

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. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

97-09-09. Raytheon Aircraft Company:
Amendment No. 39-10005; Docket No. 95-CE-89-AD.

Applicability: Models 58P and 58PA airplanes, having the following serial numbers, and certificated in any category:

Serial Numbers Listed in Beech Service Bulletin (SB) No. 2630

TJ-2 through TJ-177
TJ-179
TJ-181 through TJ-212
TJ-214 through TJ-270
TJ-272 through TJ-283
TJ-285 through TJ-288
TJ-290 through TJ-313
TJ-315 through TJ-321
TJ-323, TJ-324
TJ-326 through TJ-368, and
TJ-370 through TJ-497

Serial Numbers Listed in Raytheon SB No. 2691

TJ-2 through TJ-121
TJ-123 through TJ 394
TJ-396 through TJ-497

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 (d) 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 within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished:

To prevent structural cracking to the cabin caused by missing rivets, which, if not detected and corrected, could cause

decompression injuries to passengers, structural failure of the fuselage, and loss of the airplane, accomplish the following:

(a) Inspect the cabin window upper longeron (next to the upper aft splice) between the second and third right-hand (RH) cabin side windows for cracks and missing rivets in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Beechcraft Mandatory (Beech) Service Bulletin (SB) No. 2630, Issued: November 1995.

(1) If cracks are found in the upper longeron, prior to further flight, repair the cracks in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Beech SB No. 2630, Issued: November 1995.

(2) If rivets are found missing, prior to further flight, install the rivets in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Beech SB No. 2630, Issued: November 1995.

(b) Inspect the RH lower longeron between the two doublers adjacent to the lower aft side of the RH second cabin window for cracks in accordance with the ACCOMPLISHMENT INSTRUCTIONS section, PART I of Raytheon Mandatory SB No. 2691, Rev. 1, Issued: June, 1996, Revised: October 1996.

(1) If cracks are found in the RH lower longeron, prior to further flight, repair and reinforce the cracks in accordance with the ACCOMPLISHMENT INSTRUCTIONS section, PART II in Raytheon Mandatory SB No. 2691, Rev. 1, Issued: June, 1996, Revised: October 1996.

(2) If no cracks are found in the RH lower longeron, prior to further flight, reinforce the longeron in accordance with the ACCOMPLISHMENT INSTRUCTIONS section, PART III in Raytheon Mandatory SB No. 2691, Rev. 1, Issued: June, 1996, Revised: October 1996.

(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) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from Wichita Aircraft Certification Office.

(e) The inspections, installations, repairs, and reinforcements required by this AD shall be done in accordance with Beechcraft Service Bulletin No. 2630, Issued: November, 1995, and Raytheon Aircraft Mandatory Service Bulletin No. 2691, Rev. 1, Issued: June, 1996; Revised: October, 1996. 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 Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment (39-10005) becomes effective on June 30, 1997.

Issued in Kansas City, Missouri, on April 30, 1997.

Michael Gallagher,
Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-11895 Filed 5-6-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 93-CE-45-AD; Amendment 39-10016; AD 97-07-10 R1]

RIN 2120-AA64

Airworthiness Directives; de Havilland DHC-6 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document clarifies information in an existing airworthiness directive (AD) that applies to de Havilland DHC-6 series airplanes that do not have a certain wing strut modification (Modification 6/1581) incorporated. That AD currently requires inspecting the wing struts for cracks or damage (chafing, etc.), replacing wing struts that are found damaged beyond certain limits or are found cracked, and incorporating Modification No. 6/1581 to prevent future chafing damage. The actions specified in that AD are intended to prevent failure of the wing struts, which could result in loss of control of the airplane. This document clarifies the requirements of the current AD by eliminating all reference to repetitive inspections. The AD results from several reports of wing strut damage caused by the upper fairing rubbing against the wing strut.

DATES: Effective May 23, 1997.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of May 23, 1997 (62 FR 15373).

FOR FURTHER INFORMATION CONTACT: Jon Hjelm, Aerospace Engineer, FAA, New

York Aircraft Certification Office, 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581; telephone (516) 256-7523; facsimile (516) 568-2716.

