# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### 8 CFR Part 235

**[INS No. 1698–95]**

**RIN 1115–AD98**

### Preinspection Services for Aircraft, Vessels, and Trains Outside the United States

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Proposed rule.

**SUMMARY:** This rule proposes to amend the Immigration and Naturalization Service's (the Service) regulations by expanding the Service's preinspection program to permit preinspection of passengers coming from places other than foreign contiguous territory and adjacent islands. This proposed rule would also permit the preinspection of railroad passengers. These proposed actions will facilitate travel to the United States.

**DATES:** Written comments must be submitted on or before June 19, 1995.

**ADDRESSES:** Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper handling please reference INS number 1698–95 on your correspondence.

**FOR FURTHER INFORMATION CONTACT:** Una Brien, Assistant Chief Inspector, Office of Inspections, 425 I Street, NW., Room 7228, Washington, DC 20536, telephone (202) 514–2681.

**SUPPLEMENTARY INFORMATION:**

Preinspection is the procedure whereby the Service conducts, in the host country, inspection of passengers and crewmembers as required by United States immigration and public health laws and regulations for entry into the United States. First established at Toronto, Canada, in 1952, preinspection services are currently provided at 10 different sites. However, current regulations only address preinspection of aircraft and vessels in contiguous territory and adjacent islands (8 CFR part 235.5). This proposed rule would amend current regulations by allowing preinspection in any foreign territory, not just contiguous territory and adjacent islands. This proposed rule also provides for the preinspection of passengers on trains. Since the scope of this rule is primarily administrative in nature, and because these proposed changes will provide a benefit to both the travelling public and the travel industry, the Service would like to implement the program as expeditiously as possible. Therefore, the comment period has been limited to 30 days.

**Regulatory Flexibility Act**

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. The Service's inspection and examination of persons in order to determine their admissibility to the United States is required by statute. Preinspection provides inspectional services in foreign airports outside the United States, is instituted at the request of the host government, and is considered a benefit because it facilitates passengers' admission into the United States.

**Executive Order 12866**

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

**Executive Order 12612**

The regulations adopted herein will 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 rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Executive Order 12606**

The Commissioner of the Immigration and Naturalization Service, certifies that she has assessed this rule in light of the criteria in Executive Order 12606 and has determined that this regulation will not have an impact on family well-being.

**List of Subjects in 8 CFR Part 235**

Administrative practice and procedures, Air carriers, Aliens, Immigration, Reporting and record keeping requirements.

Accordingly, part 235 of chapter I of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

## PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

1. The authority citation for part 235 continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252.

2. In § 235.5, paragraph (b) is revised to read as follows:

**§ 235.5 Preinspection.**

* * * * *

(b) *In Foreign territory.* In the case of any aircraft, vessel, or train proceeding directly, without stopping, from a port or place in foreign territory to a Port-of-Entry in the United States, the examination and inspection of passengers and crew required by the Act and final determination of admissibility may be made immediately prior to such departure at the port or place in foreign territory and shall have the same effect under the Act as though made at the destined Port-of-Entry in the United States.

Dated: April 10, 1995.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 95–12271 Filed 5–17–95; 8:45 am]

**BILLING CODE 4410–10–M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. 94–NM–71–AD]**

## Airworthiness Directives; Boeing Model 757 Series Airplanes Equipped with Rolls Royce Engines

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Supplemental notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This document revises an earlier proposed airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, that would have required inspection of certain fuse pins, and replacement of certain fuse pins with certain other fuse pins. That proposal was prompted by the development of new corrosion-resistant steel fuse pins. This action revises the proposed rule by including requirements for inspections of refinished straight fuse pins, and replacement of cracked refinished straight fuse pins with certain other straight fuse pins. The actions specified by this proposed AD are intended to prevent cracking of the midspar fuse pins, which may lead to separation of the strut and engine from the wing of the airplane.

