**FOR FURTHER INFORMATION CONTACT:** Jon Hjelm, Aerospace Engineer, Airframe Branch, ANE–172, FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7523; 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 series airplanes. Transport Canada Aviation advises that it has received reports indicating that the pivot tube located in the drag strut of the nose landing gear (NLG) cracked or failed completely on several Model DHC–8 series airplanes. During one incident, the NLG failed to extend, which resulted in damage to the airplane during the subsequent landing. The cause of these pivot tube failures has been attributed to fatigue. Fatigue cracking and subsequent failure of the pivot tube in the drag strut of the NLG, if not detected and corrected in a timely manner, could result in a nose gear-up landing.

Bombardier, Inc., has issued Service Bulletin S.B. 8–32–131, dated September 8, 1995, which includes (as an attachment) Messier-Dowty Service Bulletin M–DT DHC8–32–77, dated July 5, 1995. The Messier-Dowty service bulletin describes procedures for repetitive high frequency eddy current inspections to detect cracking of the pivot tube, part number 8225–3, located in the drag strut of the NLG. The service bulletin also describes procedures for repair or replacement of any cracked pivot tube with a serviceable tube having the same part number, or with a new strengthened tube having part number 8225–5 (de Havilland Modification 8/2266). This new strengthened tube contains more material in the waisted area of the center arm. Installation of a new strengthened pivot tube would eliminate the need for inspections of the pivot tubes. Transport Canada Aviation classified the Bombardier service bulletin as mandatory and issued Canadian airworthiness directive CF–95–15, dated September 11, 1995, in order to assure the continued airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada 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, 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 failure of the pivot tube in the drag strut of the NLG and a subsequent nose gear-up landing. This AD requires repetitive eddy current inspections to detect cracking of the pivot tubes in the drag strut of the NLG, and repair or replacement of any cracked tube with a serviceable tube having the same part number or with a new strengthened tube. Installation of a new strengthened pivot tube, if accomplished, constitutes terminating action for the inspection requirements of this AD. The actions are required to be accomplished in accordance with the Bombardier service bulletin described previously.

Operators should note that the service bulletin recommends accomplishing the initial eddy current inspection at the following times: Prior to the accumulation of 13,400 total landings (for drag strut assemblies with 12,650 or less total landings); within the next 750 landings (for drag strut assemblies with between 12,651 and 20,000 total landings); or within the next 500 landings (for drag strut assemblies with 20,001 or more total landings). However, the FAA has determined that these compliance times would not address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this AD, the FAA considered not only the recommendation specified in the service bulletin, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, the time necessary to perform the inspection (less than one hour), and the availability of replacement parts. In light of all of these factors, the FAA finds that a compliance time of prior to the accumulation of 13,400 total landings on the drag strut assembly, or within 30 days after the effective date of this AD, is appropriate for initiating the required actions in that it represents the maximum interval of time allowable for affected airplanes to continue to operate without compromising safety.

Although installation of new strengthened pivot tubes is provided as an optional terminating action, the FAA is considering further rulemaking to require the installation of those pivot tubes on all affected airplanes. Therefore, this AD is considered to be interim action.

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–219–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