

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. 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

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

Fokker: Docket 95-NM-172-AD.

Applicability: Model F28 Mark 0100 airplanes, serial numbers 11244 through 11277 inclusive, 11279, 11281 through 11287 inclusive, and 11289 through 11400 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 (g) of this AD 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 over-pressurization and/or damage to the wing collector tanks, which could result in reduced structural integrity of the wings, accomplish the following:

(a) Within 45 days after the effective date of this AD, perform a one-time measurement during refueling to determine the pressure in each collector tank in accordance with Part 1 of the Accomplishment Instructions of Fokker Service Bulletin SBF100-57-030, dated December 17, 1994.

Note 2: Pressure Limits Categories are defined in Table 2 of Fokker Service Bulletin SBF100-57-030, dated December 17, 1994.

(b) For Pressure Limits Category 1: Within 2 years after the effective date of this AD, modify the four affected top-hat stringers (2.32, 2.33, 2.34, and 2.35) in each outer wing tank area by removing the restriction blocks, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100-57-029, Revision 1, dated March 23, 1995.

(c) For Pressure Limits Categories 2 through 5: Except as provided by paragraph (d) of this AD, prior to the number of accumulated total flight cycles or within the time specified in Table 1 of Fokker Service Bulletin SBF100-57-030, dated December

17, 1994, whichever occurs earlier, accomplish the requirements of paragraphs (c)(1) and (c)(2) of this AD.

(1) Perform the Non-Destructive Test (NDT) inspections specified in Part 2 of the Accomplishment Instructions of Fokker Service Bulletin SBF100-57-030, dated December 17, 1994, to detect cracking or deformations of the collector tank ribs on each wing at wing stations 1825, 2230, and 2635. These inspections are to be performed in accordance with Fokker Service Bulletin SBF100-57-030, dated December 17, 1994.

(2) Modify the four affected top-hat stringers (2.32, 2.33, 2.34, and 2.35) in each outer wing tank area by removing the restriction blocks, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100-57-029, Revision 1, dated March 23, 1995.

(d) For Pressure Limits Category 6, and for airplanes having pressure limits within the limits specified in Categories 3 through 5 and that have exceeded the number of accumulated total flight cycles specified in Table 1: Within 100 flight cycles, accomplish the requirements of paragraphs (d)(1) and (d)(2) of this AD.

(1) Perform the NDT inspections in accordance with the procedures of Part 2 of the Accomplishment Instructions of Fokker Service Bulletin SBF100-57-030, dated December 17, 1994. The fueling pressure must not exceed 25 pounds per square inch (PSI) during refueling.

(2) Modify the four affected top-hat stringers (2.32, 2.33, 2.34, and 2.35) in each outer wing tank area by removing the restriction blocks, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100-57-029, Revision 1, dated March 23, 1995.

(e) For Pressure Limits Category 7: Prior to further flight following the measurement required by paragraph (a) of this AD, accomplish the requirements of paragraphs (e)(1) and (e)(2) of this AD.

(1) Perform the NDT inspections in accordance with the procedures of Part 2 of the Accomplishment Instructions of Fokker Service Bulletin SBF100-57-030, dated December 17, 1994.

(2) Modify the four affected top-hat stringers (2.32, 2.33, 2.34, and 2.35) in each outer wing tank area by removing the restriction blocks, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100-57-029, Revision 1, dated March 23, 1995.

(f) If any cracking or deformation is detected during any inspection required by this AD, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(g) 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(h) 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 December 13, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-30746 Filed 12-18-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 95-NM-133-AD]

Airworthiness Directives; Jetstream Model 4101 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 Jetstream Model 4101 airplanes. This proposal would require replacement of the flexible cables of the power and condition controls of the engines with new flexible cables. The proposal would also require installation of protective tape on the outside case of these flexible cables, and reidentification of the cables. This proposal is prompted by reports of stiff operation of the power and condition controls of the engines due to heat damage to and moisture contamination of the flexible cable. The actions specified by the proposed AD are intended to prevent heat damage and moisture contamination to the flexible cable, which could result in stiff operation of the power and condition controls and subsequent reduced engine control.

DATES: Comments must be received by January 25, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-133-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from

Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1149.

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-133-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-133-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 certain Jetstream Model 4101 airplanes. The CAA advises that it has

received reports of stiff operation of the power and condition controls of the engines on these airplanes. Investigation revealed that a protective sheath on the flexible cables can become damaged by heat, which allows water to enter the flexible cable. The water may then drain along the flexible cable to the cold area in the leading edge of the wing and freeze. These conditions, if not corrected, could result in stiff operation of the power and condition controls, and subsequent reduced engine control.

Jetstream has issued Service Bulletin J41-76-013, dated May 5, 1995, which describes procedures for checking the aircraft records to determine if any reports of stiff operation in freezing conditions have been recorded. The service bulletin also describes procedures for replacement of the flexible cables of power and condition controls of the engines with new flexible cables. The service bulletin also describes procedures for installation of protective tape on the outside case of the flexible cables of the power and condition controls of the engines, and reidentification of the assembly number of the cable. The service bulletin specifies that both the replacement of the flexible cables and installation of protective tape need to be accomplished on certain airplane, but specifies that only the protective tape installation needs to be accomplished on certain other airplanes. 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, the proposed AD would require replacement of the flexible cables of power and condition controls of the engines with new flexible cables. The proposed AD would also require simultaneous installation of protective tape on the outside case of the new flexible cables of the power and condition controls of the engines, and reidentification of the assembly number

of the cable. The actions would be required to be accomplished in accordance with the procedures contained in the service bulletin described previously.

Operators should note that, unlike the recommendations of the service bulletin, the proposed AD would not require checking the aircraft records to determine if any reports of stiff operation in freezing conditions have been recorded. The FAA finds that the Airplane Maintenance Log is the appropriate source of aircraft records for reports of stiff operation of the power and condition controls. However, operators are not required to retain these records [reference part 121 or 135 of the Federal Aviation Regulations (FAR) (14 CFR 121 or 135)]. Therefore, the FAA has determined that these aircraft records may not be available for review by maintenance personnel if attempting to comply with a requirement to accomplish such a review.

Operators should also note that, unlike the recommendations of the service bulletin, the proposed AD would require that the replacement of the flexible cables and installation of the protective tape be accomplished on *all* affected airplanes. The FAA finds that damage to the flexible cable sheath and subsequent moisture contamination to the flexible cables may still exist or develop even though there have been no previous reports of stiff operation of the power and condition controls. Airplanes with moisture contamination in the flexible cables may not yet have encountered the environmental conditions necessary to freeze the moisture and subsequently cause stiff operation. Therefore, the FAA has determined that accomplishing only the installation of the protective tape on cables (if no stiff operations have been reported) would not eliminate the unsafe condition, since water contamination of the flexible cable may still exist.

The FAA estimates that 25 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 11 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$16,500, or \$660 per airplane.

The 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 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

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

Jetstream Aircraft Limited: Docket 95-NM-133-AD.

Applicability: Model 4101 airplanes on which Jetstream Modification JM41478 or JM41485A has not been installed, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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) of this AD 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 heat damage and moisture contamination to the flexible cable, which could result in stiff operation of the power and condition controls and subsequent reduced engine control, accomplish the following:

(a) Within 6 months after the effective date of this AD, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD, in accordance with Jetstream Service Bulletin J41-76-013, dated May 5, 1995. Both requirements must be accomplished at the same time.

(1) Replace the flexible cables of power and condition controls of the left and right engines with new flexible cables, in accordance with paragraphs 2.B. and 2.C. of the Accomplishment Instructions of the service bulletin; and

(2) Install protective tape on the outside case of the flexible cables of the power and condition controls of the left and right engines; and reidentify the assembly number of the cable; in accordance with paragraph 2.D. of the Accomplishment Instructions of the service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

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

Issued in Renton, Washington, on December 13, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 801, 803, 804, and 897

[Docket No. 95N-0253]

Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products To Protect Children and Adolescents; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule, correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in Federal Register of August 11, 1995 (60 FR 41314). The document proposed new regulations governing the sale and distribution of nicotine-containing cigarettes and smokeless tobacco products to children and adolescents in order to address the serious public health problems caused by the use of and addiction to these products. The agency has identified some proofreading inaccuracies in the references listed in the document. This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Philip L. Chao, Office of Policy (HF-23), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-3380.

In FR Doc. 95-20051 appearing on page 41314 in the Federal Register of Friday, August 11, 1995, the following corrections are made:

1. On page 41316, in Ref. 2, in the second column, in line 2, "pp. 645-649" is corrected to read "pp. 77-81".

2. On page 41316, in the second column, in Ref. 4, in line 4, "pp. 645-649" is corrected to read "pp. 77-81".

3. On page 41316, in Ref. 16, in the third column, in line 2, "p. 32-47" is corrected to read "pp. 31-47".

4. On page 41319, in the third column, in Ref. 5, in line 3, "No. 50" is corrected to read "No. 20".

5. On page 41321, in the first column, in Ref. 76, in line 16, "No. 2" is corrected to read "No. 1".

6. On page 41321, in the first column, in Ref. 83, in lines 6 and 7, "pp. 100, 197" is corrected to read "pp. 100, 197-198".

7. On page 41342, in the third column, in Ref. 41, in line 4, "p. 23" is corrected to read "p. 24".

8. On page 41343, in the first column, in Ref. 67, "pp. 225-226" is corrected to read "pp. 224-226".