SUPPLEMENTARY INFORMATION: On March 26, 1997, the Federal Aviation Administration (FAA) issued AD 97-07-10, Amendment 39-9984 (62 FR 15373, April 1, 1997), which applies to de Havilland DHC-6 series airplanes. That AD requires inspecting the wing struts for cracks or damage (chafing, etc.), replacing wing struts that are found damaged beyond certain limits or are found cracked, and incorporating Modification No. 6/1581 to prevent future chafing damage. Modification No. 6/1581 consists of installing a preformed nylon shield around the area of each wing strut at the upper end closest to the wing. Accomplishment of the inspection and modification is required in accordance with de Havilland Service Bulletin No. 6/342, dated February 23, 1976.

That AD resulted from several reports of wing strut damage caused by the upper fairing rubbing against the wing strut on the affected airplanes. The actions required by that AD are intended to prevent failure of the wing struts, which could result in loss of control of the airplane.

Need for the Correction

Since the issuance of that AD, the FAA noticed that paragraph (b)(1) of the AD is unnecessary. This paragraph reads:

Incorporating Modification No. 6/1581 eliminates the repetitive inspection requirement of this AD.

Repetitive inspections are not required by AD 97-07-10. Leaving this paragraph in the AD could lead to confusion among the operators of the affected airplanes as to what is the intent of the AD. In addition to deleting paragraph (b)(1) of this AD, paragraph (b)(2) will become part of paragraph (b).

Correction of Publication

This document clarifies the requirements of AD 97-07-10, and correctly adds the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The AD is being reprinted in its entirety for the convenience of affected operators. The effective date of the AD remains May 23, 1997.

Since this action only clarifies a current requirement, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Correction

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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 97-07-10, Amendment 39-9984 (62 FR 15373, April 1, 1997), and by adding a new airworthiness directive (AD), to read as follows:

97-07-10 R1 DeHavilland: Amendment 39-10016; Docket No. 93-CE-45-AD. Revises AD 97-07-10, Amendment 39-9984.

Applicability: Models DHC-6-1, DHC-6-100, DHC-6-200, and DHC-6-300 airplanes (all serial numbers), certificated in any category, that do not have Modification No. 6/1581 incorporated.

Note 1: Modification No. 6/1581 consists of installing a preformed nylon shield around the area of each wing strut at the upper end closest to the wing.

Note 2: 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 (d) 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 already accomplished.

To prevent failure of the wing struts, which could result in loss of control of the airplane, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, inspect the wing struts, part number (P/N) C6W1005 (or FAA-approved equivalent), for cracks or damage (chafing, etc.) in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland Service Bulletin (SB) No. 6/342, dated February 23, 1976.

(1) If damage is found on a wing strut that exceeds 0.025-inch in depth, exceeds a total

length of 5 inches, or where any two places of damage are separated by less than 10 inches of undamaged surface over the length of the strut, prior to further flight, replace the wing strut with an airworthy FAA-approved part in accordance with the applicable maintenance manual.

(2) If any crack is found, prior to further flight, replace the wing strut with an airworthy FAA-approved part in accordance with the applicable maintenance manual.

(3) If damage is found on a wing strut that exceeds 0.010-inch in depth, provided the damage does not exceed 0.025-inch in depth, the damage does not exceed a total length of 5 inches, and where any two places of damage are separated by a minimum of 10 inches undamaged surface over the length of the strut, within 500 hours TIS after the inspection specified in paragraph (a) of this AD, replace the wing strut with an airworthy FAA-approved part in accordance with the applicable maintenance manual.

(b) Within the next 600 hours TIS after the effective date of this AD, incorporate Modification No. 6/1581 in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland SB No. 6/342, dated February 23, 1976. Incorporating Modification No. 6/1581 may be accomplished at any time prior to 600 hours TIS after the effective date of this AD, at which time it must be incorporated.

(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) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, New York Aircraft Certification Office (ACO), FAA, 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(e) The inspections and modification required by this AD shall be done in accordance with de Havilland Service Bulletin No. 6/342, dated February 23, 1976. This incorporation by reference 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 May 23, 1997 (62 FR 15373, April 1, 1997). Copies may be obtained from de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5 Canada. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment (39-10016) becomes effective on May 23, 1997.

Issued in Kansas City, Missouri, on May 1, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-11880 Filed 5-6-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 950

[Docket No. 970306046-7046-01]

RIN 0648-ZA25

Schedule of Fees for Access to NOAA Environmental Data and Information and Products Derived Therefrom

AGENCY: National Environmental Satellite Data and Information Service (NESDIS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Final rule.

SUMMARY: In order to adequately respond to public requirements for access to environmental data, information, and products, archived at NESDIS' national data centers and for related services, NESDIS must upgrade its data handling capabilities at these centers. In accordance with Government policy on cost recovery, as reflected in OMB Circular A-130, NESDIS will recover the cost of disseminating its data and information, including the cost of this upgrade, from the user community. Accordingly, NESDIS is establishing a new schedule of fees for the sale of its data, information, products, and related services to commercial users which reflects the additional costs involved. Because NESDIS is responsible for promoting research and education and because these additional fees would hinder these activities by other Governmental entities, universities, nonprofit organizations, and depository libraries, NESDIS has made an exception for these organizations. It will continue to charge its existing fees to these organizations for their noncommercial use.

EFFECTIVE DATE: June 6, 1997.

FOR FURTHER INFORMATION CONTACT: Robert Money (704) 271-4680.

SUPPLEMENTARY INFORMATION: NESDIS maintains some 1300 data bases containing over 2400 environmental variables at three National Data Centers and seven World Data Centers. These centers respond to over 2,000,000 requests for these data and products

annually from over 70 countries. This collection of environmental data and products is growing exponentially, both in size and sophistication. In order to provide the public with up-to-date and timely access to these data and products at reasonable cost and to continue to provide related services, NESDIS must make a substantial investment to modernize the data dissemination capability of each center.

The modernization effort will upgrade computer hardware and software systems such that requests for environmental data and information can be serviced more efficiently. It will ultimately allow users to readily locate, browse, access and order data and information on-line at a significantly reduced cost. Users will be provided a single point of access for all NESDIS environmental data and information.

As anticipated by Congress, the cost of these improvements, to NESDIS' information dissemination capability estimated at approximately \$20 million, will be recovered from the users who access these data. This cost will be spread over the lifetime of the equipment, conservatively estimated at 8 years, resulting in cost recovery in each year of about \$2.4 million. Allocating the additional costs in this manner results in a modest increase in the current fees as set forth in the attached fee schedule.

New Fee Schedule

The new fee schedule lists both the current fee charged for each item and the new fee to be charged to commercial users that will take effect beginning June 6, 1997. The schedule applies to listed services provided by NESDIS on or after this date, except for products and services covered by a subscription agreement in effect as of this date that extends beyond this date. In those cases, the increased fees will apply upon renewal of the subscription agreement or at the earliest amendment date provided by the agreement.

This Schedule also sets forth the fees that NESDIS will charge for on-line access via the Internet, see "On-Line Products and Services." It is anticipated that this on-line capability will begin to become operational within a year and, once available, will provide the means to satisfy many user requirements at substantially reduced cost. The overall fee schedule anticipates that providing this new access route at lower cost will substantially increase the number of users to help defray the costs.

Exceptions and Limitations

Appendix IV to OMB Circular A-130 requires agencies to balance the basic

principle of cost recovery against other Governmental policies, "specifically, the proper performance of agency functions and the need to ensure that information dissemination products reach the public for whom they are intended." Where user full-cost recovery would constitute a "significant barrier to carrying out this responsibility, the agency may have grounds for reducing or eliminating its user charges * * * or for exempting some recipients from the charge."

Stimulating research and education is critical, both to support NOAA's operational mission and as a key element of its research mission, see e.g., 49 U.S.C. § 44720. NESDIS believes that were the proposed increase in fees applied to universities and other non-profit organizations that use its environmental data and information for research and educational purposes, it could negatively impact these activities and could, therefore, impair NESDIS' mission responsibility. Therefore, NESDIS has determined that it is appropriate to exempt universities and nonprofit research organizations and depository libraries from these additional fees. Any data provided to these recipients will include a provision which restricts their use to noncommercial activities.

A. Classification Under Executive Order 12866

This rule has been determined to be significant for purposes of E.O. 12866, and was reviewed by OMB.

B. Regulatory Flexibility Act Analysis

The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and the opportunity for public participation are inapplicable because this rule falls within the proprietary exception of subparagraph (a)(2) of section 553. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

C. Paperwork Reduction Act of 1980

These regulations will impose no information collection requirements subject to the Paperwork Reduction Act of 1980.