• Droplets that splash or splatter on impact at temperatures below 0 degrees Celsius ambient air temperature.

PROCEDURES FOR EXITING THE SEVERE ICING ENVIRONMENT:

These procedures are applicable to all flight phases from takeoff to landing. Monitor the ambient air temperature. While severe icing may form at temperatures as cold as -18 degrees Celsius, increased vigilance is warranted at temperatures around freezing with visible moisture present. If the visual cues specified in the Limitations Section of the AFM for identifying severe icing conditions are observed, accomplish the following:

• Immediately request priority handling from Air Traffic Control to facilitate a route or an altitude change to exit the severe icing conditions in order to avoid extended exposure to flight conditions more severe than those for which the airplane has been certificated.

• Avoid abrupt and excessive maneuvering that may exacerbate control difficulties.

• Do not engage the autopilot.

• If the autopilot is engaged, hold the control wheel firmly and disengage the autopilot.

• If an unusual roll response or uncommanded roll control movement is observed, reduce the angle-of-attack.

• Do not extend flaps during extended operation in icing conditions. Operation with flaps extended can result in a reduced wing angle-of- attack, with the possibility of ice forming on the upper surface further aft on the wing than normal, possibly aft of the protected area.

• If the flaps are extended, do not retract them until the airframe is clear of ice.

• Report these weather conditions to Air Traffic Control.''

(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, Standardization Branch, ANM–113, 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, Standardization Branch, ANM–113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(c) 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.

Issued in Renton, Washington, on July 8, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–17740 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–08–AD]

RIN 2120–AA64

Airworthiness Directives; Shorts Model SD3–30, –60, and –SHERPA Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new Airworthiness Directive (AD) that is applicable to all Shorts Model SD3–30, –60, and –SHERPA series airplanes. This proposal would require a visual inspection to detect signs of exfoliation corrosion on the brackets of the flap hydraulic units, and rework or replacement of corroded brackets. This proposal is prompted by a report that exfoliation corrosion was found on the brackets of the flap hydraulic units. The actions specified by the proposed AD are intended to prevent such corrosion, and consequent reduced structural integrity of the brackets of the flap hydraulic units, which could result in the loss of the flap control and consequent reduced controllability of the airplane.

DATES: Comments must be received by August 29, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–08–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Short Brothers PLC, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202–3719.

This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Phil Forde, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2146; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal 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 96–NM–08–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–08–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all Short Brothers Model SD3–30, –60, and –SHERPA series airplanes. The CAA advises that, during a maintenance check on a Model SD3–30 series airplane, exfoliation corrosion was found on the brackets of the flap hydraulic units. The effects of such corrosion could lead to the reduced structural integrity of the brackets of the flap hydraulic units. This condition, if not detected and corrected in a timely manner, could result in the loss of the flap control and consequent reduced controllability of the airplane.

The brackets of the flap hydraulic units on certain Model SD3–60, and –SHERPA series airplanes are identical to those on the affected Model SD3–30 series airplanes. Therefore, all of these models may be subject to the same unsafe condition.

Explanation of Relevant Service Information

Shorts has issued Service Bulletin SD330–27–34 (for Model SD3–30 series airplanes), Service Bulletin SD360–27–24 (for Model SD3–60 series airplanes), and Service Bulletin SD3 SHERPA–27–1 (for Model SD3–SHERPA series airplanes), all dated September 12, 1995. These service bulletins describe procedures for a visual inspection to detect signs of exfoliation corrosion on the brackets of the flap hydraulic units, and rework or replacement of corroded brackets. The CAA classified these service bulletins as mandatory and issued airworthiness directives 005–09–95 (for Model SD3–30 series airplanes), 007–09–95 (for Model SD3–60 series airplanes), and 008–09–95 (for Model SD3–SHERPA series airplanes), in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusion

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. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, 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.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, the proposed AD would require a visual inspection to detect signs of exfoliation corrosion on the brackets of the flap hydraulic units, and rework or replacement of corroded brackets. The actions would be required to be accomplished in accordance with the service bulletins described previously.

