

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 AD 94-18-04, Amendment 39-9017 (59 FR 43727, September 25, 1994), and by adding a new airworthiness directive to read as follows:

94-18-04 R1 Univair Aircraft Corporation: Amendment 39-9173; Docket No. 94-CE-05-AD. Revises AD 94-18-04, Amendment 39-9017.

Applicability: Models Ercoupe 415-C, 415-CD, 415-D, 415-E, and 415-G, Forney F-1 and F-1A, Alon A-2 and A-2A, and Mooney M10 airplanes (all serial numbers), certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been 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 (d) of this AD 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 aircraft from the applicability of this AD.

Compliance: Required within the next 12 calendar months after the effective date of this AD, unless already accomplished (See **Note 2**).

To prevent wing damage caused by a corroded wing outer panel structural component, which, if not detected and corrected, could progress to the point of structural failure, accomplish the following:

(a) Install inspection openings in the outer wing panels and inspect the wing outer panel internal structural components for corrosion

in accordance with the PROCEDURE section of Univair Service Bulletin (SB) No. 29, Revision B, dated January 2, 1995. Prior to further flight, repair any corroded wing outer panel internal structural component in accordance with the instructions contained in the above-referenced service information.

Note 2: Complying with the original version of Univair SB No. 29, dated January 27, 1994, or Univair SB No. 29, Revision A, dated June 7, 1994, is considered equivalent to the requirements of paragraph (a) of this AD, and is considered "unless already accomplished" for that portion of the AD.

(b) Send the results of the inspection required by paragraph (a) of this AD to the Manager, Denver Aircraft Certification Office (ACO), 5440 Roslyn Street, suite 133, Denver, Colorado 80216. State whether corrosion was found, the location and extent of any corrosion found, and the total hours time-in-service of the component at the time the corrosion was found. (Reporting approved by the Office of Management and Budget under OMB no. 2120-0056.)

(c) 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.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Denver ACO, 5440 Roslyn Street, suite 133, Denver, Colorado 80216. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Denver ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Denver ACO.

(e) The inspection and installation required by this AD shall be done in accordance with Univair Service Bulletin No. 29, Revision B, dated January 2, 1995. 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 the Univair Aircraft Corporation, 2500 Himalaya Road, Aurora, Colorado 80011. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment (39-9173) revises AD 94-18-04, Amendment 39-9017.

(g) This amendment (39-9173) becomes effective on March 24, 1995.

Issued in Kansas City, Missouri, on March 6, 1995.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-6058 Filed 3-13-95; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 94-ASO-25]

Establishment of Class E Airspace; Hampton, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes Class E airspace at Hampton, GA. A GPS RWY 24 Standard Instrument Approach Procedure (SIAP) has been developed for Clayton County-Tara Field. Controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for instrument flight rules (IFR) operations at the airport. The operating status of the airport will change from VFR to include IFR operations concurrent with publication of the SIAP.

EFFECTIVE DATE: 0901 UTC, May 25, 1995.

FOR FURTHER INFORMATION CONTACT: Michael J. Powderly, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5570.

SUPPLEMENTARY INFORMATION:**History**

On January 4, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace at Hampton GA (60 FR 396). This action would provide adequate Class E airspace for IFR operations at Clayton County-Tara Field.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Hampton, GA, to accommodate a GPS RWY 24 SIAP and contain IFR operations at Clayton County-Tara Field. The operating status of the airport will be changed from VFR to include

IFR operations concurrent with publication of the SIAP.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1. of Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet Above the Surface of the Earth.

* * * * *

ASO GA E5 Hampton, GA [New]

Clayton County—Tara Field, GA
(Lat. 33°23'21" N, long. 84°19'57" W)

That airspace extending upward from 700 feet above the surface within a 6.8 mile radius of Clayton County-Tara Field; excluding that airspace within the Atlanta, GA, Peachtree City, GA, and Griffin, GA Class E airspace areas.

* * * * *

Issued in College Park, Georgia, on March 1, 1995.

Walter E. Denley,
*Acting Manager, Air Traffic Division,
Southern Region.*

[FR Doc. 95–6277 Filed 3–13–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 91

[Docket No. 28134]

Policy on Use of Interchange Agreements for Noise Compliance

AGENCY: Federal Aviation Administration, DOT.

ACTION: Policy statement.

SUMMARY: This document sets forth a statement of Federal Aviation Administration (FAA) policy concerning the use of airplane sharing agreements to accomplish compliance with the Stage 3 noise transition regulations. As a result of its experience during the first interim compliance date, the FAA has become aware of a noise compliance concern involving such agreements. This policy statement is intended to provide operators that participate in airplane sharing agreements with notice and guidance on how the FAA will view such agreements for compliance with the Stage 3 transition regulations.

DATES: This policy is effective on March 14, 1995.

Comments concerning this policy must be received on or before September 11, 1995.

ADDRESSES: Send comments on this notice to: Federal Aviation Administration (FAA), Office of the Chief Counsel, Attn: Rules Docket, AGC–200, Docket No. 28134, 800 Independence Avenue SW., Washington, DC 20591.

Comments may be examined or delivered in person at the above address in room 916G, weekdays between 8:30 a.m. and 5 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. William W. Albee, Policy and Regulatory Division (AEE–300), Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3553, facsimile (202) 267–5594.

SUPPLEMENTARY INFORMATION: Sections 91.865 and 91.867 of 14 CFR each required that as of December 31, 1994, an operator of Stage 2 airplanes either reduce the number of Stage 2 airplanes it operates by 25% from its base level, achieve a fleet mix of airplanes that is

55% Stage 3 airplanes, or in the case of a new entrant, achieve a fleet mix that is 25% Stage 3 airplanes. These same regulations require that, after the next interim compliance date, December 31, 1996, each operator must either reduce the number of Stage 2 airplanes it operates by 50% from its base level or achieve a fleet mix that is 65% Stage 3 airplanes (or, 50% for new entrants). The FAA's experience with the first interim compliance date has raised a serious concern involving airplane interchange agreements and other arrangements that result in an individual airplane being enumerated on the operations specifications of more than one operator. To ensure that the objectives of the 1990 Airport Noise and Capacity Act and the implementing regulations are not compromised during the interim compliance period, to ensure that the benefits are fully realized, and to prevent foreseeable future difficulties in compliance, the FAA is formally stating its policy for the manner in which Stage 3 airplanes are "counted" for compliance purposes.

Recent analysis of operators' compliance reports for 1994, which are required under 14 CFR 91.875, has revealed that some operators appear to have entered into Stage 3 airplane sharing agreements solely or primarily for the purpose of achieving compliance with the first interim compliance deadline of the Stage 3 transition rules, December 31, 1994. These airplane sharing agreements take several forms, including formal interchange agreements between operators and instances of two or more operators leasing the same airplane from a lessor. This results in the same Stage 3 airplane being counted for compliance by two or more operators, depending on the sharing arrangement. The FAA views this result to directly contradict the intent and objectives of the Airport Noise and Capacity Act and its implementing regulations.

Under such arrangements, a single Stage 3 airplane could be used to support the presence of an almost limitless number of Stage 2 airplanes. Allowing a proliferation of such sharing arrangements for the purpose of noise rule compliance can be expected to result in the delay of Stage 2 airplane retirement or modification by the participating operators. Such delays not only reduce the anticipated benefits of the Congressionally mandated interim compliance period, but have the more insidious effect of operators further delaying the business and financial decisions and actions necessary to achieve full compliance by 1999. If these paper-only compliance situations