**DATES:** Comments must be received by June 9, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–71–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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Carrie Sumner, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2778; fax (206) 227–1181.

**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–71–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–71–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

### Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on August 9, 1994 (59 FR 40488). That NPRM would have superseded AD 93–16–08, amendment 39–8665 (58 FR 45041, August 26, 1993), to require inspection of straight fuse pins, replacement of cracked straight fuse pins with either new 15–5PH corrosion-resistant steel fuse pins or like pins, replacement of bulkhead fuse pins with new 15–5PH corrosion-resistant steel fuse pins, and repetitive inspections of newly installed fuse pins. Installation of the new 15–5PH corrosion-resistant steel fuse pins would allow a longer interval for repetitive inspection than was previously provided by AD 93–16–08. That NPRM was prompted by the development of new 15–5PH corrosion-resistant steel fuse pins. Cracking of the midspar fuse pins, if not detected and corrected in a timely manner, could result in separation of the strut and engine from the wing of the airplane.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter requests that the proposal be revised to include repetitive inspections of refinished straight fuse pins. The commenter asserts that these pins should be inspected repetitively until cracking is found, at which time they should be replaced with the new 15–5PH fuse pins. The FAA concurs. The FAA's intent was to continue the requirements of AD 93–16–08 to inspect repetitively currently installed refinished straight fuse pins. However, this requirement was inadvertently excluded; therefore, a new paragraph (b) has been added to this supplemental NPRM.

[All paragraphs subsequent to paragraph (b) have been redesignated in this supplemental NPRM to accommodate the new paragraph (b); see discussion, above.]

One commenter requests that the proposed requirement in paragraph (b) to replace the bulkhead fuse pins within 90 days be extended to 3,000 flight cycles. The commenter notes that there have been no reports of cracking or corrosion on 68 bulkhead fuse pins that had accumulated between 4,500 and 6,000 flight cycles. Further, the commenter states that its suggested 3,000-flight cycle compliance time will not adversely affect safety, since test results indicate that these fuse pins will maintain limit load beyond 5,000 flight cycles after the detection of an initial crack. Additionally, the commenter asserts that the fail-safe capability of the strut on Model 757 series airplanes can withstand full limit load with a total failure (i.e., failure of both shear planes) of the midspar fuse pin. Finally, the commenter points out that the proposed 90-day compliance time is inconsistent with that of a similar AD that requires inspections/replacement of the bulkhead fuse pins on Model 747 series airplanes.

The FAA concurs. The FAA has reviewed the test data submitted by this commenter and has determined that extending the compliance time of paragraph (c) of the supplemental NPRM to 3,000 flight cycles will not

adversely affect safety. The FAA finds that the strut of Model 757 series airplanes has fail-safe capability and can withstand full limit load, even with total failure of a midspar fuse pin.

Since issuance of the proposal, the FAA has found that the proposed repetitive inspection interval of 3,000 flight cycles for inspection of the new 15–5PH fuse pins may not coincide with operators' regularly scheduled maintenance visits. The FAA finds that extending the compliance time by 500 additional flight cycles will not adversely affect safety, and will allow the modification to be performed at a base during regularly scheduled maintenance where special equipment and trained maintenance personnel will be available if necessary. Therefore, paragraphs (a)(2)(ii), (d)(1), and (d)(2)(ii) of the supplemental notice have been revised to specify a repetitive inspection interval of 3,500 flight cycles for inspection of the new 15–5PH corrosion-resistant steel fuse pins. Additionally, the newly added paragraph (b)(2)(iii) of this supplemental NPRM, specifies a repetitive interval of 3,500 flight cycles for inspection of refinished straight fuse pins. [Paragraph (c) of the proposal has been redesignated as paragraph (d) of this supplemental NPRM; see discussion, above.]

