

other species of livestock in the herd have been exposed to tuberculosis by reason of association with tuberculous livestock, and those exotic bovidae or other species determined to have been exposed to tuberculosis have not been destroyed.

Done in Washington, DC, this 17th day of July 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-100-AD; Amendment 39-9306; AD 95-15-03]

Airworthiness Directives; Aerospatiale Model ATR42 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 Aerospatiale Model ATR42 series airplanes. This action requires replacement of the currently installed side brace pins of the main landing gear (MLG) with new pins. This amendment is prompted by a report of a ruptured pin on an in-service airplane. The actions specified in this AD are intended to prevent failure of the side brace pins and the subsequent collapse of the MLG.

DATES: Effective August 8, 1995. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 8, 1995.

Comments for inclusion in the Rules Docket must be received on or before September 22, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-100-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. 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: Gary Lium, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1112; fax (206) 227-1149.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Aerospatiale Model ATR42 series airplanes. The DGAC advises that it has received a report indicating that the side brace pin of the main landing gear (MLG) ruptured on an in-service airplane. Investigation revealed that the cause of the ruptured pin may be attributed to a defect in the manufacturing process. The defective pins were improperly dehydrogenated after they were chromium plated. This condition, if not corrected, could result in failure of the side brace pins and the subsequent collapse of the MLG.

The defective pins have been isolated and identified as those installed on airplanes having manufacturer's serial numbers 121 through 125 inclusive, 128 through 139 inclusive, and 141 through 143 inclusive.

Avions de Transport Regional has issued Service Bulletin ATR42-32-0070, dated April 3, 1995, which describes procedures for replacement of the currently installed side brace pins of the MLG with new pins having part number (P/N) S5357841320600. These replacement pins are not susceptible to the rupture problems associated with the currently installed pins. The French DGAC classified this service bulletin as mandatory and issued French airworthiness directive 95-051-058(B), dated March 15, 1995, in order to assure the continued airworthiness of these airplanes in France. -

This airplane model is manufactured in France 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 French DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the French DGAC, 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 failure of the side brace pins of the MLG. This AD requires replacement of the currently installed side brace pins of the MLG with new pins. The actions are required to be accomplished in accordance with the service bulletin described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this rule to clarify this long-standing requirement.

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,