

Comments for inclusion in the Rules Docket must be received on or before September 18, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-119-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Learjet, P.O. Box 7707, Wichita, Kansas 67277-7707. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification Office, Small Airplane Directorate, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charles D. Riddle, Aerospace Engineer, Propulsion Branch, ACE-117W, FAA, Wichita Aircraft Certification Office, Small Airplane Directorate, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4144; fax (316) 946-4407.

SUPPLEMENTARY INFORMATION: Recently, the FAA has received reports from operators of Learjet Model 60 airplanes that the fuel crossflow tube in the underwing keelbeam area was bent slightly upward. In two instances, the fuel crossflow tube was found to be chafed by the flight control cables due to inadequate clearance between the flight control cables and the fuel crossflow tube. Investigation revealed that the tube was installed improperly. Chafing and eventual failure of the fuel crossflow tube due to inadequate clearance between the tube and the flight control cables, if not corrected, could result in loss of fuel from one fuel tank during normal operating conditions or loss of fuel from both main fuel tanks during fuel cross feeding operations.

The FAA has reviewed and approved Learjet Alert Service Bulletin SB A60-28-3, dated May 12, 1995, which describes procedures for inspection to detect bends in or damage to the fuel crossflow tube, and replacement of bent or damaged tubes with new tubes; and inspection to determine the clearance between the fuel crossflow tube and the flight control cables, and replacement of tubes with new tubes if inadequate clearance exists. This alert service bulletin describes procedures for replacement of the fuel crossflow tube with a new tube for a certain group of

airplanes. Replacement procedures for the remaining group of airplanes is described in Learjet Service Bulletin SB 60-28-4, dated May 12, 1995, which the FAA has reviewed and approved.

Since an unsafe condition has been identified that is likely to exist or develop on other Learjet Model 60 airplanes of the same type design, this AD is being issued to prevent chafing and eventual failure of the fuel crossflow tube due to inadequate clearance between the tube and the flight control cables; this condition could result in loss of fuel from one fuel tank during normal operating conditions or loss of fuel from both main fuel tanks during fuel cross feeding operations. This AD requires inspection to detect bends in or damage to the fuel crossflow tube, inspection to determine clearance between the fuel crossflow tube and the flight control cables, and replacement of tubes, if necessary. The actions are required to be accomplished in accordance with the service bulletins described previously.

This AD differs from the service bulletin in that the AD requires replacement of the tube if the tube is not bent or damaged and minimum clearance does not exist. This AD also requires the repair of certain fuel crossflow tubes in accordance with a method approved by the FAA.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this rule to clarify this long-standing requirement.

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-119-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