Further, since issuance of the proposal, the FAA has found that Boeing Service Bulletin 757–54A0020, Revision 5, dated March 17, 1994 (which is referenced in the proposal as the appropriate source of service information), does not describe procedures for eddy current inspections of the new 15–5PH corrosion-resistant steel fuse pins. However, that service bulletin does describe eddy current inspection procedures for the old style fuse pins, part number 311N5067–1, and the FAA finds that these procedures are also applicable to the new 15–5PH fuse pins. Therefore, paragraphs (a)(2)(ii), (b)(2)(iii), and (d)(2)(ii) of this supplemental NPRM have been revised to reference the procedures described in the service bulletin to perform the eddy current inspections of the new 15–5PH corrosion-resistant steel fuse pins.

The FAA has reviewed and reconsidered the replacement requirements that were proposed in the original NPRM. The FAA finds that confusion may exist concerning whether straight fuse pins may be replaced independently of the other fuse pin on the same strut when only one fuse pin is cracked. It is not the FAA's intent to require replacement of uncracked fuse pins. However, the FAA has determined that it is unacceptable to mix the types of fuse pins on the same strut, since double shear load of the fuse pin depends upon the type of fuse pin. Therefore, a steel fuse pin having part number (P/N) 311N5067–1 may not be installed on the same strut that has a corrosion-resistant steel (CRES) fuse pin having P/N 311N5217–1 installed on that strut. However, each strut must have fuse pins of the same type, which may differ from fuse pins on another strut. A new paragraph (e) has been added to this supplemental notice to clarify the proposed replacement requirement.

The FAA has recently reviewed the figures it has used over the past several years in calculating the economic impact of AD activity. In order to account for various inflationary costs in the airline industry, the FAA has determined that it is necessary to increase the labor rate used in these calculations from $55 per work hour to $60 per work hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

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 supplemental notice to clarify this long-standing requirement.

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

There are approximately 306 Model 757 series airplanes equipped with Rolls Royce engines of the affected design in the worldwide fleet. The FAA estimates that 119 airplanes of U.S. registry would be affected by this proposed AD.

The inspections that were previously required by AD 93–16–08, and retained in this supplemental proposal take approximately 8 work hours per fuse pin at an average labor rate is $60 per work hour. There are 4 fuse pins per airplane. Based on these figures, the total cost impact of these inspections on U.S. operators is estimated to be $228,480, or $1,920 per airplane, per cycle. However, since the integrity and strength of the new steel fuse pins permit longer inspection intervals, the cost impact for these inspections would actually be lessened because the proposed inspections are not required to be performed as frequently as currently required by AD 93–16–08.

The proposed replacement would take approximately 56 work hours per fuse pin at an average labor rate of $60 per work hour. Required parts would be provided by the manufacturer at no cost to the operator. Based on these figures, the total cost impact of the proposed replacement on U.S. operators is estimated to be $1,599,360, or $13,440 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 FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, most prudent operators would accomplish the required actions even if they were not required to do so by the AD.

A full cost-benefit analysis has not been accomplished for this proposed AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this proposed AD, makes a finding of an unsafe condition, this means that this cost-beneficial level of safety is no longer being achieved and that the proposed actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full

cost-benefit analysis for this proposed AD would be redundant and unnecessary.

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 39–8665 (58 FR 45041, August 26, 1993), and by adding a new airworthiness directive (AD), to read as follows:

**Boeing:** Docket 94–NM–71–AD. Supersedes AD 93–16–08, Amendment 39–8665.

*Applicability:* Model 757 series airplanes equipped with Rolls Royce engines, 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 (f) 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:** Inspections accomplished prior to the effective date of this amendment in accordance with the procedures described in Boeing Service Bulletin 757–54A0020, Revision 4, dated May 27, 1993; Revision 3, dated March 26, 1992; or Revision 2, dated October 31, 1991; are considered acceptable for compliance with the applicable inspection specified in this amendment.

To prevent cracking of the midspar fuse pins, which may lead to separation of the strut and engine from the wing of the airplane, accomplish the following:

(a) For airplanes equipped with straight fuse pins, part number (P/N) 311N5067–1: Prior to the accumulation of 5,000 total flight cycles on the straight fuse pin, perform an eddy current inspection to detect cracking in those fuse pins, in accordance with Boeing Service Bulletin 757–54A0020, Revision 5, dated March 17, 1994.

(1) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 1,500 flight cycles on the straight fuse pin.

(2) If any cracking is detected, prior to further flight, accomplish the requirements of either paragraph (a)(2)(i) or (a)(2)(ii) of this AD.

(i) Replace the cracked straight fuse pin with a new straight fuse pin, P/N 311N5067–1, and prior to the accumulation of 5,000 total flight cycles on the newly installed straight fuse pin, perform an eddy current inspection, in accordance with the service bulletin. Repeat the inspection thereafter at intervals not to exceed 1,500 flight cycles on the newly installed straight fuse pin. Or

(ii) Replace the cracked straight fuse pin with a new 15–5PH fuse pin, P/N 311N5217–1, and prior to the accumulation of 14,000 total flight cycles on the newly installed 15–5PH fuse pin, perform an eddy current inspection to detect cracking in the newly installed pin, in accordance with the procedures described in the service bulletin. Repeat the inspection thereafter at intervals not to exceed 3,500 flight cycles on the newly installed fuse pin.

(b) For airplanes equipped with refinished straight fuse pins, P/N 311N5067–1: Perform an eddy current inspection to detect cracking in those fuse pins at intervals not to exceed 1,500 flight cycles on the refinished fuse pins, in accordance with Boeing Service Bulletin 757–54A0020, Revision 5, dated March 17, 1994.

(1) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 1,500 flight cycles on the refinished straight fuse pin.

(2) If any cracking is detected, prior to further flight, accomplish the requirements of paragraph (b)(2)(i), (b)(2)(ii), or (b)(2)(iii) of this AD, in accordance with the service bulletin.

(i) Replace the cracked refinished straight fuse pin with a crack-free refinished straight fuse pin, P/N 311N5067–1, and perform an eddy current inspection to detect cracking in the refinished straight fuse pin at intervals not to exceed 1,500 flight cycles, in accordance with the procedures described in the service bulletin. Or

(ii) Replace the cracked refinished straight fuse pin with a new straight fuse pin, P/N 311N5067–1, and prior to the accumulation of 5,000 total flight cycles on the newly installed straight fuse pin, perform an eddy current inspection, in accordance with the service bulletin. Repeat the inspection thereafter at intervals not to exceed 1,500 flight cycles on the newly installed straight fuse pin. Or

(iii) Replace the cracked refinished straight fuse pin with a new 15–5PH fuse pin, P/N 311N5217–1, and prior to the accumulation of 14,000 total flight cycles on the newly installed 15–5PH fuse pin, perform an eddy current inspection to detect cracking in the newly installed pin, in accordance with the procedures described in the service bulletin. Repeat the inspection thereafter at intervals not to exceed 3,500 flight cycles on the newly installed fuse pin.

(c) For airplanes equipped with bulkhead fuse pins, P/N 311N5211–1: Within 3,000 flight cycles after the effective date of this AD, replace the bulkhead fuse pins with 15–5PH fuse pins, P/N 311N5217–1, in accordance with Boeing Service Bulletin 757–54A0020, Revision 5, dated March 17, 1994, and accomplish the requirements of paragraph (d) of this AD.

(d) For airplanes equipped with 15–5PH fuse pins: Prior to the accumulation of 14,000 total flight cycles on the 15–5PH fuse pins, perform an eddy current inspection to detect cracking in those fuse pins, in accordance with the procedures described in Boeing Service Bulletin 757–54A0020, Revision 5, dated March 17, 1994.

(1) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 3,500 flight cycles on the fuse pin.

