

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 use the authority provided in paragraph (h) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent the inability of passengers to exit the airplane in the event of an emergency, accomplish the following:

(a) For airplanes having serial numbers 7004 through 7028, inclusive: Within 14 days after the effective date of this AD, and thereafter at intervals not to exceed 3 days until the action required by paragraph (e)(2) of this AD is accomplished, apply an anti-icing agent to the operating mechanisms of the passenger door in accordance with Canadair Alert Service Bulletin S.B. A601R-52-002, Revision 'C,' dated December 1, 1993.

(b) For airplanes having serial numbers 7004 through 7006, inclusive, and 7008 through 7010, inclusive: Within 14 days after the effective date of this AD, and thereafter at intervals not to exceed 300 hours time-in-service until the actions required by paragraphs (e)(1) and (e)(3) of this AD are accomplished, apply grease to the passenger door latch-pin fittings in accordance with Canadair Service Bulletin S.B. 601R-52-007, Revision 'B,' dated December 1, 1993.

(c) For airplanes having serial numbers 7004 through 7006, inclusive, and 7008 through 7010, inclusive: Within 14 days after the effective date of this AD, deactivate the pull-out handle located on the outside of the passenger door, in accordance with Canadair Alert Service Bulletin S.B. A601R-52-008, Revision 'B,' dated December 1, 1993.

(d) For airplanes having serial numbers 7004 through 7019, inclusive: Within 14 days after the effective date of this AD, install sealed insulation packages to the interior of the passenger door in accordance with Canadair Service Bulletin S.B. 601R-52-006, Revision 'B,' dated December 1, 1993.

(e) Within 60 days or 600 hours time-in-service after the effective date of this AD, whichever occurs first, accomplish the procedures specified in paragraphs (e)(1), (e)(2), and (e)(3) of this AD:

(1) For airplanes having serial numbers 7004 through 7024, inclusive: Modify the passenger door latch pin fittings, and install grease retain, grease tube, and nipple assembly; and grease the latch pins in accordance with paragraphs 2A and 2B of the Accomplishment Instructions of Canadair Alert Service Bulletin S.B. A601R-52-009, Revision 'B,' dated December 1, 1993.

(2) For airplanes having serial numbers 7004 through 7028, inclusive: Modify the

outer handle of the passenger door in accordance with Canadair Alert Service Bulletin S.B. A601R-52-021, Revision 'A,' dated December 7, 1993. Repetitive applications of an anti-ice agent, as required by paragraph (a) of this AD, must be discontinued upon accomplishment of the modification required by this paragraph.

(3) For airplanes having serial numbers 7004 through 7024, inclusive: Install placards adjacent to the door latch pins on the passenger door structure in accordance with Canadair Service Bulletin S.B. 601R-11-007, dated December 1, 1993.

(f) Accomplishment of the actions required by paragraphs (e)(1) and (e)(3) of this AD constitutes terminating action for the repetitive greasing requirements of paragraph (b) of this AD.

(g) For airplanes having serial numbers 7003 and subsequent: Within 300 hours time-in-service after accomplishing the applicable modifications required by paragraphs (e)(1), (e)(2), and (e)(3) of this AD, and thereafter at intervals not to exceed 300 hours time-in-service, accomplish the lubrication procedures in specified paragraphs (g)(1) and (g)(2) of this AD.

(1) Lubricate the passenger door latch pins in accordance with paragraph 2B, Part "A," Items (26) through (28), of the Accomplishment Instructions of Canadair Alert Service Bulletin S.B. A601R-52-009, Revision B, dated December 1, 1993.

(2) Lubricate the passenger door outer handle assembly in accordance with paragraph 2B, Item (28), of the Accomplishment Instructions of Canadair Alert Service Bulletin S.B. A601R-52-021, Revision A, dated December 7, 1993.

(h) 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, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(i) 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.

(j) The actions shall be done in accordance with Canadair Alert Service Bulletin S.B. A601R-52-002, Revision 'C,' dated December 1, 1993; Canadair Service Bulletin S.B. 601R-52-007, Revision 'B,' dated December 1, 1993; Canadair Alert Service Bulletin S.B. A601R-52-008, Revision 'B,' dated December 1, 1993; Canadair Service Bulletin S.B. 601R-52-006, Revision 'B,' dated December 1, 1993; Canadair Alert Service Bulletin S.B. A601R-52-009, Revision 'B,' dated December 1, 1993; Canadair Alert Service Bulletin S.B. A601R-52-021, Revision 'A,' dated December 7, 1993; and Canadair Service Bulletin S.B. 601R-11-007, dated December 1, 1993; as applicable. This incorporation by

reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario, Canada M3K 1Y5. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

This amendment becomes effective on April 17, 1995.

Issued in Renton, Washington, on February 15, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-4256 Filed 3-7-95; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 93-AWP-19]

Amendment to Class D Airspace; Luke Air Force Base (AFB), AZ

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an error in the Class D airspace area description in a final rule that was published in the **Federal Register** on January 19, 1995. The FAA has obtained additional airport data and is revising the description of the Luke AFB, AZ Class D airspace area based on this data.

EFFECTIVE DATE: 0901 UTC, March 30, 1995.

FOR FURTHER INFORMATION CONTACT: Charles Register, System Management Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 297-1640.

SUPPLEMENTARY INFORMATION:

History

Airspace Docket No. 93-AWP-19, published on January 19, 1995 (60 FR 3741), revised the description of the Class D airspace at Luke AFB, AZ to provide adequate controlled airspace for instrument approach procedures. An error was discovered in the Class D airspace area description for Luke AFB AZ. The FAA has obtained additional airport data and is revising the description of the Luke AFB, AZ Class D airspace area based on this data.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the description of the Class D airspace area at Luke AFB, AZ, as published in the **Federal Register** on January 19, 1995 (60 FR 3741) and the description in FAA Order 7400.9B, which is incorporated by reference in 14 CFR 71.7, are corrected as follows:

§ 71.7 [Corrected]

On page 3742, in the second column, the description for the Luke AFB, AZ Class D airspace is corrected as follows:

AWP AZ D Phoenix, Luke Air Force Base, AZ [Corrected]

Phoenix Luke Air Force Base, AZ
(Lat. 33°32'06" N, long. 112°22'59" W)
Luke Air Force Base TACAN
(Lat. 33°32'16" N, long. 112°22'49" W)

That airspace extending upward from the surface to and including 3,600 feet MSL within a 4.4-mile radius of the Luke AFB and within 2.0 miles each side of the Luke TACAN 220° radial, extending from the 4.4-mile radius to 5.2 miles southwest of the Luke TACAN, and excluding that portion within the Glendale, AZ Class D airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Issued in Los Angeles, California, on February 22, 1995.

Richard R. Lien,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 95-5642 Filed 3-7-95; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1262

RIN 2700-AC00

Equal Access to Justice Act in Agency Proceedings

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: NASA is amending its regulations under the Equal Access to Justice Act by updating the definition of "Adversary Adjudication" to conform to the amendments of 5 U.S.C. 504(b)(1)(C); to delete references to the NASA Board of Contract Appeals in 14 CFR 1262.307(a), since its functions have been assumed by the Armed Services Board of Contract Appeals pursuant to an interagency Memorandum of Agreement dated June

28, 1993, and effective July 12, 1993; and to correct typographical errors in §§ 1262.104(b)(4) and 1262.309.

EFFECTIVE DATE: March 8, 1995.

FOR FURTHER INFORMATION CONTACT: Sara Najjar-Wilson, Office of the General Counsel, 202-358-2465.

SUPPLEMENTARY INFORMATION: NASA published its final rule, 14 CFR Part 1262, "Implementation of the Equal Access to Justice Act in Agency Proceedings," in the **Federal Register** on April 23, 1986 (51 FR 15311). These changes to the rule are administrative in nature and do not require a period for public comment.

NASA has determined that this regulation is not a major rule as defined in Executive Order 12866.

This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small business entities.

List of Subjects in 14 CFR Part 1262

Claims, Equal access to justice, Lawyers.

For reasons set forth in the Summary of the Preamble, 14 CFR Part 1262 is amended as follows:

PART 1262—EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEDURES

1. The authority citation of 14 CFR Part 1262 is revised to read as follows:

Authority: 5 U.S.C. 504; 42 U.S.C. 2473(c)(1).

2. Section 1262.101 is amended by revising paragraph (b)(1) to read as follows:

§ 1262.101 Purpose of these rules.

* * * * *

(b) * * *

(1) *Adversary adjudication* means:

(i) An adjudication under 5 U.S.C. 554 in which the position of the United States is represented by counsel or otherwise, but excludes an adjudication for the purpose of establishing or fixing a rate or for the purpose of granting or renewing a license;

(ii) Any appeal of a decision made pursuant to section 6 of the Contract Disputes Act (CDA) of 1978, as amended (41 U.S.C. 605) before an agency board of contract appeals as provided in section 8 of the CDA (41 U.S.C. 607);

(iii) Any hearing conducted under Chapter 38 of Title 31 (added by section 6104 of the Program Fraud Civil Remedies Act of 1986 (Pub. L. 99-509, 100 Stat. 1948, Oct. 21, 1986), 31 U.S.C. 3801, et seq., as amended); and

(iv) The Religious Freedom Restoration Act (RFRA) of 1993 (added by section 4(b), of RFRA (Pub. L. 103-141, 107 Stat. 1489, Nov. 16, 1993), 42 U.S.C. 2000bb).

* * * * *

3. Section 1262.103 is revised to read as follows:

§ 1262.103 Proceedings covered.

(a) The Act applies to the following adversary adjudications conducted by the Agency:

(1) Adjudications under 5 U.S.C. 554 in which the position of NASA or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceedings;

(2) Appeals of decisions made pursuant to section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) before the Board of Contract Appeals (BCA) as provided in Section 8 of that Act (41 U.S.C. 607);

(3) Any hearing conducted under Chapter 38 of Title 31 (31 U.S.C. 3801, et seq., as amended); and

(4) Adjudications under the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb).

(b) The Act does not apply to:

(1) Any proceeding in which this Agency may prescribe a lawful present or future rate;

(2) Proceedings to grant or renew licenses (note, however, that proceedings to modify, suspend, or revoke licenses are covered if they are otherwise adversary adjudications); and

(3) Proceedings which are covered by a compromise or settlement agreement, unless specifically consented to in such agreement.

(c) NASA may also designate a proceeding as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. The Agency's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(d) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

4. In Section 1262.104, paragraph (b)(4), the citation "12 U.S.C. 1441j(a)" is revised to read "(12 U.S.C. 1141j(a))".

5. Section 1262.307 is amended by revising paragraph (a) introductory text to read as follows: