# **Rules and Regulations**

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## **DEPARTMENT OF TRANSPORTATION**

#### **Federal Aviation Administration**

#### 14 CFR Part 39

[Docket No. 94–NM–151–AD; Amendment 39–9333; AD 95–17–04]

# Airworthiness Directives; Jetstream Model ATP Airplanes

AGENCY: Federal Aviation Administration, DOT. ACTION: Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to all Jetstream Model ATP airplanes, that currently requires revising the Airplane Flight Manual (AFM) to prohibit flight in freezing precipitation conditions. This amendment adds a requirement to install modifications of the engine air intake system. This amendment is prompted by the development of modifications of the engine air intake system intended to permit operation of these airplanes in freezing precipitation conditions. The actions specified by this AD are intended to prevent engine power rollback in flight during freezing precipitation conditions.

DATES: Effective September 13, 1995.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the **Federal Register** as of September 13, 1995.

The incorporation by reference of certain other publications listed in the regulations was approved previously by the Director of the **Federal Register** as of June 15, 1994 (59 FR 25290, May 16, 1994).

ADDRESSES: The service information referenced in this AD 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

Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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:

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) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94-08-01, amendment 39-8872 (59 FR 25290, May 16, 1994), which is applicable to all Jetstream Model ATP airplanes, was published in the **Federal Register** on December 29, 1994 (59 FR 67243). The action proposed to require certain actions that were previously optional terminating actions. The action also proposed to provide several new optional terminating actions. Additionally, the action proposed to revise the applicability of the rule.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 10 airplanes of U.S. registry will be affected by this AD, that it will take approximately 150 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will be provided by the manufacturer at no cost to the operator. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$90,000, or \$9,000 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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 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 39–8872 (59 FR 25290, May 16, 1994), and by adding a new airworthiness directive (AD), amendment 39–9333, to read as follows:

#### 95-17-04 Jetstream Aircraft Limited

(Formerly British Aerospace Commercial Aircraft Limited): Amendment 39–9333. Docket 94–NM–151–AD. Supersedes AD 94–08–01, Amendment 39–8872.

Applicability: Model ATP airplanes, as listed in Jetstream Service Bulletin ATP 54–