(2) If any cracking is detected, accomplish the requirements of paragraphs (d)(2)(i) and (d)(2)(ii) of this AD.

(i) Prior to further flight, replace any cracked 15–5PH fuse pin with a new 15–5PH fuse pin, P/N 311N5217–1, in accordance with the procedures described in the service bulletin. And

(ii) Prior to the accumulation of 14,000 total flight cycles on the newly installed 15–5PH fuse pin, perform an eddy current inspection to detect cracking in the newly installed pin, in accordance with the procedures described in the service bulletin. Repeat the inspection thereafter at intervals not to exceed 3,500 flight cycles on the newly installed fuse pin.

(e) Fuse pins must be of the same type on the same strut. For example, a steel fuse pin

having P/N 311N5067–1 may not be installed on the same strut that has a corrosion-resistant steel (CRES) fuse pin having P/N 311N5217–1 installed on that strut. However, fuse pins on one strut may differ from those on another strut, provided the fuse pins are not of mixed types on the same strut.

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

(g) 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 May 12, 1995.

**Darrell M. Pederson,**

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

[FR Doc. 95–12207 Filed 5–17–95; 8:45 am]

BILLING CODE 4910–13–U

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## 14 CFR Part 39

**[Docket No. 95–NM–18–AD]**

## Airworthiness Directives; Bombardier Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), CL–600–2B16 (CL–601–3A and –3R), and CL–600–2B19 (Regional Jet Series 100) Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Bombardier Model CL–600–1A11, CL–600–2A12, CL–600–2B16, and CL–600–2B19 series airplanes, that currently requires an inspection to detect cracking in the rudder control quadrant; replacement of any cracked quadrant with a new assembly; and retorquing of the castellated nut, as necessary. This action would require a follow-on inspection of certain rudder control quadrants to detect cracks that start at the inside root radius of the spigot; modification of any cracked quadrant; and eventual modification of certain quadrants. This action also would add airplanes to the applicability of the existing AD. This proposal is prompted by the development of a modification, which, when installed, will positively address the identified unsafe condition. The actions specified by the proposed AD are intended to prevent loss of rudder control due to stress corrosion of the rudder control quadrant.

**DATES:** Comments must be received by June 19, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–18–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 Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York.

**FOR FURTHER INFORMATION CONTACT:** Franco Pieri, Aerospace Engineer, Airframe Branch, ANE–172, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7526; fax (516) 568–2716.

**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 95–NM–18–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. 95–NM–18–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

### Discussion

On November 1, 1993, the FAA issued AD 93–22–04, amendment 39–8729 (58 FR 59161, November 8, 1993), which is applicable to certain Bombardier Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), CL–600–2B16 (CL–601–3A and –3R), and CL–600–2B19 (Regional Jet Series 100) series airplanes. That AD requires a one-time ultrasonic or fluorescent penetrant inspection to detect cracking in the rudder control quadrant; replacement of any cracked quadrant with a new assembly; and retorquing of the castellated nut, as necessary. That action was prompted by a report of an in-flight failure of a rudder control quadrant, which resulted from stress corrosion. The requirements of that AD are intended to prevent loss of rudder control.

In the preamble to AD 93–22–04, the FAA indicated that it considered that AD to be interim action, and that further rulemaking action would be considered once final action was identified. Bombardier has now developed a modification that will positively address the unsafe condition described in the AD by providing better resistance of the rudder quadrant against stress corrosion.

Bombardier has issued the following service bulletins, which describe procedures for a one-time ultrasonic inspection of certain rudder control quadrants to detect cracks that start at the inside root radius of the spigot, and modification of any cracked quadrant.

1. Canadair Challenger Service Bulletin No. 600–0637, Revision 1, dated November 15, 1994 (for Model CL–600–1A11 series airplanes);

2. Canadair Challenger Service Bulletin No. 601–0426, Revision 1, dated November 15, 1994 (for Model CL–600–2A12 and –2B16 series airplanes); and