

Issued in Renton, Washington, on January 23, 1996.

Darrell M. Pederson,  
*Acting Manager, Transport Airplane  
Directorate, Aircraft Certification Service.*  
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BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 95-NM-261-AD; Amendment 39-9475; AD 95-26-17]

#### Airworthiness Directives; de Havilland Model DHC-8-301, -311, and -315 Series 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 de Havilland Model DHC-8-301, -311, and -315 series airplanes. This action requires modification of the airspeed limitations placard and revision of the Airplane Flight Manual to specify operating at lower airspeeds at full flaps. This action also provides for the termination of the requirements of this AD for certain airplanes. This amendment is prompted by a report that incorrect rivets were installed on the outboard flaps assemblies of these airplanes. The actions specified in this AD are intended to prevent structural failure of the outboard flaps of the wings due to the installation of incorrect rivets in the flap assemblies, which could result in reduced controllability of the airplane.

**DATES:** Effective February 27, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 27, 1996.

Comments for inclusion in the Rules Docket must be received on or before April 12, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-261-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario, Canada M3K 1Y5. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office,

Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Franco Pieri, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7526; fax (516) 568-2716.

**SUPPLEMENTARY INFORMATION:** Transport Canada Aviation, which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain de Havilland Model DHC-8-301, -311, and -315 series airplanes. Transport Canada Aviation advises that incorrect rivets were installed during manufacture of the outboard flap assemblies of these airplanes. Investigation revealed that AD rivets were installed on the outboard flaps instead of DD rivets. AD rivets are made of a material that is not as strong as that of DD rivets. This condition, if not corrected, could result in structural failure of the outboard flaps of the wings, and subsequent reduced controllability of the airplane.

The manufacturer has issued de Havilland Service Bulletin S.B. 8-57-24, Revision 'A', dated September 26, 1995, which describes procedures for modification (8/2498) of the airspeed limitations placard to specify a lower airspeed at 35 degrees flaps.

The service bulletin also describes procedures for modification (8/2066) of the outboard flaps, which entails drilling out the AD rivets and installing new DD rivets on Model DHC-8-311 and -315 series airplanes. Following accomplishment of this modification, the service bulletin specifies removal of the airspeed limitations placard (Modification 8/2498). A corrective modification has not yet been developed for Model DHC-8-301 series airplanes.

Transport Canada Aviation classified this service bulletin as mandatory and issued Canadian airworthiness directive CF-95-05R1, dated October 19, 1995, in order to assure the continued airworthiness of these airplanes in Canada. In addition, the Canadian airworthiness directive requires a revision to the Airplane Flight Manual (AFM), which specifies operating at a lower airspeed at full flaps. The Canadian airworthiness directive references DHC-8 Model 301 Flight Manual, PSM 1-83-1A, Flight Manual Revision 57, dated September 26, 1995,

for accomplishment of the AFM revision for Model DHC-8-301 series airplanes.

These airplane models are manufactured in Canada and are 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, Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada Aviation, 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, this AD is being issued to prevent structural failure of the outboard flaps of the wings and subsequent reduced controllability of the airplane. This AD requires modification of the airspeed limitations placard to indicate that the airplane must be flown at reduced airspeed when flying at 35 degrees flaps. This action is required to be accomplished in accordance with the service bulletin described previously.

Additionally, this AD requires a revision to the AFM for all airplanes to include information relative to reducing airspeed at 35 degrees flaps. (The revision for Model DHC-8-301 series airplanes is described in DHC-8 Model 301 Flight Manual, PSM 1-83-1A, Flight Manual Revision 57, dated September 26, 1995.)

For Model DHC-8-311 and -315 series airplanes, this AD also provides for termination of the requirements of the AD by modifying the outboard flaps (installation of Modification 8/2066).

This is considered to be interim action. The FAA is currently considering requiring the accomplishment of Modification 8/2066 on the applicable airplanes, which will constitute terminating action for the requirements of this AD action. However, the planned compliance time for accomplishment of this modification is sufficiently long so that prior notice and time for public comment will be practicable.

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 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 95-NM-261-AD." The postcard will be date stamped and returned to the commenter.

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

#### **§ 39.13 [Amended]**

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

95-26-17 De Havilland, Inc.: Amendment 39-9475. Docket 95-NM-261-AD.

*Applicability:* Model DHC-8-301, -311, and -315 series airplanes; as listed in de Havilland Service Bulletin S.B. 8-57-24, Revision 'A', dated September 26, 1995; 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 (e) 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 structural failure of the outboard flaps of the wings and subsequent reduced controllability of the airplane, accomplish the following:

(a) Within 30 days after the effective date of this AD, accomplish the modification of

the airspeed limitation placards (Modification 8/2498) in accordance with de Havilland Service Bulletin S.B. 8-57-24, Revision 'A', dated September 26, 1995.

