

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-218-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On June 23, 1994, the FAA issued AD 94-14-07, amendment 39-8959 (59 FR 35247, July 11, 1994), applicable to all Jetstream Model 4101 airplanes, to require modification of the mounting structure of the elevator controls on the rear pressure bulkhead. That action was prompted by the results of a structural analysis which indicate that certain structure in the elevator control system may be subject to deformation when maximum load is exerted by the pilot(s) in the event of a jam in the elevator control cables. The requirements of that AD are intended to prevent reduced controllability of the airplane due to structural deformation in the elevator control system.

Since the issuance of that AD, Jetstream has issued Revision 1 (dated October 3, 1994) to Service Bulletin J41-53-012-41262A, which was referenced in AD 94-17-04 as the appropriate source of service information. This revision of the service bulletin is essentially the same as the originally issued version, insofar as the modification procedures described. However, Revision 1 has been revised to specify that, if previously installed, a certain modification does not need to be reinstalled. Additionally, the effectivity listing in Revision 1 has been limited to specify only those Model 4101 airplanes on which the modification has not been accomplished. The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, classified Revision 1 as mandatory.

Since AD 94-14-07 currently is applicable to "all" Jetstream Model 4101 airplanes, the FAA finds that the applicability of that AD must be revised to limit it to only airplanes on which the subject modification has not been accomplished. Airplanes that have been modified previously are considered to be in compliance with the existing AD, and are not subject to the unsafe condition addressed by it. In accordance with part 39 of the Federal Aviation Regulations (14 CFR part 39) and Executive Order 12866, the purpose of AD's is to mandate actions to correct unsafe conditions while imposing the least necessary burden on the public. The unsafe condition addressed by this AD action has been found not to exist

with regard to airplanes previously modified; therefore, to make the AD applicable to airplanes on which it has been determined that the unsafe condition does not exist would be contrary to this purpose.

Additionally, the FAA considers that revising the applicability of the existing AD is necessary in order to eliminate any ambiguity regarding whether or not airplanes previously modified would be required to be modified again. -

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.

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 revise AD 94-14-07 to limit the applicability to airplanes that have not been previously modified in accordance with the requirements of the AD. This proposed revision would continue to require modification of the mounting structure of the elevator controls on the rear pressure bulkhead on airplanes not previously modified.

The FAA estimates that 8 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 17 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 total cost impact of the proposed AD on U.S. operators is estimated to be \$8,160, or \$1,020 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 removing amendment 39-8959 (59 FR 35247, July 11, 1994), and by adding a new airworthiness directive (AD), to read as follows:

Jetstream Aircraft Limited: Docket 94-NM-218-AD. Revises AD 94-14-07, Amendment 39-8959.

Applicability: Model 4101 airplanes, as listed in Jetstream Service Bulletin J41-53-012-41262A, Revision 1, dated October 3, 1994, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration