

Transport Canada Aviation classified the alert service bulletin as mandatory, and issued Canadian airworthiness directive CF-95-14, 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 damage to the aileron hinge fittings due to the failure of the shear pins, which could cause subsequent reduced controllability of the airplane. This AD requires revising the Limitations Section of the FAA-approved Airplane Flight Manual to provide the flight crew with procedures to check the travel range of the aileron prior to the first flight of the day. Such checks are necessary to verify proper operation of the aileron control system. The FAA has determined that these checks may be properly performed by pilots because the checks do not require the use of tools, precision measuring equipment, training, pilot logbook endorsements, or the use of reference to technical data that are not contained in the body of the AD.

This AD also requires a visual inspection to detect damage of the shear link, the shear pin, and the aileron attachment fitting; and repair of the aileron attachment fitting, if necessary. This AD also requires removal of the aileron flutter dampers, the shear links, the pivots, and the attaching hardware for airplanes on which any damage to the shear pin is detected. For certain airplanes on which no damaged shear pin is found, this AD provides for accomplishment of the visual inspections on a repetitive basis until the aileron flutter dampers are removed. These actions are required to be accomplished in accordance with the alert service bulletin described previously.

Operators should note that, although the relevant Transport Canada Aviation airworthiness directive requires the visual inspection of all aileron flutter damper shear pins and aileron hinge fittings within 7 calendar days or at the next scheduled shear pin replacement, this AD requires that inspection to be performed within 30 days. The FAA has determined that an interval of 30 days will address the identified unsafe condition in a timely manner. In recent communications with Transport Canada Aviation and the manufacturer, the FAA finds that the unsafe condition was not as urgent as it initially appeared to be. In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but also the average utilization of the affected fleet and the time necessary to perform the required actions (10 work hours). In light of all these factors, the FAA finds 30 days to be an appropriate compliance time 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.

This is considered to be interim action. Once a terminating modification is developed, approved, and available, the FAA may consider additional rulemaking.

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-238-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: