

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 95-10478 Filed 4-27-95; 8:45 am]

BILLING CODE 7590-01-M

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1703

FOIA Fee Schedule

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Update of FOIA fee schedule.

SUMMARY: The Defense Nuclear Facilities Safety Board is publishing its annual update to the Freedom of Information Act (FOIA) Fee Schedule pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations.

EFFECTIVE DATE: May 1, 1995.

FOR FURTHER INFORMATION CONTACT:

Kenneth M. Pusateri, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004-2901, (202) 208-6447.

SUPPLEMENTARY INFORMATION: The FOIA requires each Federal agency covered by the Act to specify a schedule of fees applicable to processing of requests for agency records. 5 U.S.C. 552(a)(4)(i). On March 15, 1991 the Board published for comment in the **Federal Register** its proposed FOIA Fee Schedule. 56 FR 11114. No comments were received in response to that notice and the Board issued a final Fee Schedule on May 6, 1991.

Pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations, the Board's General Manager will update the FOIA Fee Schedule once every 12 months. Previous Fee Schedule updates were published in the **Federal Register** and went into effect, most recently, on May 1, 1994. 59 FR 21640.

Board Action

Accordingly, the Board issues the following schedule of updated fees for services performed in response to FOIA requests:

Defense Nuclear Facilities Safety Board Schedule of Fees for FOIA Service

	[Implementing 10 CFR 1703.107(b)(6)]
Search or Review Charge.	\$44 per hour.
Copy Charge (paper)	\$.05 per page or generally available commercial rate (approximately \$.10 per page).
Copy Charge (3.5" diskette).	\$5.00 per diskette.
Copy Charge (audio cassette).	\$3.00 per cassette.
Duplication of Video	\$25.00 per video; \$16.50 for each additional video
Copy Charge for large documents (e.g., maps, diagrams).	Actual commercial rate.

Dated: April 25, 1995.

Kenneth M. Pusateri,
General Manager.

[FR Doc. 95-10462 Filed 4-27-95; 8:45 am]

BILLING CODE 3670-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-69-AD; Amendment 39-9208; AD 95-09-05]

Airworthiness Directives; British Aerospace Model Avro 146-RJ Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain British Aerospace Model Avro 146-RJ series airplanes. This action requires a revision to the FAA-approved Airplane Flight Manual (AFM) to alert the flightcrew of the potential for significant delays in the Honeywell Standard Windshear Detection and Recovery Guidance System (WSS) detecting windshear when the flaps of the airplane are in transition. This amendment is prompted by a report of an accident during which an airplane encountered severe windshear during a missed approach. The actions specified in this AD are intended to ensure that the flightcrew is aware that there may be significant delays in the WSS detecting windshear when the flaps of the airplane are in transition.

DATES: Effective on May 15, 1995.

Comments for inclusion in the Rules Docket must be received on or before June 27, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-69-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The information concerning this amendment may be obtained from or examined at FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Kirk Baker, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (310) 627-5345; fax (310) 627-5210.

SUPPLEMENTARY INFORMATION: Recently, the FAA received a report of an accident during which the flightcrew executed a missed approach following an instrument landing system (ILS) approach. A McDonnell Douglas Model DC-9-31 series airplane equipped with Honeywell Windshear Detection and Recovery Guidance System (WSS) was involved in this accident. Investigation into the cause of this accident revealed that the airplane encountered severe windshear during the missed approach. The FAA has determined that a design feature in the windshear computer delayed the detection of windshear when the airplane's flaps were in transition. This condition, if not corrected, could result in the flightcrew being unaware of the potential for significant delays in the WSS detecting windshear when the flaps of the airplane are in transition.

On February 14, 1995, the FAA issued AD 95-04-01, amendment 39-9153 (60 FR 9619, February 21, 1995), applicable to various transport category airplanes equipped with a Honeywell Standard Windshear Detection and Recovery Guidance System (WSS). That AD requires a revision to the FAA-approved Airplane Flight Manual (AFM) to alert the flightcrew of the potential for significant delays in the WSS detecting windshear when the flaps of the airplane are in transition. The actions required by that AD are intended to prevent the flightcrew from failing to realize that the WSS does not detect windshear in a timely manner when the flaps of the airplane are in transition,

which could result in loss of control of the airplane.

Since the issuance of that AD, the FAA has identified three additional U.S.-registered airplanes that are equipped with Honeywell WSS and, therefore, subject to the same unsafe condition addressed by AD 95-04-01. The additional airplanes are all Model Avro 146-RJ series airplanes, manufactured by British Aerospace.

This airplane model is manufactured in the United Kingdom 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. The FAA has 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 on other airplanes of the same type design registered in the United States, this AD is being issued to ensure that the flightcrew of Model Avro 146-RJ series airplanes is aware that there may be significant delays in the WSS detecting windshear when the flaps of the airplane are in transition. This AD requires a revision to the FAA-approved AFM to alert the flightcrew of the potential for significant delays in the WSS detecting windshear when the flaps of the airplane are in transition.

This is considered to be interim action. Once a modification is developed, approved, and available, the FAA may consider additional rulemaking.

Note: The FAA's normal policy is that when an AD requires a substantive change, such as a change (expansion) in its applicability, the "old" AD is superseded by removing it from the system and a new AD is added. In the case of this AD action, the FAA normally would have superseded AD 95-04-01 to expand its applicability to include the 3 additional affected airplanes. However, in reconsideration of the entire fleet size that would be affected by a supersedure action (approximately 3,000 U.S. registered airplanes), and the consequent workload associated with revising maintenance record entries, the FAA has determined that a less burdensome approach is to issue a separate AD applicable only to these 3 additional airplanes. Operators should note that this AD does not supersede AD 95-04-01; airplanes listed in the applicability of AD 95-04-01 are required to continue to comply with the requirements of that AD. This AD is a separate AD action, and is applicable only to Model Avro 146-RJ series airplanes equipped with Honeywell WSS having part number 4048300-902.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and

opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

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-69-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, 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:

95-09-05 British Aerospace Regional Aircraft Limited, Avro International Aerospace Division (Formerly British Aerospace, plc; British Aerospace Commercial Aircraft Limited): Amendment 39-9208. Docket 95-NM-69-AD.

Applicability: Model Avro 146-RJ70A, -RJ85A, and -RJ100A airplanes; equipped with Honeywell Standard Windshear Detection and Recovery Guidance System (WSS), part number 4048300-902; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is aware of significant delays in the Windshear Detection and Recovery Guidance System (WSS) detecting windshear when the flaps of the airplane are in transition, accomplish the following:

(a) Within 14 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

"During sustained banks of greater than 15 degrees or during flap configuration changes, the Honeywell Windshear Detection and Recovery Guidance System (WSS) is desensitized and alerts resulting from

encountering windshear conditions will be delayed.

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

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

(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) This amendment becomes effective on May 15, 1995.

Issued in Renton, Washington, on April 21, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-10319 Filed 4-27-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 94-NM-127-AD; Amendment 39-9207; AD 95-09-04]

Airworthiness Directives; de Havilland Model DHC-8-100 and -300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain de Havilland Model DHC-8-100 and -300 series airplanes, that requires an inspection to verify the integrity of the shield grounds for the cable harness of the electronic engine control (EEC), and correction of any discrepancy. This amendment also requires measurement of the electrical resistance of certain shield grounds, and repair, if necessary. This amendment is prompted by a report of an engine flameout after a lightning strike, due to several shields for the cable harness of the EEC not being properly grounded to the airframe. The actions specified by this AD are intended to prevent engine flameout due to insufficient protection of the EEC.

DATES: Effective May 30, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 30, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario, Canada M3K 1Y5. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Richard Fiesel, Aerospace Engineer, Propulsion Branch, ANE-174, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7504; fax (516) 568-2716.

SUPPLEMENTARY INFORMATION:

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain de Havilland Model DHC-8-100 and -300 series airplanes, was published in the **Federal Register** on September 21, 1994 (59 FR 48408). That action proposed to require a visual inspection to verify the integrity of the shield grounds for the cable harness of the EEC, and correction of any discrepancy. That action also proposed to require measurement of the electrical resistance of certain shield grounds, and repair, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter requests that the proposed 45-day compliance time in paragraph (b) of the proposed AD be extended to permit operators to schedule the proposed actions according to the size of their individual fleets and, specifically, to allow up to 165 days for a fleet-wide inspection. The commenter bases this request on the following factors:

1. The commenter states that, to accomplish the proposed measurement requirement, the use of a low resistance ohm meter (micro-ohm) is necessary. The commenter has only one low resistance ohm meter to perform the measurement of all the airplanes in its fleet. With only one micro-ohm meter available, the commenter could inspect only a limited number of its fleet of airplanes during its regularly scheduled maintenance visits, and would not be

able to accomplish the proposed inspections within the proposed 45-day compliance time. Further, the commenter does not believe it should have to purchase or otherwise obtain additional units to satisfy the requirements of the proposed AD.

2. The commenter states that the actions specified in the service bulletin could not be accomplished in less than 25 hours and, that based on the amount of time available for a scheduled maintenance visit, up to 4 visits may be required to complete the inspection. The commenter is concerned about these additional expenses that would be associated with this action.

The FAA does not concur with the commenter's request to extend the compliance time. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the normal maintenance schedules for timely accomplishment of the actions required by the final rule for all affected airplanes to continue to operate without compromising safety. In consideration of these items, the FAA has determined that the 45-day compliance time represents an average maintenance interval for the affected fleet, during which time the required inspections, measurement, repair, and restoration can reasonably be accomplished and an acceptable level of safety can be maintained. However, under the provisions of paragraph (e) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

As for the commenter's concern regarding the expenses associated with accomplishing the requirements of this AD, the FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions (such as testing with special equipment) to address specific unsafe conditions as required in this rule, they appear to impose costs that would not otherwise be borne by operators. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent operators would accomplish the required actions in a timely manner even if they were not required to do so by the AD.

One commenter requests that a certain procedure for repairing frayed or broken harnesses be referenced in the proposed rule as an acceptable means of repair. The commenter states that