert Preliminary Technical Leaflet (PTL) 264, Issue 3, dated September 1, 1992. Repeat the inspection thereafter at intervals not to exceed 3,000 landings or 3 years, whichever occurs first.

(b) For Model Viscount 810 airplanes: Within 1,000 landings or 1 year after the effective date of this AD, whichever occurs first, perform an HFEC inspection to detect cracking of the bolt holes on the top fittings of the root joint of the tailplane spar, in accordance with British Aerospace Alert PTL 127, Issue 3, dated June 1, 1992. Repeat the inspection thereafter at intervals not to exceed 3,000 landings or 3 years, whichever occurs first.

(c) If any cracking is found during the inspections required by paragraph (a) or (b) of this AD, prior to further flight, replace the cracked fitting with a serviceable part, in accordance with British Aerospace Alert PTL 264, Issue 3, dated September 1, 1992 (for Model 744 and 745D airplanes), or Alert PTL 127, Issue 3, dated June 1, 1992 (for Model 810 airplanes); as applicable.

(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 25, 1995.

**James V. Devany,**

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

[FR Doc. 95-10587 Filed 4-28-95; 8:45 am]

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Public and Indian Housing

#### 24 CFR Ch. IX

[Docket No. N-95-3858; FR-3647-N-04]

RIN 2577-AB44

#### Vacancy Rule: Notice of Cancellation of Third Meeting of Negotiated Rulemaking Advisory Committee

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice of cancellation of meeting.

**SUMMARY:** The Department has established a Negotiated Rulemaking Advisory Committee to discuss and negotiate a proposed rule that would change the current method of determining the payment of operating subsidies to vacant public housing units. The Committee met in March and April 1995, after publishing notices of these meetings. This notice announces that a third meeting that had been scheduled for May 2 and 3, 1995, has been cancelled, pending a determination by the Committee of whether an additional meeting is necessary.

**FOR FURTHER INFORMATION CONTACT:** John T. Comerford, Director, Financial Management Division, Public and Indian Housing, Room 4212, Department of Housing and Urban Development, 431 Seventh Street, SW, Washington, DC 20410-0500; telephone (202) 708-1872, or (202) 708-0850 (TDD). (These telephone numbers are not toll-free.)

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 24, 1995 (60 FR 10339), the Department published a notice of establishment of a Negotiated Rulemaking Advisory Committee to discuss and negotiate a proposed rule that would change the current method of determining the payment of operating subsidies to vacant public housing units. The February 24 notice also announced the first meeting of this committee, which was held on March 7-9, 1995, in Washington, DC.

On March 20, 1995 (60 FR 14707), the Department published a notice of the second and third meetings of the committee, to be held in April and May 1995. The second meeting was held on April 4 and 5, 1995, as scheduled; however, at the April meeting the

committee determined that it would not meet on the dates announced for May 1995. If an additional meeting is necessary to ensure consensus by the committee, an announcement of the rescheduled meeting will be published in the **Federal Register**.

**Authority:** 42 U.S.C. 1437g, 3635(d).

Dated: April 26, 1995.

**Joseph Shuldiner,**

*Assistant Secretary for Public and Indian Housing.*

[FR Doc. 95-10666 Filed 4-27-95; 9:26 am]

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## OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

### 29 CFR Part 2200

#### Rules of Procedure

**AGENCY:** Occupational Safety and Health Review Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Occupational Safety and Health Review Commission proposes to revise its rules governing simplified proceedings and to institute a pilot E-Z Trial program. This program would be instituted on a limited basis for a one year trial period. After the trial period, the Commission would evaluate the results and determine whether it should continue the E-Z Trial program and, if so, what modifications should be made. As the name implies, E-Z Trial would simplify and accelerate the adjudicative process for cases that warrant a less formal, less expensive process. The most significant change to the rules would strengthen the role of Commission judges in determining whether a case is tried under simplified proceedings. The Commission has concluded that the current underutilization of simplified proceedings could be remedied through a mechanism by which the Chief Administrative Law Judge or the judge assigned to an individual case could unilaterally direct that a case be tried under simplified proceedings. Thus, under the E-Z Trial program, the Commission's Chief Judge would have the authority to determine whether a case would proceed by either conventional proceedings or the E-Z Trial program. This should result in greater use of simplified proceedings while preserving the use of conventional proceedings where needed. E-Z Trial should reduce the time and expense of litigation in such cases. However, the presiding judge may discontinue E-Z Trial proceedings and reinstate conventional procedures if the