

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-68-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:

95-09-10 McDonnell Douglas: Amendment 39-9213. Docket 95-NM-68-AD.

Applicability: Model DC-9-80 series airplanes and Model MD-88 airplanes; as listed in McDonnell Douglas DC-9 Alert Service Bulletin DC9-24A157, dated April 11, 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 (b) 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 the potential for fire and uncontrolled smoke throughout the cockpit, accomplish the following:

(a) Within 90 days after the effective date of this AD, perform a visual inspection to detect chafing of or damage to the wire bundle in the overhead switch panel of the cockpit, in accordance with McDonnell Douglas Alert Service Bulletin DC9-24A157, dated April 11, 1995.

(1) If no chafing or damage is detected, prior to further flight, apply spiral wrap to the wire bundle in accordance the alert service bulletin.

(2) If the wire insulation is chafed, prior to further flight, repair it and then apply spiral wrap to the wire bundle, in accordance with the alert service bulletin.

(3) If the wire conductor is damaged, prior to further flight, splice the wires and then apply spiral wrap to the wire bundle, in accordance with the alert service bulletin.

(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 Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: 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) The inspection, application of spiral wrap, repair, and splicing shall be done in accordance with McDonnell Douglas Alert Service Bulletin DC9-24A157, dated April 11, 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 McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801-1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2-98. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles ACO, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on May 19, 1995.

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

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-10588 Filed 5-3-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 94-ANE-14; Amendment 39-9211; AD 95-09-08]

Airworthiness Directives; McCauley Model 2A37C223/90RB Propellers

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to McCauley Model 2A37C223/90RB propellers. This action requires installation of internal steel components, replacement of a balance ring, replacement of cylinder mounting screws, and modification to an oil-filled configuration with red dye. Replacement of the identified components redistributes propeller weight while the red dye oil-filling provides an "on-condition" (in-service)

means of early crack detection of the propeller assembly and also improves lubrication and corrosion protection. Any screw failures or cracks found during the accomplishment of this AD must be reported to the FAA. This amendment is prompted by a report of a propeller found with at least one cylinder screw that had failed due to fatigue. The actions specified in this AD are intended to prevent cylinder screw failure that could result in loss of propeller control and subsequent loss of aircraft control.

DATES: Effective May 19, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 19, 1995.

Comments for inclusion in the Rules Docket must be received on or before July 3, 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-14, 12 New England Executive Park, Burlington, MA 01803-5299.

The service information referenced in this AD may be obtained from McCauley Accessory Division, The Cessna Aircraft Company, 3535 McCauley Drive, P.O. Drawer 5053, Vandalia, OH 45377-5053; telephone (513) 890-5246, fax (513) 890-6001. 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: Patricia Bonnen, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Ave., Room 232, Des Plaines, IL 60018; telephone (708) 294-7134, fax (708) 294-7834.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) received a report that a McCauley Model 2A37C223/90RB propeller installed on a Beech Bonanza that crashed on October 2, 1992, had at least one cylinder screw that had failed due to fatigue. Though the screw failure was not associated with the cause of the accident since the cylinder remained attached until impact, continued operation of a propeller with failed cylinder screws could lead to additional screw failures and ultimately loss of propeller control. This condition, if not corrected, could result in cylinder screw failure that could result in loss of propeller control and subsequent loss of aircraft control.

The FAA has reviewed and approved the technical contents of McCauley Service Letter (SL) No. 1993-13, dated September 15, 1993, that describes procedures for the installation of internal steel components, replacement of a balance ring, and for conversion of non-oil filled propeller models to an oil filled configuration.

Since an unsafe condition has been identified that is likely to exist or develop on other McCauley Model 2A37C223/90RB propellers of the same type design, this airworthiness directive (AD) is being issued to prevent cylinder screw failure that could result in loss of propeller control and subsequent loss of aircraft control. This AD requires, within the next 50 hours time in service (TIS), at the next annual inspection, or within 12 calendar months after the effective date of this AD, whichever occurs first, installing internal steel components, replacing balance ring part number C-6440-[X] with part number C-6560, replacing cylinder mounting screws with new screws, part number A-1635-70, and modifying the propeller to a red dye oil-filled configuration. The modification of the propeller hub assembly to contain oil with a red dye provides an "on-condition" (in-service) means of early crack detection and also improves lubrication and corrosion protection. The propeller weight increase from the addition of the internal steel components, together with the addition of the lubricating oil, permit the replacement of the C-6440-[X] balance ring without affecting propeller weight. The new balance ring is reduced in weight to reduce loading on the propeller cylinder mounting screws. Any screw failures or cracks found during the accomplishment of this AD must be reported. This information is necessary for the FAA to assess the long term effectiveness of the corrective actions described in this AD. The actions are required to be accomplished in accordance with the SL described previously.

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 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-14." 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:

95-09-08 McCauley: Amendment 39-9211. Docket 94-ANE-14.

Applicability: McCauley Model 2A37C223/90RB two bladed propellers with the following Propeller Serial Numbers:

901074-901092, 901094-901099, 901315-901320, 901322-901336, 901338-901340, 902816, 902818-902821;

910044, 910046-910051, 910161-910164, 910166, 910169-910170, 910172, 910174, 910176-910181, 911694, 911696, 912019, 912057, 912060, 912062, 912912;

920256-920260, 920262, 920264, 920266.

The above McCauley Model 2A37C223/90RB serial-numbered propellers are installed on but not limited to Beech Bonair 35-33, -A33, -B33, -C33, -C33A; E33, E33A, E33C, F33, F33A, F33C, and G33; and Beech Bonanza 35, 35R, A35, B35, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, 36, and A36 aircraft.

Note: The above is not an exhaustive list of aircraft which may contain the affected serial-numbered McCauley Model 2A37C223/90RB propellers. It is not possible to identify all aircraft using the affected propeller model because of installation approvals made by Supplemental Type Certificate or FAA Form 337 "Major Repair and Alteration," etc. It is the responsibility of the owner, operator, and person returning the aircraft to service to determine if an aircraft has an affected propeller.

Compliance: Required as indicated, unless accomplished previously.

To prevent cylinder screw failure that could result in loss of propeller control and subsequent loss of aircraft control, accomplish the following:

(a) Within the next 50 hours time in service (TIS), at the next annual inspection, or within 12 calendar months after the effective date of this AD, whichever occurs first, install internal steel components, replace balance ring part number C-6440-[X] with part number C-6560, replace cylinder

mounting screws with new screws, part number A-1635-70, and modify the propeller to an oil-filled configuration with red dye, all in accordance with McCauley SL No. 1993-13, dated September 15, 1993. Any propeller marked as 2A37C223/90RB-C that has an oil-fill plug in the side of the hub has complied with paragraph (a) of this AD.

Note: The modification of the propeller hub assembly to contain oil with a red dye provides an "on-condition" (in-service) means of early crack detection of the propeller assembly and also improves lubrication and corrosion protection. The oil will add approximately 2.8 lbs. to the weight of the propeller assembly.

(b) If leakage of oil containing red dye is detected in service (whether during flight or while on the ground), determine, prior to further flight, the source of leakage in accordance with McCauley SL No. 1993-13, dated September 15, 1993. Remove from service, prior to further flight, propeller assemblies that exhibit cracks and replace with a serviceable unit, modified in accordance with paragraph (a) of this AD, or with an equivalent initial production propeller that has incorporated a hub with oil containing red dye. Oil-filled propellers are identified by a letter C in the model designation and an oil-fill plug on the side of the hub.

(c) The "calendar month" compliance times stated in this AD allow the performance of the required action up to the last day of the month in which compliance is required.

(d) Report in writing any screw failures or cracks found during the accomplishment of paragraphs (a) or (b) of this AD to the Manager, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Ave., Room 232, Des Plaines, IL 60018; telephone (708) 294-7134, fax (708) 294-7834, within 10 days of the inspection. Information collection requirements contained in the regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and has been assigned OMB Control Number 2120-0056.

(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, Chicago 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, Chicago 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 Chicago 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 replacement and modifications shall be done in accordance with the following McCauley service document:

Document No.	Pages	Date
SL No. 1993-13	1-25	Sept. 15, 1993.
Total pages: 25.		

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 McCauley Accessory Division, The Cessna Aircraft Company, 3535 McCauley Drive, P.O. Drawer 5053, Vandalia, OH 45377-5053; telephone (513) 890-5246, fax (513) 890-6001. 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 on May 19, 1995.

Issued in Burlington, Massachusetts, on April 24, 1995.

James C. Jones,

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

[FR Doc. 95-10590 Filed 5-3-95; 8:45 am]

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RAILROAD RETIREMENT BOARD**20 CFR Part 344****RIN 3220-AB13****Contributions Under Special Transition Rule for Public Commuter Railroads**

AGENCY: Railroad Retirement Board.

ACTION: Final rule; removal.

SUMMARY: The Railroad Retirement Board (Board) hereby amends its regulations to remove a temporary rule regarding the computation and payment of contributions under the Railroad Unemployment Insurance Act for commuter railroads. The rule is now obsolete.

EFFECTIVE DATE: May 4, 1995.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4513, TDD (312) 751-4701.

SUPPLEMENTARY INFORMATION: Section 7102(a) of the Railroad Unemployment Insurance and Retirement Improvement Act of 1988 (Title VII, Subtitle A of Pub. L. 100-647) enacted a special transition rule regarding computation and payment of contributions by public commuter railroads for calendar years 1989 and 1990. Under the special transition rule, each public commuter