

**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 adding the following new airworthiness directive:

**95-07-03 AlliedSignal Aerospace:**

Amendment 39-9182. Docket 94-ANE-17.

**Applicability:** AlliedSignal Aerospace (formerly Garrett Auxiliary Power Division and Garrett Turbine Engine Co.) GTCP85 series auxiliary power units (APU's) with model numbers listed in AlliedSignal Aerospace Service Bulletin (SB) No. GTCP85-49-6919, Revision 1, dated January

15, 1995, except those APU's installed on Boeing 737 and British Aerospace BAC 1-11 series aircraft; and Alert Service Bulletin (ASB) No. GTCP85-49-A6831, Revision 1, dated January 15, 1995, having a one-piece cast turbine rotor with part numbers (P/N) 3842072-1, -2, -3, and P/N 3604604-1, -2, -3, P/N 3606982-1, and P/N 96895-1 through -8. These APU's are installed on but not limited to Boeing 707 series and 727 series aircraft; Lockheed L382 series aircraft; and McDonnell Douglas DC-8-70 series and DC-9/MD-80 series aircraft.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent an axially uncontained APU failure and damage to the aircraft, accomplish the following:

(a) For flight-operable APU's, within 24 months after the effective date of this airworthiness directive (AD), install an exhaust centerbody in accordance with AlliedSignal Aerospace ASB No. GTCP85-49-A6831, Revision 1, dated January 15, 1995, or ASB No. GTCP85-49-A6831, dated March 17, 1994; or SB No. GTCP85-49-6919, Revision 1, dated January 15, 1995, or SB No. GTCP85-49-6919, dated May 17, 1994, as applicable.

(b) For APU's that are ground-operable only, within 36 months after the effective date of this AD, install an exhaust centerbody in accordance with AlliedSignal Aerospace

SB No. GTCP85-49-6919, Revision 1, dated January 15, 1995, or SB No. GTCP85-49-6919, dated May 17, 1994.

(c) No action is required if the APU is installed on a Boeing 737 or British Aerospace BAC 1-11 series aircraft until the APU is removed and installed on a different type aircraft.

(d) 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, Los Angeles Aircraft Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

**Note:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(e) 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 aircraft to a location where the requirements of this AD can be accomplished.

(f) The installation of the exhaust center body shall be done in accordance with the following service documents:

Document No.	Pages	Revision	Date
ASB No. GTCP85-49-A6831	1	1 .....	January 15, 1995.
Revision Transmittal Sheet .....	1	1 .....	January 15, 1995.
	2-5	Original .....	May 17, 1994.
	6	1 .....	January 15, 1995.
	7-8	Original .....	May 17, 1994.
	9-10	1 .....	January 15, 1995.
Total pages: 11.	1	1 .....	January 15, 1995.
SB No. GTCP85-49-6919 .....	2	Original .....	May 17, 1994.
	3	1 .....	January 15, 1995.
	4	Original .....	May 17, 1994.
	5	1 .....	January 15, 1995.
	6	Original .....	May 17, 1994.
	7-10	1 .....	January 15, 1995.
Total Pages: 10.			

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 AlliedSignal Aerospace Services, P.O. Box 52170, Phoenix, AZ 85072-2170, Attn: Dept. 65-71, Mailstop 1802-AA. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(g) This amendment becomes effective on May 3, 1995.

Issued in Burlington, Massachusetts, on March 23, 1995.

**James C. Jones,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 95-7682 Filed 3-31-95; 8:45 am]

**BILLING CODE 4910-13-P**

**14 CFR Part 39**

[Docket No. 94-ANE-46; Amendment 39-9178; AD 94-26-07]

**Airworthiness Directives; AlliedSignal Inc. TPE331 Series Turboprop Engines**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule, request for comments.

**SUMMARY:** This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 94-26-07 that was sent previously to all known U.S. owners and operators of AlliedSignal Inc. TPE331 series turboprop engines by individual letters. This AD requires an amendment to the Emergency Procedures section of the applicable FAA Approved Airplane Flight Manual (AFM) for each applicable engine installation in an aircraft, and initial and repetitive dimensional inspections of the fuel control drive shaft splines for wear, or replacing the affected fuel controls with

alternate fuel controls. This amendment is prompted by reports of excessive wear of the internal fuel control drive splines in fuel controls, which can result in loss of fuel control governor drive. The actions specified by this AD are intended to prevent an uncontained engine failure, damage to the aircraft, or loss of aircraft control.

**DATES:** Effective April 18, 1995, to all persons except those persons to whom it was made immediately effective by priority letter AD 94-26-07, issued on December 13, 1994, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 18, 1995.

Comments for inclusion in the Rules Docket must be received on or before June 2, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94-ANE-46, 12 New England Executive Park, Burlington, MA 01803-5299.

The applicable service information may be obtained from AlliedSignal Inc., Aviation Services Division, Data Distribution, Dept. 64-3/2102-1M, P.O. Box 29003, Phoenix, AZ 85038-9003; telephone (602) 365-2548. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712-4137; telephone (310) 627-5246; fax (310) 627-5210.

**SUPPLEMENTARY INFORMATION:** On December 13, 1994, the Federal Aviation Administration (FAA) issued priority letter airworthiness directive (AD) 94-26-07, applicable to certain AlliedSignal Inc. TPE331 series turboprop engines, which requires an amendment to the Emergency Procedures section of the applicable FAA Approved Airplane Flight Manual (AFM) for each applicable engine installation in an aircraft, and initial and repetitive dimensional inspections of the fuel control drive shaft splines for wear, or replacing the affected fuel controls with alternate fuel controls. That action was prompted by reports of excessive wear of the internal fuel

control drive splines in fuel controls, Part Numbers (P/N) 897770-1 through -8, and 897780-1 through -11. In two instances the spline wear resulted in loss of fuel control governor drive. If this occurs, the underspeed fuel governor increases fuel flow, while the overspeed governor is inoperative and cannot limit engine speed.

The FAA has determined that the most serious consequence of a loss of fuel control governor drive is during reverse thrust when the engine suddenly develops uncommanded forward thrust causing an asymmetric thrust condition on a twin-engine aircraft. Another serious consequence of a loss of fuel control governor drive is during engine start when rapid engine acceleration beyond normal idle speed could result in rotor speed sufficient to cause an uncontained turbine separation. During flight, when the propeller is in propeller-governing mode, the result will be uncommanded increased engine torque and turbine temperature. These conditions, if not corrected, could result in an uncontained engine failure, damage to the aircraft, or loss of aircraft control.

The FAA has reviewed and approved the technical contents of the following service bulletins (SB): AlliedSignal Inc. Alert SB No. TPE331-A73-0221, Revision 2, dated October 10, 1994, applicable to model TPE331-11U engines, that describes procedures for dimensionally inspecting fuel control drive shaft splines; AlliedSignal Inc. SB No. TPE331-73-0224, dated August 17, 1994, and Revision 1, dated September 8, 1994, applicable to model TPE331-11U engines, that describe procedures for replacing affected fuel controls with alternate fuel controls; AlliedSignal Inc. Alert SB No. TPE331-A73-0226, dated October 10, 1994, applicable to certain TPE331-3, -5, -6, -10, and -12 series engines, that describe procedures for dimensionally inspecting fuel control drive shaft splines; and AlliedSignal Inc. SB No. TPE331-73-0228, dated September 16, 1994, applicable to certain TPE331-3, -5, -6, -10, and -12 series engines TPE331 engines, that describe procedures for replacing affected fuel controls with alternate fuel controls.

Since the unsafe condition described is likely to exist or develop on other engines of the same type design, the FAA issued priority letter AD 94-26-07 to prevent an uncontained engine failure, damage to the aircraft, or loss of aircraft control. The AD requires an amendment to the Emergency Procedures section of the applicable FAA AFM for each applicable engine installation in an aircraft. This

amendment to the applicable AFM describes conditions inflight, during ground start, and during reverse thrust operation that might indicate loss of fuel control governor drive, and provides required procedures for engine shutdown. These AFM changes have been coordinated with the FAA Directorate responsible for the certification of the aircraft involved.

In addition, this AD requires either initial and repetitive dimensional inspections of the fuel control drive shaft splines for wear, or replacing the affected fuel controls with alternate fuel controls. Replacement with the alternate fuel controls constitutes terminating action to the repetitive inspections. The actions are required to be accomplished in accordance with the service bulletins described previously.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on December 13, 1994, to all known U.S. owners and operators of AlliedSignal Inc. TPE331 series turboprop engines. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to Section 39.13 of part 39 of the Federal Aviation Regulations (14 CFR part 39) to make it effective to all persons.

#### 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 should 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 notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94-ANE-46." 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 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:

#### 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 the following new airworthiness directive:

**94-26-07 AlliedSignal Inc.:** Amendment 39-9178. Docket 94-ANE-46.

**Applicability:** AlliedSignal Inc. Models TPE331-3, -5, -6, -10, -11U, and -12 series turboprop engines with fuel control assembly Part Numbers (P/N) 897770-1 through 897770-8 and 897780-1 through 897780-11 installed in accordance with AlliedSignal Inc. Service Bulletin (SB) No. TPE331-73-0217, dated July 9, 1993. These engines are installed on but not limited to Mitsubishi MU-2B series (MU-2 series) Solitaire/Marquise, Construcciones Aeronauticas, S.A. C-212 series, British Aerospace (BAe) Jetstream 3101 and 3201 (31 and 32) series, Fairchild SA226 and SA227 series (Swearingen Merlin and Metro series), Twin Commander Models 680, 690, 695 (Jetprop Commander), Short Brothers and Harland, Ltd. SC7 (Skyvan), Dornier 228 series, Beech Model B-100 series aircraft, and Ayres S-2R series aircraft.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent failure of the fuel control governor drive from excessive wear of the internal fuel control drive splines, which can result in loss of aircraft control, accomplish the following:

(a) Amend the applicable FAA Approved Airplane Flight Manual (AFM) to provide interim emergency procedures to flight crews, within 20 calendar days after the effective date of airworthiness directive (AD), by adding the following to the Emergency Procedures section. This may be accomplished by inserting a copy of this AD into the AFM:

"Inflight: in the event of an uncommanded engine torque and turbine temperature increase, or if engine power fails to respond when the power level is retarded, shut down the affected engine as soon as possible consistent with the safe operation of the aircraft.

Warning: be aware that the affected engine with a failed fuel control governor drive will typically exhibit an increase in power, and if the accepted "dead foot—dead engine" logic is employed, the wrong engine could be shut down because the malfunction will result in an increase in forward thrust from the affected engine. Use caution and monitor cockpit engine indications to aid in identifying the failure mode and the malfunctioning engine.

During Ground Start: if an engine exhibits rapidly increasing RPM above idle values, immediately terminate the start.

If an engine has been shutdown inflight as a result of exhibiting an uncontrolled increase in torque and turbine temperature, do not attempt a ground start until the fuel control is inspected in accordance with the applicable service bulletin.

During Reverse Operation: if an engine suddenly develops forward thrust, immediately terminate reverse thrust. If necessary, shutdown both engines in order to maintain directional control."

(b) For AlliedSignal Model TPE331-11U engines:

(1) Conduct initial and repetitive dimensional inspections of the fuel control drive shaft splines for wear in accordance with the compliance times and procedures described in AlliedSignal Alert Service Bulletin (SB) No. TPE331-A73-0221, Revision 2, dated October 10, 1994. The initial inspection compliance times start upon the effective date of this priority letter AD.

(2) Prior to further flight replace with a serviceable part those fuel controls with drive shaft splines that do not meet the return to service criteria specified in AlliedSignal Alert SB No. TPE331-A73-0221, Revision 2, dated October 10, 1994.

(3) Replacement of fuel controls in accordance with the procedures described in AlliedSignal SB No. TPE331-73-0224, dated August 17, 1994, or Revision 1 of that SB, dated September 8, 1994, with alternate fuel controls constitutes terminating action to the AFM amendment specified in paragraph (a) of this AD, and the inspections specified in paragraph (b)(1) of this AD.

(c) For AlliedSignal TPE331-3, -5, -6, -10, and -12 series engines:

(1) Conduct initial and repetitive dimensional inspections of the fuel control drive shaft splines for wear in accordance with the compliance times and procedures described in AlliedSignal Inc. Alert SB No. TPE331-A73-0226, dated October 10, 1994. The initial inspection compliance times become effective upon the effective date of this AD.

(2) Prior to further flight replace with a serviceable part those fuel controls with drive shaft splines that do not meet the return to service criteria specified in AlliedSignal Inc. Alert SB No. TPE331-A73-0226, dated October 10, 1994.

(3) Replacement of fuel controls in accordance with the procedures described in AlliedSignal Inc. SB No. TPE331-73-0228, dated September 16, 1994, with alternate fuel controls constitutes terminating action to the AFM amendment specified in paragraph (a) of this AD, and the inspections specified in paragraph (c)(1) of this AD.

(d) For the purpose of this AD, specific driveshaft operating hours as referenced in AlliedSignal Alert SB No. TPE331-A73-0221, Revision 2, dated October 10, 1994, and AlliedSignal Inc. Alert SB No. TPE331-A73-0226, dated October 10, 1994, may be calculated using fuel control time tracking based on engine operating hours.

(e) 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, Los Angeles Aircraft Certification Office. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

**Note:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(f) 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 aircraft to a location where the requirements of this AD can be accomplished.

(g) The actions required by this AD shall be done in accordance with the following SB's:

Document No.	Pages	Revision	Date
AlliedSignal Inc. Alert SB No. TPE331-A73-0226 .....	1-8	Original .....	October 10, 1994.
Woodward SB No. WG64050 .....	1-13	Original .....	October 3, 1994.
Total pages: 21.			
AlliedSignal Inc. Alert SB No. TPE331-A73-0221 .....	1-3	2 .....	October 10, 1994.
	4	Original .....	June 27, 1994.
Woodward SB No. WG64047 .....	1-12	4 .....	October 3, 1994.
Total pages: 16.			
AlliedSignal Inc. SB No. TPE331-73-0224 .....	1	1 .....	September 8, 1994.
	2	Original .....	August 17, 1994.
	3-4	1 .....	September 8, 1994.
Total pages: 4.			
Woodward SB No. WG4044 .....	1-3	Original .....	June 28, 1993.
Total pages: 3.			
AlliedSignal Inc. SB No. TPE331-73-0228 .....	1-10	Original .....	September 16, 1994.
Total pages: 10.			
AlliedSignal Inc. SB No. TPE331-73-0217 .....	1-10	Original .....	July 9, 1993.
Total pages: 10.			

**Note:** The Woodward SB's are attached to the AlliedSignal Alert SB's.

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 AlliedSignal Inc., Aviation Services Division, Data Distribution, Dept. 64-3/2102-1M, P.O. Box 29003, Phoenix, AZ 85038-9003; telephone (602) 365-2548. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective April 18, 1995, to all persons except those persons to whom it was made immediately effective by priority letter AD 94-26-07, issued December 13, 1994, which contained the requirements of this amendment.

Issued in Burlington, Massachusetts, on March 20, 1995.

**James C. Jones,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 95-7908 Filed 3-31-95; 8:45 am]

BILLING CODE 4910-13-P

## UNITED STATES INFORMATION AGENCY

### 22 CFR Part 514

[Rulemaking No. 115]

#### Waiver of Two-Year Home-Country Physical Presence Requirement, International Medical Graduates, Exchange Visitor Program

**AGENCY:** United States Information Agency.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** Section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Pub. L. 103-416) amended Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) and added a new subsection (k) to Section 214 of that Act (8 U.S.C. 1184) regarding waiver of the two-year foreign residence requirement as it applies to international medical graduates. This rulemaking amends the Exchange Visitor Program regulations to reflect those legislative changes.

**DATES:** This interim final rule is effective April 3, 1995. Written comments will be accepted until May 3, 1995. All written communications received by the Agency on or before the closing date will be considered by the Agency before action on a final rule is undertaken.

**ADDRESSES:** Comments regarding this rule should be addressed as follows: United States Information Agency, Office of the General Counsel, Rulemaking 115, 301 Fourth Street, S.W., Room 700, Washington, DC 20547.

**FOR FURTHER INFORMATION CONTACT:** William G. Ohlhausen, Assistant General Counsel, United States Information Agency, 301 Fourth Street, S.W., Washington, DC 20547; telephone (202) 619-6972.

**SUPPLEMENTARY INFORMATION:** Section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Pub. L. 103-416), adopted in the closing days of the 103rd Congress, amended provisions of the Immigration and Nationality Act which deal with the two-year foreign residence requirement affecting international medical graduates (also known as "foreign medical graduates" or "FMGs") who

were admitted to the United States on the J visa, or who acquired such status after admission to the United States, and who are required to return to the country of their nationality or last residence upon the completion of their participation in an exchange visitor program.

The Immigration and Naturalization Service may grant a waiver of the two-year home country physical presence requirement upon the favorable recommendation of the Director of the United States Information Agency. Prior to the recent amendment to Sections 212 and 214 of the Immigration and Nationality Act, there were three bases upon which an alien who is a graduate of a medical school pursuing a program in graduate medical education or training could seek a waiver of the two-year foreign residence requirement. The first basis was the so-called "interested Government Agency" or "IGA" waiver. Under that basis, the Director of the United States Information Agency could recommend a waiver to INS pursuant to the request of an "interested United States Government agency."

[Immigration and Nationality Act, as amended, section 212(e) (8 U.S.C. 1182(e); 22 C.F.R. 514.44(a)(2) and (c).]

The other bases upon which a J visa foreign medical graduate could seek a waiver of the two-year foreign residence requirement were to apply to the Immigration and Naturalization Service for a waiver on the grounds that the departure of the alien physician from the United States would "impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or lawfully resident alien), or that the alien