

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Compliance Time of This AD

The compliance time for this AD is presented in calendar time instead of hours time-in-service. The fuel filler cap may not seal properly regardless of whether the airplane is in operation. For this reason, the FAA has determined that a calendar time for compliance is the most desirable.

Cost Impact

The FAA estimates that 14 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 3 workhours (average: 4 workhours for seven airplanes and 2 workhours for seven airplanes) per airplane to accomplish the required action, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$2,520.

The above figure is based on the presumption that no owner/operator of the affected airplanes has accomplished the required vent check valve assembly removal. The FAA is aware that seven of the affected airplanes are already in compliance with this AD. With this information in mind, the cost impact upon U.S. operators/owners is reduced by \$1,260 from \$2,520 to \$1,260.

Regulatory Impact

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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final 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, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

97-04-13 Mitsubishi Heavy Industries, Ltd.: Amendment 39-9938; Docket No. 96-CE-45-AD.

Applicability: Models MU-2B, MU-2B-10, MU-2B-15, MU-2B-20, and MU-2B-30 airplanes (serial numbers 004 through 035, 037, 038, 101 through 230, 502 through 525, and 527 through 547), 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 request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 60 calendar days after the effective date of this AD, unless already accomplished.

To prevent the inability of both engines to utilize the entire fuel supply because of the outboard fuel not transferring to the center tank, which could result in an uncommanded engine shutdown, accomplish the following:

(a) Remove the vent check valve assembly in accordance with the instructions in Mitsubishi MU-2 Service Bulletin No. 130A, dated July 19, 1971.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, California 90712. The request shall be forwarded through an appropriate FAA 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.

(d) The removal required by this AD shall be done in accordance with Mitsubishi MU-2 Service Bulletin No. 130A, dated July 19, 1971. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Mitsubishi Heavy Industries, Ltd., Nagoya Aerospace Systems, 10, Oyecho, Minato-Ku, Nagoya, Japan. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39-9938) becomes effective on April 16, 1997. Issued in Kansas City, Missouri, on February 11, 1997.

Henry A. Armstrong,
*Acting Manager, Small Airplane Directorate,
Aircraft Certification Service.*

[FR Doc. 97-3960 Filed 2-18-97; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 96-NM-234-AD; Amendment 39-9929; AD 97-04-05]

RIN 2120-AA64

Airworthiness Directives; Jetstream Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Jetstream Model 4101 airplanes. This action requires a one-time inspection of the airplane records to determine the modification status of the elevator trim servo, and, if necessary, inspections to determine the serial number of the servo, and repetitive inspections for looseness or movement of the motor housing of the servo. This action also requires replacement of certain elevator trim servos with a serviceable assembly. This

amendment is prompted by reports of the motor housing separating from the elevator trim servo and the consequent release of certain component parts, due to inadequate locking of screws that were installed during assembly of the servos. The actions specified in this AD are intended to prevent the motor housing of the elevator trim servo from separating and releasing component parts that could lodge in and jam the elevator controls, and result in reduced pitch control of the airplane.

DATES: Effective March 6, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 6, 1997.

Comments for inclusion in the Rules Docket must be received on or before April 21, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-234-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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: 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 indicating that separation of the motor housing from the elevator trim servo and consequent release of motor gearbox components has occurred on a Jetstream Model 4101 airplane. Investigation revealed that certain elevator trim servo units manufactured by Honeywell were assembled using screws with inadequate locking capability. Certain of these screws fasten the servo motor inner gear casing to the mounting flange and some screws fasten the motor cap/sleeve to the inner gear casing. The inadequate locking of those screws caused the

separation of the motor housing from the servo unit, and resulted in the release of the motor gearbox components. Those released components could lodge in the elevator controls and result in an elevator jam. This condition, if not corrected, could result in reduced control of the primary pitch control of the airplane.

Explanation of Relevant Service Information

Jetstream has issued Alert Service Bulletin J41-A22-008, Revision 1, dated November 21, 1996, which describes the following procedures:

1. A one-time inspection of the airplane records or a visual inspection of the servo to determine if the elevator trim servo is at Modification B standard or greater.

