

Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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 USC 106(g), 40101, 40113, 44701.

#### **§ 39.13 [Amended]**

2. Section 39.13 is amended by removing amendment 39-9246 (60 FR 31387, June 15, 1995), and by adding a new airworthiness directive (AD), amendment 39-9478, to read as follows:

96-01-02 McDonnell Douglas: Amendment 39-9478. Docket 95-NM-97-AD.

Supersedes AD 95-11-13, Amendment 39-9246.

**Applicability:** Model MD-11 series airplanes, equipped with Pratt & Whitney Model PW4460 and PW4462 engines; as listed in McDonnell Douglas Alert Service Bulletin MD11-71A073, Revision 1, dated May 16, 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 otherwise 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 (e) of this AD 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 loss of the capability of the aft mount beam assembly to support engine loads, and possible separation of the engine from the airplane, accomplish the following:

(a) Within 60 days after June 16, 1995 (the effective date of AD 95-11-13, amendment 39-9246), perform a visual inspection to detect cracks or discrepancies in the aft mount beam assembly, part number (P/N) 221-0261-501, of engine numbers 1, 2, and 3, in accordance with McDonnell Douglas Alert Service Bulletin MD11-71A073, Revision 1, dated May 16, 1995, or Revision 2, dated October 10, 1995.

(1) If no cracks or discrepancies are detected, no further action is required by paragraph (a) of this AD.

(2) If any crack or discrepancy is detected, prior to further flight, replace the cracked or discrepant aft mount beam assembly with a new assembly having P/N 221-0261-503, or an assembly having P/N 221-0261-501 that has been previously inspected and re-identified, in accordance with paragraph 3.B., Phase 2, of the Accomplishment Instructions of the alert service bulletin. Replacement shall be accomplished in accordance with the procedures specified in either alert service bulletin.

(b) Within 4,000 flight cycles after accomplishing any inspection required by this AD, perform etch fluorescent penetrant and eddy current inspections to detect cracks or discrepancies in the aft mount beam assembly, P/N 221-0261-501, of engine numbers 1, 2, and 3, in accordance with McDonnell Douglas Alert Service Bulletin MD11-71A073, Revision 1, dated May 16, 1995, or Revision 2, dated October 10, 1995.

(1) If no crack or discrepancy is detected, prior to further flight, re-identify and install the aft mount beam assembly in accordance with the alert service bulletin.

(2) If any crack or discrepancy is detected, prior to further flight, replace the cracked or discrepant aft mount beam assembly with a new assembly having P/N 221-0261-503, or an assembly having P/N 221-0261-501 that has been previously inspected and re-identified, in accordance with paragraph 3.B., Phase 2, of the Accomplishment Instructions of the alert service bulletin. Replacement shall be accomplished in accordance with the procedures specified in the alert service bulletin.

(c) Within 10 days after accomplishing any inspection required by this AD, report inspection results, positive or negative, to the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712; 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.

(d) As of June 16, 1995 (the effective date of AD 95-11-13, amendment 39-9246), no person shall install an aft mount beam

assembly, P/N 221-0261-501, on any airplane, unless it has been previously inspected and re-identified in accordance with paragraph 3.B., Phase 2, of the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin MD11-71A073, Revision 1, dated May 16, 1995, or Revision 2, dated October 10, 1995.

(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, 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.

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

(g) The inspections and replacement shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11-71A073, Revision 1, dated May 16, 1995, or McDonnell Douglas Alert Service Bulletin MD11-71A073, Revision 2, dated October 10, 1995. The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11-71A073, Revision 2, dated October 10, 1995, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11-71A073, Revision 1, dated May 16, 1995, was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of as of June 16, 1995 (60 FR 28527, June 1, 1995). Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). Copies may be inspected 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on February 20, 1996.

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

Darrell M. Pederson,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 96-533 Filed 1-18-96; 8:45 am]

**BILLING CODE 4910-13-U**

**14 CFR Part 39**

[Docket No. 95-CE-06-AD; Amendment 39-9486; AD 96-02-01]

**Airworthiness Directives; S.N. CentrAir Model 201 (All Types) Sailplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to S.N. CentrAir Model 201 (all types) sailplanes. This action requires replacing all aileron balancing mass screws made of brass with screws made of steel, inspecting all steel screws for tightness, replacing any loose screws, and applying a normal screw thread safety bond. Incorrect fastening of the aileron balancing mass found on a Model 201 sailplane in France prompted this action. The actions specified in this AD are intended to prevent aileron failure and flutter caused by incorrect fastening of the aileron mass balance, which, if not detected and corrected, could result in loss of control of the sailplane.

**DATES:** Effective February 29, 1996.

Comments for inclusion in the Rules Docket must be received on or before March 29, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-06-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from S.N. CentrAir, Aerodome, 36300 Le Blanc, France. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-06-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Herman Belderok, Project Officer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; facsimile (816) 426-2169.

**SUPPLEMENTARY INFORMATION:** The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain S.N. CentrAir Model 201 (all types) sailplanes. The DGAC

reports that the aileron balancing mass was found incorrectly fastened on a Model 201 sailplane. This condition, if not corrected, could adversely affect the controllability of the sailplane.

S.N. CentrAir has issued Service Bulletin (SB) No. 201-11, dated February 26, 1992. This service bulletin references disassembly of each aileron, replacement of all aileron balancing mass screws made of brass with screws made of steel, inspection of all steel screws for correct tightness, and application of a normal screw thread safety bond.

This sailplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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 an unsafe condition has been identified that is likely to exist or develop on other S.N. CentrAir Model 201 (all types) sailplanes of the same type design registered in the United States, this AD requires replacing all aileron balancing mass screws made of brass with screws made of steel, inspecting all steel screws for tightness, replacing any loose screws, and applying a normal screw thread safety bond. Accomplishment of these actions would be in accordance with the applicable maintenance or service manual.

None of the Model 201 sailplanes affected by this action are on the U.S. Register. All sailplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers this rule necessary to ensure that the unsafe condition is addressed in the event that any of these subject sailplanes are imported and placed on the U.S. Register.

Should an affected sailplane be imported and placed on the U.S. Register, accomplishment of the required replacement and inspection would take approximately 4 workhours at an average labor charge of \$60 per workhour. Parts cost approximately \$10 per sailplane. Based on these figures, the total cost impact of this AD would

be \$250 per sailplane that would become registered in the United States.

Since this AD action does not affect any sailplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the Federal Register.

**Comments Invited**

Although this action is in the form of a final rule and was not preceded by notice and 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 No. 95-CE-06-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.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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 USC 106(g), 40113, 44701.

#### **§ 39.13 [Amended]**

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

96-02-01 S.N. Centrair: Amendment 39-9486. Docket 95-CE-06-AD.

*Applicability:* Model 201 (all types) sailplanes (all serial numbers), certificated in any category.

Note 1: This AD applies to each sailplane 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 sailplanes 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 prior to further flight after the effective date of this AD, unless already accomplished.

To prevent aileron failure and flutter caused by incorrect fastening of the aileron mass balance, which, if not detected and corrected, could result in loss of control of the sailplane, accomplish the following:

(a) Using procedures in the applicable maintenance or service manual, disassemble the aileron of each wing and accomplish the following:

(1) Replace all aileron balancing mass screws made of brass with screws made of steel, F/90 M4 x 16 (available at S.N. CentrAir under reference 400047).

(2) Inspect all steel aileron balancing mass screws for tightness, and replace any loose screws with F/90 M4 x 16 screws (available at S.N. CentrAir under reference 400047).

(3) Apply a normal screw thread safety bond.

Note 2: CentrAir Service Bulletin No. 201-11, dated February 26, 1992, refers to this subject. The procedures for accomplishing this action are included in the applicable maintenance or service manual.

(b) 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 sailplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to S.N. CentrAir, Aerodome, 36300 Le Blanc, France; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(e) This amendment (39-9486) becomes effective on February 23, 1996.

Issued in Kansas City, Missouri, on January 5, 1996.

Michael Gallagher,

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 96-481 Filed 1-18-96; 8:45 am]

**BILLING CODE 4910-13-U**

### **NATIONAL LABOR RELATIONS BOARD**

#### **29 CFR Part 102**

### **Modifications to Role of National Labor Relations Board's Administrative Law Judges Including: Assignment of Administrative Law Judges as Settlement Judges; Discretion of Administrative Law Judges To Dispense With Briefs, To Hear Oral Argument in Lieu of Briefs, and To Issue Bench Decisions**

**AGENCY:** National Labor Relations Board.

**ACTION:** Notice of Extension of Experimental Modifications.

**SUMMARY:** In light of the most recent shutdown of Agency operations due to the lack of appropriated funds, the National Labor Relations Board (NLRB) is extending, from January 31, 1996, until March 1, 1996, the one-year experiment it commenced on February 1, 1995, authorizing the use of settlement judges and providing administrative law judges (ALJs) with the discretion to dispense with briefs, to hear oral argument in lieu of briefs, and to issue bench decisions. In a related document published elsewhere in today's Federal Register, the NLRB is also extending, from December 29, 1995, until January 25, 1996, the deadline for filing comments in response to its recent proposal to make permanent, following expiration of the experimental period, the experimental modifications.

**DATES:** Effective January 16, 1996, the experimental modifications to the Board's rules are extended from January 31, 1996, until March 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** John J. Toner, Acting Executive Secretary, Office of the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Room 11600, Washington, D.C. 20570. Telephone: (202) 273-1940.

**SUPPLEMENTARY INFORMATION:** On September 8, 1994, the Board issued a Notice of Proposed Rulemaking (NPR) which proposed certain modifications to the Board's rules to permit the assignment of ALJs to serve as settlement judges, and to provide ALJs with the discretion to dispense with briefs, to hear oral argument in lieu of briefs, and to issue bench decisions (59 FR 46375). The NPR provided for a comment period ending October 7, 1994.

On December 22, 1994, following consideration of the comments received to the NPR, the Board issued a notice implementing, on a one-year