

compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to HOAC AUSTRIA GmbH, N.A. Otto Strasse 5, A-2700 Wiener Neustadt, Austria; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 24, 1995.

Dwight A. Young,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-7783 Filed 3-29-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 94-CE-35-AD]

Airworthiness Directives; Scheibe Flugzeugbau GmbH SF34 and SF34B Gliders

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Scheibe Flugzeugbau GmbH (Scheibe) SF34 and SF34B gliders. The proposed action would require adding armature (supportive covering) to both wings, modifying the root rib of the left wing, and incorporating changes and operating limitations to the flight manual. Failure of the left wing root rib on one of the affected gliders while in flight prompted the proposed action. The actions specified by the proposed AD are intended to prevent fatigue failure of the wing, which could result in loss of control of the glider.

DATES: Comments must be received on or before June 16, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94-CE-35-AD Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Scheibe Flugzeugbau GmbH, August Pfaltz—Strasse 23, Dachau, Germany. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Herman C. Belderok, Project Officer,

Gliders, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 94-CE-35-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94-CE-35-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Scheibe SF34 and SF34B gliders. The LBA reports that fatigue failure of the root rib occurred on one of these gliders while in flight, which resulted in an accident. The glider in the referenced accident was within 3,000 to 6,000 hours time-in-service (TIS). The life limit of the wing structure was recently extended from 3,000 hours TIS to 6,000 hours TIS.

Scheibe has issued Technical Note (TN) Number 336-2, dated March 10, 1995, which specifies procedures for adding armature (supportive covering) to both wings and modifying the root rib of the left wing. This TN also specifies changes and operating limitations to be incorporated into the flight manual. The LBA classified this service bulletin as mandatory and issued LBA AD 89-73, dated May 10, 1989, in order to assure the continued airworthiness of these gliders in Germany.

This glider model is manufactured in Germany 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, the LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, 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 in other Scheibe SF34 and SF34B gliders of the same type design, the proposed AD would require adding armature (supportive covering) to both wings, modifying the root rib of the left wing, and incorporating changes and operating limitations to the flight manual. The proposed addition and modification would be accomplished in accordance with Scheibe TN Number 336-2, dated March 10, 1989. The operating limitations and flight manual changes are included in the TN.

The FAA estimates that 2 gliders in the U.S. registry would be affected by the proposed AD, that it would take approximately 20 workhours per glider to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$50 per glider. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$2,500 (\$1,250 per glider). This figure is based on the assumption that no affected owner/operator of the affected gliders has incorporated the proposed addition, modification, or operating changes and limitations.

The regulations proposed herein would 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 proposal would 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) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 adding a new AD to read as follows:

Scheibe Flugzeugbau GmbH: Docket No. 94-CE-35-AD.

Applicability: SF34 and SF34B gliders (serial number 5102 through 5131), certificated in any category.

Note 1: This AD applies to each glider 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 gliders 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 (e) 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 glider from the applicability of this AD.

Compliance: Required within the next 50 hours TIS after the effective date of this AD, unless already accomplished.

To prevent fatigue failure of the wing, which could result in loss of control of the glider, accomplish the following:

(a) Add armature (supportive covering) to both wings in accordance with the job instructions section of Scheibe Technical Note (TN) No. 336-2, dated March 10, 1989.

(b) Modify the root rib of the left wing in accordance with the job instructions section of Scheibe TN No. 336-2, dated March 10, 1989.

(c) Accomplish the following flight manual changes:

(1) Replace pages 1 and 13 of the flight manual with the revised pages 1 and 13 included with Scheibe TN Number 336-1, dated March 10, 1989.

(2) Replace pages 1 and 11 in the Instructions for Continued Airworthiness with the revised pages 1 and 11 included with Scheibe TN Number 336-1, dated March 10, 1989.

(3) In page 8 of the flight manual, add 1 kg to the current empty weight of the glider and deduct 1kg from the current maximum load as specified in paragraph 3 of the Instructions section of Scheibe TN Number 336-1, dated March 10, 1989.

(4) Remove existing operating limitations and incorporate new operating limitations into the Limitations section of the flight manual as specified in paragraph 4 of the Instructions section of Scheibe TN Number 336-1, dated March 10, 1989.

(d) 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 glider to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(f) All persons affected by this directive may obtain copies of the document referred to herein upon request to Scheibe Flugzeugbau GmbH, Dachau, Aug. Pfaltz - Str. 23, Dachau, Germany; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City,

Missouri 64106. Issued in Kansas City, Missouri, on March 24, 1995.

Dwight A. Young,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Parts 929 and 937

[Docket No. 941085-4285]

RIN 0648-AD85

Florida Keys National Marine Sanctuary Proposed Regulations

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; removal and revision of regulations; Summary of Draft Management Plan; Proposed Designation Document; Public Availability of Draft Management Plan and Draft Environmental Impact Statement.

SUMMARY: NOAA, as required by section 7(a) of the Florida Keys National Marine Sanctuary and Protection Act, is proposing a comprehensive management plan and implementing regulations to manage an approximately 2,800 square nautical mile area of coastal and ocean waters and the submerged lands thereunder, surrounding the Florida Keys in and adjacent to the State of Florida, designated by the Florida Keys National Marine Sanctuary and Protection Act as the Florida Keys National Marine Sanctuary (the "Sanctuary"). This document publishes the Designation Document, and summarizes the draft comprehensive management plan, for the Sanctuary. The draft management plan details the proposed goals and objectives, management responsibilities, research activities, interpretive and educational programs, and enforcement, including surveillance, activities for the Sanctuary. The proposed regulations would implement the comprehensive management plan and govern the conduct of activities consistent with the provisions of the Designation Document. The intended effect of the Designation Document, proposed regulations, and DEIS/MP is to protect the conservation, recreational, ecological, historical, research,