

provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA. 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 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

Special Flight Permits

(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 airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(f) With the exception of the general visual inspection required by paragraph (a) of this AD, the actions shall be done in accordance with Gulfstream G-II Alert Customer Bulletin No. 27, dated March 20, 2001; Gulfstream G-III Alert Customer Bulletin No. 13, dated March 20, 2001; Gulfstream G-IV Alert Customer Bulletin No. 27, dated March 20, 2001; and Gulfstream G-V Alert Customer Bulletin No. 12, dated March 20, 2001. 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 Gulfstream Aerospace Corporation, P.O. Box 2206, M/S D-10, Savannah, Georgia 31402-9980. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(g) This amendment becomes effective on May 10, 2001.

Issued in Renton, Washington, on April 16, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 01-9876 Filed 4-24-01; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001-NM-67-AD; Amendment 39-12190; AD 2000-26-09 R1]

RIN 2120-AA64

Airworthiness Directives; Dornier Model 328-100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to all Dornier Model 328-100 series airplanes, that currently requires revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. This amendment adds information pertaining to certain material incorporated by reference. This amendment is prompted by the issuance of revisions to the Dornier 328 Airworthiness Limitations Document. The actions specified by this AD are intended to ensure that fatigue cracking of certain structural elements is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

DATES: Effective February 7, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 10, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 25, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-67-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2001-NM-67-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, 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: Tom Groves; Aerospace Engineer, International Branch, ANM-116, FAA,

Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1503; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: On December 22, 2000, the FAA issued AD 2000-26-09, amendment 39-12059 (66 FR 265, January 3, 2001), applicable to all Dornier Model 328-100 series airplanes, to require revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. That action was prompted by issuance of revisions to the Dornier 328 Airworthiness Limitations Document. The actions required by that AD are intended to ensure that fatigue cracking of certain structural elements is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the FAA notes that we inadvertently did not provide information pertaining to the incorporation by reference of certain materials. The incorporation by reference of certain materials allows Federal agencies to comply with the requirement to publish rules in the **Federal Register** by referring to materials already published elsewhere. The legal effect of incorporation by reference is that the material is treated as if it were published in the **Federal Register**. This material, like any other properly issued rule, has the force and effect of law. Congress authorized incorporation by reference in the Freedom of Information Act to reduce the volume of material published in the **Federal Register** and Code of Federal Regulations (CFR).

FAA's Findings

The FAA has revised AD 2000-26-09 to incorporate by reference Revision 13 of the Dornier 328 Airworthiness Limitations Document (ALD) TM-ALD-010693-ALL, dated July 25, 1997, and certain Temporary Revision (TR) documents into the Airworthiness Limitations Section (ALS), which were referenced in that AD as the appropriate source documents necessary to accomplish the requirements of that AD. We have revised that AD to include that information by adding a new paragraph (e) to this revised AD, and have renumbered the subsequent paragraph accordingly.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or

develop on other airplanes of the same type design registered in the United States, this AD revises AD 2000-26-09 to continue to require revising the Dornier 328 Airworthiness Limitations Document to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. This revised AD adds information, as discussed above, pertaining to certain material incorporated by reference.

Determination of Rule's Effective Date

The FAA has determined that this AD action has no adverse economic impact on any person, does not impose any new requirements or provide any additional burden on any person, in order to accomplish the requirements of this AD. Therefore, prior notice and public procedures hereon are unnecessary and this amendment is made effective as of February 7, 2001 (the effective date of AD 2000-26-09).

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.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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 2001-NM-67-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-12059 (66 FR

265, January 3, 2001), and by adding a new airworthiness directive (AD), amendment 39-12190, to read as follows:

2000-26-09 R1 Dornier Luftfahrt GMBH:
Amendment 39-12190. Docket 2001-NM-67-AD. Revises AD 2000-26-09, Amendment 39-12059.

Applicability: All Model 328-100 series airplanes, 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 request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure continued structural integrity of these airplanes, accomplish the following:

Airworthiness Limitations Revision

(a) Within 30 days after the effective date of this AD, revise the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness by incorporating Revision 13 of the Dornier 328 Airworthiness Limitations Document (ALD), TM-ALD-010693-ALL, dated July 25, 1997, and the Temporary Revision (TR) documents into the Airworthiness Limitations Section (ALS) listed in Table 1, as follows:

TABLE 1.—TEMPORARY REVISIONS

TR No.	Date of issue
TR ALD-042	January 31, 1997.
TR ALD-048	May 12, 1998.
TR ALD-050	October 2, 1997.
TR ALD-052	December 11, 1997.
TR ALD-053	April 29, 1998.
TR ALD-054	May 12, 1998.
TR ALD-055	May 26, 1998.
TR ALD-056	July 22, 1998.
TR ALD-057	October 23, 1998.
TR ALD-059	December 11, 1998.
TR ALD-062	May 18, 1999.
TR ALD-063	August 10, 1999.
TR ALD-064	October 10, 1999.
TR ALD-065	November 26, 1999.
TR ALD-067	February 7, 2000.
TR ALD-068	February 4, 2000.
TR ALD-070	May 25, 2000.

