

Dated: April 21, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95-10548 Filed 4-28-95; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-54-AD; Amendment 39-212; AD 95-09-09]

Airworthiness Directives; McDonnell Douglas Model DC-8-60 Series Airplanes Equipped With Engines Modified by Burbank Aeronautical Corporation II (BAC II) in Accordance With Supplemental Type Certificate (STC) SA4892NM or SA5455NM

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 McDonnell Douglas Model DC-8-60 series airplanes. This action requires inspection to determine the part number of the cone bolt on the right side of the forward mount of each engine, and replacement of the bolt, if necessary. This amendment is prompted by a report of failure of a cone bolt at that location on an engine of one airplane. The actions specified in this AD are intended to prevent failure of the cone bolt on the right side of the forward mount of the engine, which may lead to separation of the engine during a critical phase of flight.

DATES: Effective May 16, 1995.

Comments for inclusion in the Rules Docket must be received on or before June 30, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-54-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

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

FOR FURTHER INFORMATION CONTACT: David Y. J. Hsu, Aerospace Engineer,

Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5323; fax (310) 627-5210.

SUPPLEMENTARY INFORMATION: Recently, the FAA received a report of failure of a cone bolt on the right side of the forward mount of an engine on a McDonnell Douglas Model DC-8-60 series airplane. Investigation revealed that corrosion pitting at the base of the bolt thread caused the cone bolt to fail. Further investigation indicated that this cone bolt, BAC II part number (P/N) DC-8-21005-7, was re-manufactured from a 15-year-old bolt. This bolt had accumulated 3,526 flight hours since it had been installed on the engine, which was modified by Burbank Aeronautical Corporation II (BAC II) in accordance with Supplemental Type Certificate (STC) SA4892NM. This condition, if not corrected in a timely manner, could result in failure of the cone bolt on the right side of the forward mount of the engine, which may lead to separation of the engine during a critical phase of flight.

Since both STC's SA4892NM and SA5455NM specify the same cone bolts, the FAA has determined that the subject unsafe condition is likely to exist or develop on all Model DC-8-60 series airplanes equipped with engines modified by BAC II in accordance with either STC. The FAA finds that the differences in design and materials used to manufacture cone bolts having Barry Controls part number, P/N 96013-1, make them less susceptible to corrosion. Therefore, the FAA has determined that cone bolts having BAC II part number, DC-8-21005-7, must be replaced with cone bolts having the Barry Controls part number.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent failure of the cone bolt on the right side of the forward mount of the engine, which may lead to separation of the engine during a critical phase of flight. This AD requires a one-time inspection to determine the part number of the cone bolt on the right side of the forward mount of the engine, and replacement of certain cone bolts having BAC II part numbers with cone bolts having Barry Controls part numbers. This AD also requires that operators submit a report to the FAA of the findings of discrepant bolts.

This is considered to be interim action until such time that all cone bolts having BAC II part numbers have been removed from the fleet and the FAA has

accounted for all cone bolts having BAC II part numbers. The information from the required reports from operators will enable the FAA to account for those cone bolts and to determine if additional rulemaking action is warranted.

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-54-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:

95-09-09 McDonnell Douglas: Amendment 39-212. Docket 95-NM-54-AD.

Applicability: Model DC-8-61, -62, -62F, -63, and -63F airplanes equipped with an engine modified by Burbank Aeronautical Corporation II (BAC II) in accordance with Supplemental Type Certificate (STC) SA4892NM or SA5455NM, 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 (d) 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 the cone bolt on the right side of the forward mount of the engine, which may lead to separation of the engine during a critical phase of flight, accomplish the following:

(a) Within 90 days after the effective date of this AD, perform an inspection to determine the part number (P/N) of the cone bolt on the right side of the forward mount of each of the four engines.

(1) If the cone bolt has Barry Controls P/N 96013-1, no further action is required by this AD.

(2) If the cone bolt does not have Barry Controls P/N 96013-1, prior to further flight, remove it and install a cone bolt having Barry Controls P/N 96013-1, in accordance with either STC SA4892NM or SA5455NM.

Note 2: Intervals for repetitive inspections and replacements of life-limited cone bolts having Barry Controls P/N 96013- are specified in STC's SA4892NM and SA5455NM.

(b) Within 10 days after replacing a cone bolt in accordance with the requirements of paragraph (a)(2) of this AD, submit a report that includes the information contained in paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) of this AD, to the Manager, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5323; fax (310) 627-5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(1) Series and fuselage serial number of Model DC-8 series airplane.

(2) Total time and number of cycles on the engine since installation of the engine modified by BAC II in accordance with STC SA4892NM or SA5455NM.

(3) Number of bolts identified having BAC II P/N DC-8-21005-7.

(4) Number of bolts destroyed having BAC P/N DC-8-21005-7.

(c) As of the effective date of this AD, no person shall install, on any airplane, a cone bolt having BAC II P/N DC-8-21005-7 on right side of the forward mount of the engine.

(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 ACO, 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, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(e) 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.

(f) This amendment becomes effective on May 16, 1995.

Issued in Renton, Washington, on April 25, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-10586 Filed 4-28-95; 8:45 am]

BILLING CODE 4910-13-U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1245

Patents and Other Intellectual Property Rights

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: NASA is amending 24 CFR part 1245 by removing Subpart 2, "Licensing of NASA Inventions." The Department of Commerce has issued similar regulations which prescribe the terms, conditions, and procedures upon which a federally-owned invention may be licensed. These regulations are codified at 37 CFR part 404, "Licensing of Government-Owned Inventions." NASA began granting licenses in accordance with the Department of Commerce regulations on March 13, 1995. All licenses agreements executed prior to this date will operate under the previous regulations.

EFFECTIVE DATE: March 13, 1995.

FOR FURTHER INFORMATION CONTACT: John G. Mannix, 202-358-2424.

List of Subjects in 14 CFR Part 1245

Authority delegations (Government agencies), Inventions and patents.

Under the authority, 42 U.S.C. 2473, 14 CFR Part 1245 is amended as follows:

PART 1245—[AMENDED]

Subpart 2—[Removed and Reserved]

In 14 CFR Part 1245, Subpart 2 (consisting of SS 1245.200 through 1245.214) is removed and reserved.

Dated: April 24, 1995.

Edward A. Frankle,
General Counsel.

[FR Doc. 95-10583 Filed 4-28-95; 8:45 am]

BILLING CODE 7510-01-M