Cost Impact

The FAA estimates that 138 airplanes (50 Model SD3–30 series airplanes, 72 Model SD3–60 series airplanes, and 16 Model SD3–SHERPA series airplanes) of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $41,400, or $300 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting 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.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Short Brothers, PLC: Docket 96–NM–08–AD.

Applicability: All Model SD3–30, –60, and –SHERPA series airplanes, 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 request approval for an alternative method of compliance in accordance with paragraph (b) 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 as indicated, unless accomplished previously.

To prevent corrosion on the brackets of the flap hydraulic units, and consequent reduced structural integrity of those brackets, which could result in the loss of the flap control and consequent reduced controllability of the airplane; accomplish the following:

(a) Within 90 days after the effective date of this AD, perform a visual inspection to detect signs of exfoliation corrosion on the brackets of the flap hydraulic units, in accordance with Shorts Service Bulletin SD330–27–34 (for Model SD3–30 series airplanes); Shorts Service Bulletin SD360–27–24 (for Model SD3–60 series airplanes); or Short Service Bulletin SD3 SHERPA–27–1 (for Model SD3–SHERPA series airplanes); all dated September 12, 1995; as applicable.

(1) If no corrosion is detected, accomplish paragraph (a)(1)(i) or (a)(1)(ii) of this AD, as applicable.

(i) For Model SD3–30 and –60 series airplanes: Repeat the visual inspection thereafter at intervals not to exceed 2,400 hours or 12 months, whichever occurs first.

(ii) For Model SD3–SHERPA series airplanes: Repeat the visual inspection thereafter at intervals not to exceed 12 months.

(2) If any corrosion is detected and it is within the limits specified in the applicable service bulletin, prior to further flight, rework the subject area in accordance with the applicable service bulletin. After accomplishment of the rework, accomplish paragraph (a)(2)(i) or (a)(2)(ii) of this AD, as applicable.

(i) For Model SD3–30 and –60 series airplanes: Repeat the visual inspection thereafter at intervals not to exceed 600 hours or 6 months, whichever occurs first.

(ii) For Model SD3–SHERPA series airplanes: Repeat the visual inspection thereafter at intervals not to exceed 6 months.

(3) If any corrosion is detected and it is outside the limits specified in the applicable service bulletin, prior to further flight, replace the bracket with a new bracket in accordance with the applicable 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, Standardization Branch, ANM–113, 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, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(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.

Issued in Renton, Washington, on July 8, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–17739 Filed 7–11–96; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 5

RIN 1076–AD05

Preference in Employment

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is proposing to amend the Preference in Employment regulations by clarifying the application of Indian preference not only within BIA but to other organizations within the Department of the Interior and removing the extension of Indian preference to the individuals of the Osage Tribe of Oklahoma who are at least one-quarter degree Indian ancestry. These regulations have also been rewritten in plain English as mandated by E.O. 12866.

DATES: Comments must be received by September 10, 1996.

ADDRESSES: Mail comments to James McDivitt, Acting Director, Office of Management and Administration, Bureau of Indian Affairs, Department of the Interior 1849 C St. NW., Mail Stop 4616–MIB, Washington, DC 20240; OR, hand deliver them to Room 4140 at the above address. Comments will be available for inspection at this address from 9:00 a.m. to 4:00 p.m., Monday through Friday beginning approximately July 26, 1996.

FOR FURTHER INFORMATION CONTACT: Carol Smalley, Bureau of Indian Affairs, Department of the Interior, telephone number (202) 208–5116.

SUPPLEMENTARY INFORMATION:

Background:

Indian Preference

The Indian preference statute, 25 U.S.C. 472, Section 12 of the Indian Reorganization Act of June 18, 1934, 48 Stat. 986, requires that the Secretary of the Interior establish standards of health, age, character, experience, knowledge, and ability for Indiana who may be appointed to positions for the administration of functions or services affecting any Indian tribe. It further provides that qualified Indians shall have preference to the appointment to vacancies in such positions.