(b) Prior to further flight following accomplishment of the modification required by paragraph (a) of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) by accomplishing either paragraph (b)(1) or (b)(2) of this AD, as applicable; and operate the airplane in accordance with those limitations.

(1) For Model DHC-8-301 series airplanes: Include the information specified in DHC-8 Model 301 Flight Manual, PSM 1-83-1A, Flight Manual Revision 57, dated September 26, 1995, which specifies a lower airspeed limitation at full flaps. This may be accomplished by inserting a copy of Flight Manual Revision 57 into the AFM.

(2) For Model DHC-8-311 and -315 series airplanes: Include the following statement in section 2, paragraph 2.4.1.2., of the AFM. This may be accomplished by inserting a copy of this AD in the AFM.

"Flap extended speed (V<sub>FE</sub>): Flaps 35 degrees 130 knots IAS"

(c) For Model DHC-8-311 and -315 series airplanes: Accomplishment of Modification 8/2066 in accordance with de Havilland Service Bulletin S.B. 8-57-24, Revision 'A', dated September 26, 1995, constitutes terminating action for the requirements of this AD. Following accomplishment of Modification 8/2066, the airspeed limitations placard (Modification 8/2498) required by paragraph (a) of this AD and the AFM limitation required by paragraph (b) of this AD may be removed.

(d) As of the effective date of this AD, Modification 8/2498 must be accomplished in accordance with de Havilland Service Bulletin S.B. 8-57-24, Revision 'A', dated September 26, 1995, prior to installation of any outboard flap assembly having a part number and serial number that is listed in de Havilland Service Bulletin S.B. 8-57-24, Revision 'A', dated September 26, 1995.

Note 2: For Model DHC-8-311 and -315 series airplanes: Accomplishment of Modification 8/2066 in accordance with de Havilland Service Bulletin S.B. 8-57-24, Revision 'A', dated September 26, 1995, is considered acceptable for compliance with the requirements of paragraph (d) of 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, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note: 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(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 modifications shall be done in accordance with de Havilland Service Bulletin S.B. 8-57-24, Revision 'A', dated September 26, 1995. The AFM revision may be done in accordance with DHC-8 Model 301 Flight Manual, PSM 1-83-1A, Flight Manual Revision 57, dated September 26, 1995, for Model DHC-8-301 series airplanes. The incorporation by reference of these documents 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 Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario, Canada M3K 1Y5. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on February 27, 1996.

Issued in Renton, Washington, on December 22, 1995.

Darrell M. Pederson,

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

[FR Doc. 96-2951 Filed 2-9-96; 8:45 am]

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#### 14 CFR Part 39

[Docket No. 95-CE-17-AD; Amendment 39-9499; AD 96-03-03]

#### Airworthiness Directives; Fairchild Aircraft SA226 and SA227 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to certain Fairchild Aircraft SA226 and SA227 series airplanes. This action requires replacing the nuts that attach the power control cable to the lever attach point clevis with nuts that have safety wire holes, safety-wiring the power control cable to the lever attach point clevis, inspecting to assure that the power cable is securely attached to the power control cable bracket, and correcting any attachment problems. Reports of power control cable attaching hardware failure on two of the affected airplanes prompted this action. In one of these instances, the power control cable disconnected from the lever attach point clevis, resulting in engine shutdown. The actions specified by this AD are intended to prevent such power control cable disconnection, which

could result in engine shutdown and subsequent loss of control of the airplane.

**DATES:** Effective March 15, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 15, 1996.

**ADDRESSES:** Service information that applies to this AD may be obtained from Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490; telephone (210) 824-9421. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-17-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

Alma Ramirez-Hodge, Aerospace Engineer, FAA, Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone (817) 222-5147; facsimile (817) 222-5959.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Fairchild Aircraft SA226 and SA227 series airplanes was published in the Federal Register on July 19, 1995 (60 FR 37037). The action proposed to require replacing the nuts that attach the power control cable to the lever attach point clevis with nuts that have safety wire holes, safety-wiring the power control cable to the lever attach point clevis, inspecting to assure that the power cable is securely attached to the power control cable bracket, and correcting any attachment problems. Accomplishment of the proposed actions would be in accordance with Fairchild Service Bulletin (SB) 226-76-009; Fairchild SB 227-76-004; or Fairchild SB CC7-76-001, all Issued: January 6, 1995, as applicable.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

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 corrections will not change the meaning of the AD and

will not add any additional burden upon the public than was already proposed.

The FAA estimates that 779 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 4 workhours per airplane to accomplish the required action, and that the average labor rate is approximately \$60 an hour. Parts would consist of common hardware and the cost would vary; however, for the purposes of this AD, a figure of \$20 is used. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$202,540. This figure is based on the assumption that no owner/operator of the affected airplanes has accomplished the required actions. Since parts are obtained locally, the FAA has no readily available means of determining how many owners/operators have incorporated the required actions.

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: