

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 reduced controllability of the airplane due to structural deformation in the elevator control system, accomplish the following:

(a) Within 6 months after August 10, 1994 (the effective date of AD 94-14-07, amendment 39-8959), modify the mounting structure of the elevator controls on the rear pressure bulkhead, in accordance with Jetstream Service Bulletin J41-53-012, dated November 30, 1993, or Revision 1, dated October 3, 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, 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 February 9, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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14 CFR Part 39

[Docket No. 91-NM-195-AD]

Airworthiness Directives; Boeing Model 747-400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed to supersede an existing airworthiness directive (AD), applicable to certain Boeing Model 747-400 series airplanes. That action would have required the modification of certain distance measuring equipment (DME), which would terminate a previously required limitation of the FAA-

approved Airplane Flight Manual (AFM) that prohibits terminal area and enroute area navigation operations under certain conditions. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has issued separate rulemaking that requires installation of the modification proposed in the NPRM. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Pete Skaves, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2795; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to supersede AD 91-12-08, amendment 39-7019 (56 FR 25362, June 4, 1991), applicable to certain Boeing Model 747-400 series airplanes, was published in the **Federal Register** on November 1, 1991 (56 FR 56177). The proposed rule would have required modification of certain distance measuring equipment (DME). Accomplishment of that modification would have constituted terminating action for a previously required limitation of the FAA-approved Airplane Flight Manual (AFM) that prohibits terminal area and enroute area navigation operations under certain conditions. That action was prompted by the development of a design change that would prevent erroneous distance information from being displayed to the flight crew and sent to the flight management computer (FMC). The proposed actions were intended to prevent decreased enroute area navigation (RNAV) accuracy or decreased terminal area navigation capabilities, which may then necessitate missed approaches, the use of alternative means of navigation for approach, or diversion to an alternative airport.

Since the issuance of that NPRM, the FAA issued AD 94-02-02 (59 FR 2519, January 18, 1994), applicable to Rockwell International/Collins Air Transport Division DME-700 Distance Measuring Equipment. (A correction of the rule was published in the **Federal Register** on February 23, 1994 (59 FR 8519)). That AD requires, in part, modification of certain DME units, including those units installed on the Boeing Model 747-400 series airplanes that would have been applicable to the rule proposed by the NPRM.

Since modification of the DME units is now required by AD 94-02-02, the FAA finds that the proposed

requirements of the NPRM are unnecessary, since they would merely duplicate those currently required by AD 94-02-02. Accordingly, the proposed rule is hereby withdrawn.

Additionally, since the modification required by AD 94-02-02 eliminates the need for the AFM limitation required by AD 91-12-08, the FAA is considering rescinding that AD by a separate rulemaking action.

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 91-NM-195-AD, published in the **Federal Register** on November 1, 1991 (56 FR 56177), is withdrawn.

Issued in Renton, Washington, on February 9, 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 Part 876

[Docket No. 94N-0380]

Gastroenterology-Urology Devices; Effective Date of the Requirement for Premarket Approval of the Implanted Mechanical/Hydraulic Urinary Continence Device

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; opportunity to request a change in classification.

SUMMARY: The Food and Drug Administration (FDA) is proposing to require the filing of a premarket approval application (PMA) or a notice