The legal position of the Department of the Interior on the scope of the preference is set forth in a June 10, 1988, opinion by then-solicitor Ralph Tarr, ''The Scope of Indian Preference Under the Indian Reorganization Act'', M–36960, 96 I.D.1. It concludes, in general, that the preference is limited in application to the Bureau of Indian Affairs (BIA) or units removed intact from the Bureau of Indian Affairs to another Departmental bureau. By memorandum dated April 10, 1996, the Deputy Solicitor concluded that when a Bureau of Indian Affairs unit is transferred intact by virtue of an administrative decision from the BIA to a Departmental office where it will continue to perform the functions it formerly performed as part of the BIA, it effectively remains a BIA organization unit and the preference continues to apply. The functions and personnel structure of the organizational unit remain segregated from the remainder of the office to which it is transferred.

Indian Preference to the Individuals of the Osage Tribe of Oklahoma

The Bureau of Indian Affairs must apply Indian preference in filling every vacant position, however created, within the Bureau of Indian Affairs, *Freeman* v. *Morton*, 499 F.2d 492 (DC Cir. 1974). The Secretary issued a final rule for the definition of ''Indian'' on January 17, 1978, which identified five categories of persons of Indian descent eligible for Indian preference. The fifth criterion applied to the Five Civilized Tribes of Oklahoma and to the Osage Tribe whose rolls were closed by the Acts of Congress, and who had not as yet reorganized to establish current membership standards. Many such individuals have received employment preference based on the one-quarter degree standard which was previously established by the Secretary. In 1978, these Tribes were allowed three years, until July 17, 1981, to organize so that members would not be deprived of the one-quarter eligibility standard rather than the one-half degree standard.

On October 4, 1984, the Bureau of Indian Affairs published a final rule (49 FR 39157) to amend 25 CFR Part 5. Section 5.1(e) specified the date of October 4, 1985, as the final date for making appointments of persons of one-quarter degree Indian ancestry. On September 15, 1986, the BIA published a final rule (51 FR 32632) to revise 25 CFR Part 5, Preference in Employment. Section 5.1(e) specified the date of September 5, 1988, as the final date for making appointments of persons of one-quarter degree Indian ancestry. The last final rule published (54 FR 282, January 5, 1989), extended Section 5.1(e) to January 5, 1990.

On February 10, 1994, the Assistant Secretary—Indian Affairs approved the Osage Tribe constitution as ratified by qualified voters of the Osage Nation February 4, 1994. By memorandum dated July 15, 1994, the Assistant Secretary—Indian Affairs recognized the authority of the Osage National Council to identify those Osage Indians who are eligible for Indian preference and suggested the voting list prepared for the constitutional election and the election of officers serve as a temporary membership roll.

The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes, 25 U.S.C. 2 and 9.

Notice of our intent to amend Section 5.1(e), Indian Preference to the Individuals of the Osage Tribe of Oklahoma, appeared in the proposed rule which was published at 59 FR 47046 (Sept. 13, 1994). No comments were received by the Bureau following the publication of the proposed rule.

Certain individuals who are of Indian descent may receive preference when appointments are made to vacancies in positions in the Bureau of Indian Affairs and in any Bureau of Indian Affairs unit that has been transferred intact to a bureau of office within the Department of the Interior and continues to perform the functions it formerly performed as part of the Bureau of Indian Affairs.

Individuals seeking Indian preference in employment must subject proof: of his or her membership in a Federally recognized Indian tribe; of descendancy from a member and that he or she was residing within the present boundaries of any Indian reservation on June 1, 1934; that he or she is an Eskimo or another aboriginal person of Alaska as defined by the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*); or proof of one-half or more Indian