

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:

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:

95-06-51 Lockheed Aeronautical Systems Company: Amendment 39-9185. Docket 95-NM-32-AD.

Applicability: Model L-1011-385 series airplanes; as listed in Lockheed Service Bulletin 093-28-A091, dated March 8, 1995; 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 (f) 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 failure of a flexible fuel hose, accomplish the following:

(a) Within 100 hours time-in-service or 10 days after the effective date of this AD, whichever occurs first: Accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD in accordance with Lockheed Service Bulletin 093-28-A091, dated March 8, 1995.

(1) Perform a visual inspection to detect corrosion, severed braided strands, or fuel leakage of the fuel feed line hose assembly, part number (P/N) 96715-107 (Lockheed P/N 740970-107), on engine number two. And

(2) Treat the ends of the fuel hose where the collars are clamped to the braided strands, and modify the heat-shrunk plastic cover and steel identification band area.

(b) If no discrepancy is found during the inspection required by paragraph (a) of this AD: Following accomplishment of the actions required by paragraph (a)(2) of this AD, no further action is required by this AD.

(c) If any corrosion is found during any inspection required by this AD: Prior to further flight, accomplish either paragraph (c)(1) or (c)(2) of this AD in accordance with Lockheed Service Bulletin 093-28-A091, dated March 8, 1995.

(1) Replace the fuel hose with a serviceable part. Or

(2) Inspect the fuel hose thereafter on a daily basis to detect ballooning of the hose. If any ballooning is found, prior to further flight, replace the fuel hose with a serviceable part.

(d) If any severed braided strand or any fuel leak is found during any inspection required by this AD: Prior to further flight, replace the fuel hose with a serviceable part in accordance with Lockheed Service Bulletin 093-28-A091, dated March 8, 1995.

(e) Replacement of the fuel hose assembly with a fuel hose assembly having P/N 740970-113 or P/N 96715-107 (Lockheed P/N 740970-107) constitutes terminating action for the requirements of this AD.

Note 2: The preferred replacement fuel hose assembly is P/N 740970-113.

(f) 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, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

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

(g) Special flight permits may be issued in accordance with §§ 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.

(h) The actions shall be done in accordance with Lockheed Service Bulletin 093-28-

A091, dated March 8, 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 Lockheed Aeronautical Systems Support Company (LASSC), Field Support Department, Dept. 693, Zone 0755, 2251 Lake Park Drive, Smyrna, Georgia 30080. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2-160, College Park, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on April 21, 1995, to all persons except those persons to whom it was made immediately effective by telegraphic AD T95-06-51, issued on March 9, 1995, which contained the requirements of this amendment.

Issued in Renton, Washington, on March 27, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 95-8080 Filed 4-5-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 95-NM-33-AD; Amendment 39-9189; AD 95-06-52]

Airworthiness Directives; Dornier Model 328-100 Series Airplanes

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) T95-06-52 that was sent previously to all known U.S. owners and operators of certain Dornier Model 328-100 series airplanes by individual telegrams. This AD requires removal of the bypass outlet plates from the lower cowlings of both engines. This amendment is prompted by reports of engine power rollback/flameout due to ingestion of ice into an engine. The actions specified by this AD are intended to prevent ingestion of ice into an engine, which could result in engine power rollback/flameout.

DATES: Effective April 21, 1995, to all persons except those persons to whom it was made immediately effective by telegraphic AD T95-06-52, issued on March 10, 1995, 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 21, 1995.

Comments for inclusion in the Rules Docket must be received on or before June 6, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-33-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The applicable service information may be obtained from Daimler-Benz Aerospace, Dornier, P.O. Box 1103, D-82230 Wessling, Federal Republic of Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Gary Lium, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1112; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: On March 10, 1994, the FAA issued telegraphic AD T95-06-52, which is applicable to certain Dornier Model 328-100 series airplanes.

That AD was prompted by a report from the Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for the Federal Republic of Germany, which advised the FAA of four incidents of engine power rollback/flameout. The cause of these incidents is still under investigation; however, the ingestion of ice into the engine has been identified as a contributing factor.

Certain Dornier Model 328-100 series airplanes are equipped with a plate that partially covers the bypass duct outlet port on the lower cowlings of the air intake for both engines. This plate reduces air flow into the bypass duct, thereby reducing the effectiveness of the inertial separator. (The inertial separator consists of a sharp bend in the inlet duct that leads to the engine, and a bypass duct positioned in a straight line with the air intake ducting. Ice and other foreign matter is unable to travel around the bend in the ducting and thereby reach the engine due to the inertia of the foreign matter; such matter is swept overboard through the bypass duct.) Reduced effectiveness of the inertial separator would permit ice ingestion into the engine. The FAA has determined that removal of the bypass outlet plate on the lower cowlings of the

engines reduces the possibility of ice ingestion into the engine.

Ingestion of ice into an engine, if not reduced to an acceptable level, could result in engine power rollback/flameout.

Dornier has issued Service Bulletin SB-328-71-086, dated March 6, 1995, which describes procedures for removal of the bypass outlet plates from the lower cowlings of both engines. Accomplishment of this modification will increase the bypass ratio of the engine inlet duct to prevent ingestion of ice into an engine and possible engine flameout. The LBA classified this service bulletin as mandatory and issued German airworthiness directive 95-156, dated March 8, 1995, in order to assure the continued airworthiness of these airplanes in the Federal Republic of Germany.

This airplane model is manufactured in the Federal Republic of 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 the unsafe condition described is likely to exist or develop on other airplanes of the same type design registered in the United States, the FAA issued Telegraphic AD T95-06-52, to require removal of the bypass outlet plates from the lower cowlings of both engines. The actions are required to be accomplished in accordance with the service bulletin previously described.

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 telegrams issued on March 10, 1995, to all known U.S. owners and operators of certain Dornier Model 328-100 series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

This AD is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this rule to clarify this long-standing requirement.

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-33-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:

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:

95-06-52 Dornier: Amendment 39-9189. Docket 95-NM-33-AD.

Applicability: Model 328-100 series airplanes, serial numbers 3005 through 3033 inclusive, 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 (f) 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 ingestion of ice into an engine, which could result in engine power rollback/flameout, accomplish the following:

(a) Prior to further flight into known or forecast icing conditions, remove the bypass outlet plate having part number (P/N) 001A716A2002000 or P/N 001A716E2012000 from the lower cowlings of the engines, in accordance with Dornier Service Bulletin SB-328-71-086, dated March 6, 1995.

(b) 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, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with §§ 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) The removal shall be done in accordance with Dornier Service Bulletin SB-328-71-086, dated March 6, 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 Daimler-Benz Aerospace, Dornier, P.O. Box 1103, D-82230 Wessling, Federal Republic of Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on April 21, 1995, to all persons except those persons to whom it was made immediately effective by telegraphic AD T95-06-52, issued on March 10, 1995, which contained the requirements of this amendment.

Issued in Renton, Washington, on March 31, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-8447 Filed 4-5-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 71

[Airspace Docket No. 94-ANM-1]

Amend Class E Airspace; North Bend, OR

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at North Bend, Oregon, to encompass a new Standard Instrument Approach Procedure (SIAP) at North Bend Municipal Airport, Oregon. The area will be depicted on aeronautical charts for pilot reference.

EFFECTIVE DATE: 0901 UTC, May 25, 1995.

FOR FURTHER INFORMATION CONTACT: Ted Melland, System Management Branch, ANM-530, Federal Aviation Administration, Docket No. 94-ANM-1, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone number: (206) 227-2536.

SUPPLEMENTARY INFORMATION:

History

On December 5, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the North Bend, OR, Class E airspace (59 FR 62361). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraphs 6002 and 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E designations 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) amends the North Bend, OR, Class E airspace by enlarging portions of the class E airspace to encompass new instrument procedures for aircraft operations within controlled airspace.

The FAA has determined that this regulation only involves an established body of technical regulations for which