2. For those airplanes on which the elevator trim servo is not at Modification B or greater, the alert service bulletin describes procedures for an inspection of the airplane records or a visual inspection of the elevator trim servo to determine the serial number of the elevator trim servo, procedures for repetitive visual and tactile inspections of the motor housing of the elevator trim servo to determine if the motor housing is loose or moves, and repair of replacement of the elevator trim servo with a serviceable servo, if necessary. Replacement of the servo with a serviceable assembly would eliminate the need for repetitive inspections of the motor housing. The alert service bulletin also describes procedures for replacement of certain servos specified in the alert service bulletin with a servo at Modification B or later standard.

The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 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.

Explanation of Requirements of Rule

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, this AD is being issued to prevent the motor housing of the elevator trim servo from separating from the servo assembly and releasing component parts that could lodge in and jam the elevator control, and result in reduced pitch control of the airplane. This AD requires the following:

1. A one-time inspection of the airplane records or a visual inspection of the servo to determine if the elevator trim servo is at Modification B standard or greater.
2. For those airplanes on which the elevator trim servo is not at Modification B standard or greater, an inspection of the airplane records to determine the serial number of the elevator trim servo, repetitive visual and tactile inspections of the motor housing of the elevator trim servo to determine if the motor housing is loose or moves, and replacement of the elevator trim servo with a serviceable servo, as necessary.

3. Replacement of certain elevator trim servos with a serviceable assembly.

The actions are required to be accomplished in accordance with the alert service bulletin described previously.

Determine of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD

action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96-NM-234-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

97-04-05 Jetstream: Amendment 39-9929.
Docket 96-NM-234-AD.

Applicability: Model 4101 airplanes having serial numbers 41004 through 41090 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 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 request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent separation of the motor housing of the elevator trim servo from the servo body that would allow detachment of component parts that could lodge in and jam the elevator control, and result in reduced control of the primary pitch of the airplane; accomplish the following:

Note 2: Accomplishment of actions required by this AD in accordance with Jetstream Alert Service Bulletin J41-A22-008, dated July 18, 1996, is *not* considered acceptable for compliance with the applicable action specified in this AD.

(a) Within 14 days after the effective date of this AD: Perform either an inspection of the airplane records or a visual inspection of the elevator trim servo, to determine if the elevator trim servo is at Modification B standard or greater, in accordance with Jetstream Alert Service Bulletin J41-A22-008, Revision 1, dated November 21, 1996.

(b) If the inspection required by paragraph (a) of this AD reveals that the elevator trim servo is at Modification B standard or greater: No further action is required by this AD.

(c) If the inspection required by paragraph (a) of this AD reveals that the elevator trim servo is not at Modification B standard or greater: Prior to further flight, perform either an inspection of the airplane records or a visual inspection of the elevator trim servo, to determine if the serial number of the elevator trim servo is specified in paragraph 1.M.(4)(b) of Jetstream Alert Service Bulletin J41-A22-008, Revision 1, dated November 21, 1996; and, regardless of the serial

number, perform both a visual inspection and a tactile inspection of the motor housing of the elevator trim servo to determine if the motor housing is loose or moves, in accordance with the alert service bulletin.

(1) If the motor housing does not move and is not loose, and the elevator trim servo does not have a serial number that is specified in paragraph 1.M.(4)(b) of the alert service bulletin: No further action is required by this AD.

(2) If the motor housing does not move and is not loose, but the elevator trim servo has a serial number that is specified in paragraph 1.M.(4)(b) of the alert service bulletin: Repeat the visual and tactile inspections of the elevator trim servo thereafter at intervals not to exceed 50 hours time-in-service, until the requirements of paragraph (d) of this AD are accomplished.

(3) If the motor housing moves or is loose, regardless of serial number: Prior to further flight, accomplish the requirements of either paragraph (c)(3)(i) or (c)(3)(ii) of this AD:

(i) Secure the elevator trim servo and deactivate the autopilot system, in accordance with Part 3 of the Accomplishment Instructions of the alert service bulletin. Thereafter, repeat the visual and tactile inspections at intervals not to exceed 50 hours time-in-service, until the requirements of paragraph (d) of this AD are accomplished. Or

(ii) Replace the elevator trim servo with an "acceptable replacement" servo, as defined by the "Note" in Paragraph 2., Accomplishment Instructions, of Jetstream Alert Service Bulletin J41-A22-008, Revision 1, dated November 21, 1996. Accomplish the replacement in accordance with Part 4 of the Accomplishment Instructions of the alert service bulletin. Accomplishment of this replacement constitutes terminating action for the repetitive inspections required by this AD.

(d) For airplanes subject to paragraph (c)(2) or (c)(3)(i) of this AD: Within 90 days after the effective date of this AD, replace the elevator trim servo with an "acceptable replacement" servo, as defined by the "Note" in Paragraph 2., Accomplishment Instructions, of Jetstream Alert Service Bulletin J41-A22-008, Revision 1, dated November 21, 1996. Accomplish the replacement in accordance with Part 4 of the Accomplishment Instructions of the alert service bulletin. Accomplishment of this replacement constitutes terminating action for the repetitive inspections required by this AD.

(e) 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. 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.

(f) 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.

(g) The actions shall be done in accordance with Jetstream Alert Service Bulletin J41-A22-008, Revision 1, dated November 21, 1996, which contains the specified list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1-10, 15	1	November 21, 1996.
11-14, 16, 17.	(1)	July 18, 1996.

¹ Original.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C 552(a) and 1 CFR part 51. Copies may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(h) This amendment becomes effective on March 6, 1997.

Issued in Renton, Washington, on February 6, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-3535 Filed 2-18-97; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 96-ANE-42; Amendment 39-9912; AD 97-03-06]

RIN 2120-AA64

Airworthiness Directives; Auxiliary Power International Corporation Model APS3200 Auxiliary Power Units

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Auxiliary Power International Corporation (APIC) Model APS3200 Auxiliary Power Units (APUs). This action requires replacement of the existing Electronic Control Box (ECB), incorporating its On Board Replaceable Module (OBRM) programmed with originally approved software version 2.0.2 or 3.2 with improved software version 4.1, or replacement of the existing OBRM of the ECB programmed with version 2.0.2 or version 3.2 with a new OBRM programmed with software

version 4.1. This amendment is prompted by reports of continued fuel flow to the APU after the APU was commanded to shutdown, resulting in internal APU fires. The actions specified in this AD are intended to prevent internal APU fires due to ECB malfunction, which, if left unnoticed by flight or ground crews, could result in damage to the aircraft.

DATES: Effective March 6, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 6, 1997.

Comments for inclusion in the Rules Docket must be received on or before April 21, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-ANE-42, 12 New England Executive Park, Burlington, MA 01803-5299.

The service information referenced in this AD may be obtained from Auxiliary Power International Corporation (APIC), 4450 Ruffin Rd., P.O. Box 85757, San Diego, CA 92193-9090; telephone (619) 627-6501, fax (619) 627-6502. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Guy Dalla Riva, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712-4137; telephone (310) 627-5248; fax (310) 627-5210.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has received reports of four Auxiliary Power Units (APU) internal fires after shutdown of Auxiliary Power International Corporation (APIC) Model APS3200 APUs. The investigations revealed two possible causes of these fires: first, in three of the events, a software deficiency in the Electronic Control Box (ECB) allowed the APU fuel shut-off valve to remain open; second, in one unconfirmed event, possible fuel system contamination could have kept the valve from closing completely. This AD addresses the ECB software deficiency only. It does not address valve malfunction caused by fuel system contamination.

These ECB malfunctions may result in an internal fire within the APU, in the APU plenum, air intake, and possibly in

the tail of the aircraft. This condition, if not corrected, could result in an internal APU fire due to ECB malfunction, which, if left unnoticed by flight or ground crews, could result in damage to the aircraft.

The FAA has reviewed and approved the technical contents of APIC Service Bulletin (SB) No. 4500001-49-52, dated October 1, 1996, that describes procedures for replacement of the existing On Board Replaceable Module (OBRM) of the ECB incorporating the software versions 2.0.2 or 3.2 with a new OBRM programmed with software version 4.1. This software also commands closing of the aircraft APU firewall fuel shut-off valve in addition to the APU fuel shut-off valve during APU shutdowns.

Since an unsafe condition has been identified that is likely to exist or develop on other APUs of the same type design, this AD is being issued to prevent an APU fire due to ECB malfunction, which could result in damage to the aircraft. This AD requires replacement of the existing APU ECB (incorporating the originally approved software versions 2.0.2 or 3.2) with improved software version 4.1, or installation of an OBRM programmed with software version 4.1 in the ECB prior to 30 days after the effective date of this AD. This calendar end-date is based on parts availability. The actions are required to be accomplished in accordance with the SB described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD