

**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 tube puncture of the ramp/slide evacuation system, which could delay or impede the evacuation of passengers during an emergency, accomplish the following:

(a) Within 36 months after the effective date of this AD, modify the off-wing ramp/slide evacuation systems in accordance with Boeing Service Bulletin 767-25-0218, dated December 15, 1994, and BFGoodrich Service Bulletin 101630/655/656-25-269, dated October 28, 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, Los Angeles 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, Los Angeles ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles 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 May 16, 1995.

**Darrell M. Pederson,**

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

[FR Doc. 95-12442 Filed 5-19-95; 8:45 am]

BILLING CODE 4910-13-U

## 14 CFR Part 39

[Docket No. 95-NM-51-AD]

### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 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 certain EMBRAER Model EMB-120 series airplanes. This proposal would require removal of the upper channel fairings and their shims; and rework of the riveting holes, the aileron sealing canvas (aerodynamic seals), and the protective covers of the trim tab hinge fittings of the aileron and elevator. This proposal is prompted by reports of binding of the aileron due to water freezing between the upper channel fairings and the surface of the leading edge of the aileron. The actions specified by the proposed AD are intended to prevent water from freezing between the upper channel fairings and the surface of the leading edge on the aileron, which could result in binding of the aileron and subsequent reduced controllability of the airplane.

**DATES:** Comments must be received by July 3, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-51-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 Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2-160, College Park, Georgia.

**FOR FURTHER INFORMATION CONTACT:** Linda Haynes, Aerospace Engineer, Propulsion Branch, ACE-117A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7377; fax (404) 305-7348.

#### 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-51-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-51-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB-120 series airplanes. The DAC advises that it has received reports of binding of the aileron on Model EMB-120 series airplanes. In these instances, movement of the aileron was possible, but difficult. All of the airplanes involved were equipped with upper channel fairings (Kevlar strips) on the aileron. Investigation revealed that, when the upper channel fairings are wet and come in contact with a surface of the leading edge of the aileron that is also wet, water can freeze between the two parts. This condition, if not corrected, could result in binding of the aileron and subsequent reduced controllability of the airplane.

EMBRAER has issued Service Bulletin No. 120-57-0021, Change 1, dated September 10, 1993, which describes procedures for removal of the upper channel fairings and their shims; and rework of the riveting holes, the aileron

sealing canvas (aerodynamic seals), and the protective covers of the trim tab hinge fittings of the aileron and elevator. Rework of the aileron sealing canvas involves increasing the gaps between the aileron sealing canvas and the wing fittings, and enlarging the drain hole on the protective covers of the trim tab hinge fittings of the aileron and the elevator. Removal of the fairings and their shims will allow more water to enter the region of the aileron sealing canvas (aerodynamic seals). The DAC classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in Brazil.

This airplane model is manufactured in Brazil 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 DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, 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 removal of the upper channel fairings and their shims; and rework of the riveting holes, the aileron sealing canvas (aerodynamic seals), and the protective covers of the trim tab hinge fittings of the aileron and elevator. 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 long-standing requirement.

The FAA estimates that 263 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 10 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. The cost for required parts would be negligible. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$157,800, or \$600 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:

**Embraer:** Docket 95–NM–51–AD.

*Applicability:* Model EMB–120 series airplanes; as listed in EMBRAER Service Bulletin No. 120–57–0021, Change 1, dated September 10, 1993; 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 (c) 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 binding of the aileron and subsequent reduced controllability of the airplane, accomplish the following:

(a) Within 3,000 hours time-in-service after the effective date of this AD, remove the upper channel fairings and their shims; and rework the riveting holes, the aileron sealing canvas (aerodynamic seals), and the protective covers of the trim tab hinge fittings of the aileron and elevator; in accordance with EMBRAER Service Bulletin No. 120–57–0021, Change 1, dated September 10, 1993.

(b) As of the effective date of this AD, no person shall install any aileron sealing canvas having part number (P/N) 120–08130–001, 120–08131–001, or 120–08132–001, on any airplane unless that canvas has been reworked in accordance with EMBRAER Service Bulletin No. 120–57–0021, Change 1, dated September 10, 1993.

(c) 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, Atlanta Aircraft Certification Office (ACO), FAA, Small 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, Atlanta ACO.

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

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on May 16, 1995.

**Darrell M. Pederson,**

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

[FR Doc. 95-12441 Filed 5-19-95; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 93-ANE-57]

#### **Airworthiness Directives; International Aero Engines AG Model V2500-A1 Engines**

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to International Aero Engines AG Model V2500-A1 engines. That action would have required the installation of damping wires and anti-fret coating on high pressure compressor disks and blades. Since the issuance of the NPRM, the FAA has determined that the probability of an unsafe condition is extremely remote, and that all affected engines in service have been modified as proposed. Accordingly, the proposed rule is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Marc Bouthillier, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7135, fax (617) 238-7199.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to International Aero Engines AG (IAE) Model V2500-A1 engines, was published in the **Federal Register** on December 1, 1993 (58 FR 63307). The proposed rule would have required the installation of damping wires and an anti-fret coating to high pressure compressor (HPC) disks and blades. That action was prompted by seven occurrences of HPC stage 7 and 8 blade failures. The proposed actions were intended to prevent HPC blade failures, which could result in engine inflight shutdowns.

Since the issuance of that notice of proposed rulemaking (NPRM), the FAA has conducted additional airworthiness assessment of the described problem, and has determined that the probability of a hazardous or unsafe condition is extremely remote. This assessment was

conducted in accordance with the guidelines of a continued airworthiness assessment methodology process currently in use.

In addition, the FAA has determined that all affected engines have been modified as proposed. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

#### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

#### **The Withdrawal**

Accordingly, the notice of proposed rulemaking, Docket 93-ANE-57, published in the **Federal Register** on December 1, 1993, (58 FR 63307), is withdrawn.

Issued in Burlington, Massachusetts, on May 15, 1995.

**James C. Jones,**

*Acting Manager, Engine and Propeller  
Directorate, Aircraft Certification Service.*

[FR Doc. 95-12439 Filed 5-19-95; 8:45 am]

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#### **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

##### **Office of the Secretary**

##### **24 CFR Parts 10 and 966**

[Docket No. R-95-1772; FR-3819-P-01]

RIN 2501-AB92

#### **Public Housing Lease and Grievance Procedures**

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Proposed rule.

**SUMMARY:** HUD is proposing to amend its regulations governing eviction from public and Indian housing. If HUD determines that local law requires a pre-eviction due process hearing in court (known as a "due process determination"), a tenant is not entitled to a hearing by the housing authority before eviction for drug-related or other criminal activity. This proposed rule would clarify that HUD is not required

to use notice and comment rulemaking procedures for issuance of a due process determination.

**DATES:** Comments due date: July 21, 1995.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposed rule to the Office of General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-0500. Communications should refer to the above docket number and title and to the specific sections in the regulation. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying during regular business hours at the above address.

#### **FOR FURTHER INFORMATION CONTACT:**

Sherone Ivey, Acting Director, Occupancy Division, Room 4206, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; Telephone numbers (202) 708-0744; (202) 708-0850 (TDD). (These are not toll-free numbers.)

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Issuance of Due Process Determination**

This proposed rule would clarify that HUD is not required to use HUD's notice and comment rulemaking procedures when HUD determines that the law of a jurisdiction requires a due process court hearing before eviction of a public housing tenant.

Under 42 U.S.C. 1437d(k), a housing authority is generally required to provide a tenant with the opportunity for an administrative hearing before the commencement of eviction proceedings in the local landlord-tenant courts. However, the statute and the implementing HUD regulations at 24 CFR part 966 permit the housing authority to bypass the administrative hearing for evictions involving a tenant engaged in certain criminal activity.

Specifically, 24 CFR 966.51 requires that the eviction involve "any drug-related criminal activity" or "[a]ny criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises" of the public housing residents and employees. Furthermore, HUD must first determine that the law of the jurisdiction requires a pre-eviction court hearing that provides the basic elements of due process as further defined by 24 CFR 966.53(c). This determination is known as a "due process determination." (24 CFR 966.51(2)(i)).