

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:

CASA: Docket 96–NM–89–AD.

*Applicability:* All Model C–212 series airplanes, 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 (d) 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 the settings for the rudder pedals from restricting the flight crew in its ability to move the rudder to its maximum certified deflection, which could result in insufficient deflection and consequent reduction in controllability of the airplane, accomplish the following:

(a) As of the effective date of this AD, prior to each flight, adjust the left and right rudder pedal setting mechanisms in accordance with CASA Flight Operation Instructions COM 212–245, Revision 1, dated November 16, 1993, until the modification required by paragraph (b) of this AD has been accomplished.

(b) Within 6 months after the effective date of this AD, modify the left and right rudder pedal assemblies by installing stops and other parts, in accordance with CASA Service Bulletin SB–212–27–47, Revision 1, dated April 13, 1994. Accomplishment of this modification constitutes terminating action for the repetitive adjustments required by paragraph (a) of this AD.

(c) For CASA Model C–212 series airplanes listed in CASA Service Bulletin SB–212–27–47, Revision 1, dated April 13, 1994: Within 6 months after the effective date of this AD, replace the attachment rails for the pilot and co-pilot seats in accordance with CASA Service Bulletin SB–212–27–47, Revision 1, dated April 13, 1994.

(d) 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.

(e) 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 November 5, 1996.

Darrell M. Pederson,

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

[FR Doc. 96–28867 Filed 11–8–96; 8:45 am]

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## **14 CFR Part 39**

[Docket No. 96–NM–86–AD]

RIN 2120–AA64

### **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 repetitive inspections to detect cracking of the offset lightening hole on the drag brace of the left and right main landing gear (MLG); and replacement of these braces with braces having a centralized lightening hole. This replacement terminates the repetitive inspections. This proposal is prompted by a report indicating that fatigue cracking was detected on the upper link of a drag brace. The actions specified by the proposed AD are intended to prevent fatigue cracking of the drag braces of the MLG, which, if not corrected, could cause the MLG to fail and consequent reduced controllability of the airplane during takeoff, landing, and taxiing.

**DATES:** Comments must be received by December 23, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–86–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 96–NM–86–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. 96–NM–86–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 a report indicating that cracking has been detected on the upper link of a drag brace on the main landing gear (MLG) of a Model 4101 airplane; this cracking was found adjacent to an offset lightening hole. The cause of the cracking has been attributed to fatigue. Such fatigue cracking, if not detected and corrected in a timely manner, could result in failure of the MLG and consequent reduced controllability of the airplane during takeoff, landing, and taxiing.

#### Explanation of Relevant Service Information

Jetstream has issued Service Bulletin J41-32-049, Revision 1, dated January 15, 1996, which describes procedures for conducting repetitive visual inspections to detect cracking of the offset lightening hole on the drag brace of the left and right MLG. The service bulletin recommends, prior to further flight, the replacement of any cracked drag brace with a brace having a centralized lightening hole. This service bulletin also describes procedures for replacing these drag braces with drag braces that have a centralized lightening hole. Installation of a drag brace with a centralized lightening hole eliminates the need for the repetitive inspections. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 008-11-95, dated December 29, 1995, 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 Proposed 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, the proposed AD would require repetitive detailed visual inspections of the offset lightening hole on the drag brace of the left and right MLG to detect cracking. It would also require, prior to further flight, the replacement of any cracked brace with a brace having a centralized lightening hole. Such replacement would constitute terminating action for the repetitive detailed visual inspections. The actions would be required to be accomplished in accordance with the service bulletin described previously.

#### Differences between the Proposed Rule and the CAA Airworthiness Directive

Operators should note that the proposed AD would require all drag braces that are the subject to the inspections required by this AD to be replaced within two years with braces having a centralized lightening hole. This action would be considered final, terminating action for this proposed AD. The CAA, however, has not mandated a similar replacement of the drag braces.

The FAA has determined that long-term continued operational safety will be better assured by modifications or design changes to remove the source of the problem, rather than by repetitive inspections. Long term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has led the FAA to consider placing less emphasis on special procedures and more emphasis on design improvements. The proposed replacement requirement is in consonance with these considerations.

#### Cost Impact

The FAA estimates that 1 Jetstream Model 4101 airplane of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish the proposed inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the proposed inspection on the single U.S. operator is estimated to be \$60 per inspection cycle.

It would take approximately 2 work hours per airplane to accomplish the proposed replacement, at an average labor rate of \$60 per work hour. Required parts would be provided by the manufacturer at no cost to the operator. Based on these figures, the cost impact of the proposed replacement on the single U.S. operator is estimated to be \$120.

The cost impact figures discussed above are 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.

#### Regulatory Impact

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. 106(g), 40113, 44701.

#### **§ 39.13 [Amended]**

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

Jetstream Aircraft Limited: Docket 96-NM-86-AD.

*Applicability:* Model 4101 airplanes having constructors numbers 41004 through 41009 inclusive, and 41017; equipped with a main landing gear (MLG) on which drag braces having Jetstream part numbers (P/N) AIR84352-0 through AIR84352-4, inclusive,

and having offset lightening holes, are installed; certificated in any category.

Note 1: Drag braces having Jetstream part numbers (P/N) AIR84352-0 through AIR84352-4 inclusive, can have either offset or centralized lightening holes. This AD applies only to those airplanes equipped with those drag braces that have the offset lightening holes.

Note 2: 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 (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 as indicated, unless accomplished previously.

To prevent fatigue cracking of the drag brace of the left and right MLG which, if not corrected, could cause the MLG to fail and consequent reduced controllability of the airplane during takeoff, landing, and taxiing, accomplish the following:

(a) Within 50 hours time-in-service after the effective date of this AD, perform a detailed visual inspection to detect cracking at the offset lightening hole on the drag brace of the left and right MLG, in accordance with Part 1 of Jetstream Service Bulletin J41-32-049, Revision 1, dated January 15, 1996.

Note 3: Accomplishment of the visual inspection in accordance with Part 1 of Jetstream Service Bulletin J41-32-049, dated November 21, 1995, is considered acceptable for compliance with this paragraph.

(1) If no cracking is detected, repeat this inspection thereafter at intervals not to exceed 50 hours time-in-service until the requirements of paragraph (b) of this AD have been accomplished.

(2) If any cracking is detected, prior to further flight, replace the drag brace with a drag brace that has Jetstream part number (P/N) AIR84352-4 and a centralized lightening hole, in accordance with Part 2 of Jetstream Service Bulletin J41-32-049, Revision 1, dated January 15, 1996. This replacement constitutes terminating action for the repetitive inspections and replacement of that brace required by paragraphs (a) and (b), respectively, of this AD.

Note 4: Accomplishment of the replacement in accordance with Part 2 of Jetstream Service Bulletin J41-32-049, dated November 21, 1995, is considered acceptable for compliance with paragraphs (a)(2) and (b) of this AD.

(b) Within two years after the effective date of this AD, replace any MLG drag brace that has P/N AIR84352-0 through AIR84352-4, inclusive, and an offset lightening hole, with a drag brace that has Jetstream P/N AIR84352-4 and a centralized lightening hole, in accordance with Part 2 of Jetstream

Service Bulletin J41-32-049, Revision 1, dated January 15, 1996. This replacement constitutes terminating action for the repetitive inspections required by paragraph (a) of this AD.

(c) 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 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(d) 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 November 5, 1996.

Darrell M. Pederson,

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

[FR Doc. 96-28868 Filed 11-8-96; 8:45 am]

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## **TENNESSEE VALLEY AUTHORITY**

### **18 CFR Part 1301**

#### **Privacy Act Regulations; Implementation**

**AGENCY:** Tennessee Valley Authority.  
**ACTION:** Proposed rule.

**SUMMARY:** The Tennessee Valley Authority (TVA) proposes to amend its regulations implementing the Privacy Act of 1974 (the Act), 5 U.S.C. 552a. These amendments are needed to modify existing TVA regulations (18 CFR 1301.24) to exempt a system of records known as TVA Police Records (TVA-37) from certain provisions of the Act and corresponding agency regulations.

**DATES:** Comments must be received on or before December 12, 1996.

**ADDRESSES:** All comments concerning these proposed regulations should be addressed to Wilma H. McCauley, TVA 1101 Market Street, (WR 4Q-C), Chattanooga, Tennessee 37402-2801. As a convenience to commenters, TVA will accept public comments transmitted by facsimile ("FAX") machine. The telephone number of the FAX receiver is (423) 751-3400. Receipt of FAX transmittals will not be acknowledged.

**FOR FURTHER INFORMATION CONTACT:** Wilma H. McCauley, (423) 751-2523.

**SUPPLEMENTARY INFORMATION:** The proposed amendments would allow exemptions authorized by the Act, 5 U.S.C. 552a (j)(2) and (k)(2), for the TVA Police Records—TVA system of records under 5 U.S.C. 552a(k)(2). Under subsections (j)(2) and (k)(2) of the Act, TVA, through rulemaking, may exempt those systems of records maintained by a component of TVA that performs as its principal function any activity pertaining to the enforcement of criminal laws from certain provisions of the Act, if the system of records is used for certain law enforcement purposes.

The TVA Police is a component of TVA that performs as one of its principal functions investigations into violations of criminal law in connection with TVA's programs and operations, pursuant to the Violent Crime Control and Law Enforcement Act of 1994, as amended, the TVA Police Records system of records falls within the scope of subsections (j)(2); i.e., information compiled for the purpose of criminal investigation, reports relating to any stage of the enforcement process, and information compiled for the identification of individual criminals, and (k)(2); i.e., investigatory material compiled for law enforcement purposes, other than material within the scope of (k)(2) above.

The proposed (j)(2) and (k)(2) exemptions for criminal law enforcement records would remove restrictions on the manner in which information may be collected and the type of information that may be collected by the TVA Police in the course of a criminal investigation, would limit certain notice requirements, and would exempt the system of records from civil remedies for violations of the Act. These additional exemptions are necessary primarily to avoid premature disclosure of sensitive information, including, but not limited to, the existence of a criminal investigation, that may compromise or impede the investigation.

A more complete explanation of each proposed exemption follows, as required by the Act.

TVA proposes the following changes to the current exemptions contained in 18 CFR 1301.24.

#### **Exemptions Pursuant to (j)(2) and (k)(2)**

TVA has determined that the TVA Police Records should be exempt from the following provisions of the Privacy Act and corresponding agency regulations. These exemptions are necessary and appropriate to maintain the integrity and confidentiality of criminal investigations.