Note 2: When the TR documents have been incorporated into the latest issue of the general revisions of the ALD, the general revisions may be incorporated into the ALS, provided that the information contained in the general revisions is identical to that specified in the TR documents.

(b) Except as provided in paragraph (c) of this AD: After the actions specified in

paragraph (a) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the documents listed in paragraph (a) of this AD.

Alternative Methods of Compliance

(c) 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, International Branch, ANM-116, 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, International Branch, ANM-116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

(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 airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions shall be done in accordance with Revision 13 of the Dornier 328 Airworthiness Limitations Document, TM-ALD-010693-ALL, dated July 25, 1997; and the Dornier Temporary Revisions listed in Table 2, as follows:

TABLE 2.—TEMPORARY REVISIONS

TR No.	Date of issue
TR ALD-042	January 31, 1997.
TR ALD-048	May 12, 1998.
TR ALD-050	October 2, 1997.
TR ALD-052	December 11, 1997.

TABLE 2.—TEMPORARY REVISIONS—Continued

TR No.	Date of issue
TR ALD-053	April 29, 1998.
TR ALD-054	May 12, 1998.
TR ALD-055	May 26, 1998.
TR ALD-056	July 22, 1998.
TR ALD-057	October 23, 1998.
TR ALD-059	December 11, 1998.
TR ALD-062	May 18, 1999.
TR ALD-063	August 10, 1999.
TR ALD-064	October 10, 1999.
TR ALD-065	November 26, 1999.
TR ALD-067	February 7, 2000.
TR ALD-068	February 4, 2000.
TR ALD-070	May 25, 2000.

Revision 13 of the Dornier Airworthiness Limitations Document TM-ALD-010693-ALL, contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
List of Effective Pages: Pages 1, 2	13	July 25, 1997.

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 Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, 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.

Effective Date

(f) This amendment becomes effective on February 7, 2001.

Issued in Renton, Washington, on April 16, 2001.

Donald L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-9877 Filed 4-24-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 28154; Amendment No. 121-283]

Emergency Exits

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The Federal Aviation Administration (FAA or "we") is

amending our regulations by removing an obsolete cross reference. This change is necessary to correct an error and will not impose any additional burdens or restrictions on persons or organizations affected by these regulations.

EFFECTIVE DATE: April 25, 2001.

FOR FURTHER INFORMATION CONTACT: Michael J. Coffey, Air Carrier Operations Branch (AFS-220), Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267-3750.

SUPPLEMENTARY INFORMATION:

Background

On January 26, 1996, we published a final rule that made numerous editorial and terminology changes to the regulations governing air carriers and commercial operators (61 FR 2608). These regulations are found at 14 CFR parts 119, 121, and 135. The 1996 rule was necessary due to an earlier final rule that updated and consolidated the regulations governing the operations of commuter airlines. See 60 FR 65913, Dec. 20, 1995.

During the course of these two rulemakings, which involved numerous changes, we inadvertently failed to delete a cross reference in 14 CFR 121.310(m) to 14 CFR 121.627(c), which no longer exists in our regulations. The purpose of this action is to eliminate the obsolete cross reference to avoid causing any confusion amongst those whose

activities are governed by 14 CFR part 121.

This change is editorial in nature and has no substantive impact on the persons or organizations governed by these regulations. Under the Administrative Procedure Act, an agency doesn't have to issue a notice of proposed rulemaking when the agency for good cause finds that notice and public procedure are "impracticable, unnecessary, or contrary to the public interest." See 5 U.S.C. 553(b). Because this technical amendment simply corrects an obsolete cross reference, we find that publishing the change for public notice and comment is unnecessary.

The Administrative Procedure Act also states that an agency must publish a substantive rule not less than 30 days before its effective date, except as otherwise provided by the agency for good cause. See 5 U.S.C. 553(d). We find that this technical amendment imposes no additional burden or requirement on the regulated industry, and thus, is not substantive in nature. Moreover, we find that there is good cause to make the correction effective immediately upon publication in the **Federal Register**. It is not in the public interest to have an obsolete cross reference in our regulations. It is in the public interest to correct the error without any further delay.

This regulation is editorial in nature and imposes no additional burden on any person or organization. Accordingly, we have determined that