

claim, the garnishor should immediately refer the matter to the court, or other authority, for resolution.

(b) In instances where an obligor is receiving remuneration from more than one governmental entity, an authority described in § 581.102(f)(1) may apply the limitations described in paragraph (a) of this section to the total remuneration, i.e., to the combined aggregate disposable earnings received by the obligor.

PART 582—COMMERCIAL GARNISHMENT OF FEDERAL EMPLOYEES' PAY

11. The authority citation for part 582 is revised as follows:

Authority: 5 U.S.C. 5520a; 15 U.S.C. 1673; Pub. L. 104-106, section 643; E.O. 12897, 3 CFR, 1995 Comp., p. 858.

12. In § 582.305, paragraphs (c), (g), and (k) are revised to read as follows:

§ 582.305 Honoring legal process.

(c) (1) The filing of an appeal by an employee-obligor will not generally delay the processing of a garnishment action. If the employee-obligor establishes to the satisfaction of the employee-obligor's agency that the law of the jurisdiction which issued the legal process provides that the processing of the garnishment action shall be suspended during an appeal, and if the employee-obligor establishes that he or she has filed an appeal, the employing agency shall comply with the applicable law of the jurisdiction and delay or suspend the processing of the garnishment action.

(2) Notwithstanding paragraph (c)(1) of this section, the employing agency shall not be required to establish an escrow account to comply with legal process even if the applicable law of the jurisdiction requires private employers to do so.

(g) (1) Neither the United States, an executive agency, nor any disbursing officer shall be liable for any payment made from moneys due from, or payable by, the United States to any individual pursuant to legal process regular on its face, if such payment is made in accordance with this part.

(2) Neither the United States, an executive agency, nor any disbursing officer shall be liable under this part to pay money damages for failure to comply with legal process.

(k) The agency's administrative costs incurred in executing a garnishment shall be paid by the creditor. The amount garnished, including the

amount deducted as a administrative costs, may not exceed the limitations in § 582.401

[Example to paragraph (k): Where the employee-obligor's aggregate disposable earnings are \$1,000; the commercial garnishment is at the 25% maximum percentage; and the cost of processing the commercial garnishment order is \$25 per garnishment action: \$225 would be remitted in compliance with the order and \$25 would be deducted as the administrative cost for a deduction total of \$250. However, while only \$225 would be remitted, the agency would reduce the balance due as if \$250 had been remitted.]

13. In § 582.402, paragraph (a) is revised to read as follows:

§ 582.402 Maximum garnishment limitations.

(a) Unless a lower maximum limitation is provided by applicable State or local law, the maximum part of an employee-obligor's aggregate disposable earnings subject to garnishment to enforce any legal debt other than an order for child support or alimony, including any amounts withheld to offset administrative costs as provided for in § 582.305(k), shall not exceed 25 percent of the employee-obligor's aggregate disposable earnings for any workweek. As appropriate, State or local law should be construed as providing a lower maximum limitation where legal process may only be processed on a one at a time basis. Where an agency is garnishing 25 percent or more of an employee-obligor's aggregate disposable earnings for any workweek in compliance with legal process to which an agency is subject under sections 459, 461, and 462 of the Social Security Act, no additional amount may be garnished in compliance with legal process under this part. Furthermore, the following dollar limitations, which are contained in title 29 of the Code of Federal Regulations, part 870, must be applied in determining the garnishable amount of the employee's aggregate disposable earnings:

(1) If the employee-obligor's aggregate disposable earnings for the workweek are in excess of 40 times the Fair Labor Standard Act (FLSA) minimum hourly wage, 25 percent of the employee-obligor's aggregate disposable earnings may be garnished. For example, effective September 1, 1997, when the FLSA minimum wage rate is \$5.15 per hour, this rate multiplied by 40 equals \$206.00 and thus, if an employee-obligor's aggregate disposable earnings are in excess of \$206.00 for a workweek, 25 percent of the employee-obligor's

aggregate disposable earnings are subject to garnishment.

(2) If the employee-obligor's aggregate disposable earnings for a workweek are less than 40 times the FLSA minimum hourly wage, garnishment may not exceed the amount by which the employee-obligor's aggregate disposable earnings exceed 30 times the current minimum wage rate. For example, at an FLSA minimum wage rate of \$5.15 per hour, the amount of aggregate disposable earnings which may not be garnished is \$154.50 [\$5.15 x 30]. Only the amount above \$154.50 is garnishable.

(3) If the employee-obligor's aggregate disposable earnings in a workweek are equal to or less than 30 times the FLSA minimum hourly wage, the employee-obligor's earnings may not be garnished in any amount.

[FR Doc. 97-15182 Filed 6-10-97; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-CE-58-AD]

RIN 2120-AA64

Airworthiness Directives; Fairchild Aircraft Incorporated Models SA226-TC, SA226-T, SA226-T(B), and SA226-AT Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Fairchild Aircraft Incorporated (Fairchild) Models SA226-TC, SA226-T, SA226-T(B), and SA226-AT airplanes. The proposed AD would require inspecting the center flap hinge and wing trailing edge ribs at the flap actuator attach brackets for cracks and if no cracks are found, installing a doubler on the rib, or replacing a cracked rib with a new rib assembly that is reinforced with a doubler. Fatigue cracks at the center flap hinge and the support link has resulted in concentrated stress on the wing trailing edge ribs which prompted the proposed action. The actions specified by the proposed AD are intended to prevent asymmetrical flap deflection forcing the airplane into an uncommanded roll and

could cause loss of control of the airplane.

DATES: Comments must be received on or before August 11, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-58-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Fairchild Aircraft Inc., P.O. Box 32486, San Antonio, Texas, 78284; telephone (210) 824-9421. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Hung Viet Nguyen, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone (817) 222-5155; facsimile (817) 222-5960.

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 should 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 that summarizes 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 No. 96-CE-58-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, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-58-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Events Leading to the Proposed AD

The FAA has received reports of three incidents on certain Fairchild SA226 series airplanes with fatigue cracks in the wing trailing edge rib at the center flap hinge. Further investigation shows that the cracking is relieving the stress load at the support link. This prevents the flaps from extending to full deflection, which could result in asymmetrical flap deflection and cause the airplane to go into an uncommanded roll.

Related Service Information

Fairchild has issued Service Bulletin (SB) SB 57-016, *Issued:* June 25, 1981; *Revised:* December 9, 1981, that specifies procedures for inspecting the wing trailing edge ribs for cracks, if no cracks are found, installing reinforcement doublers on the ribs, and replacing ribs that have cracks with new rib assemblies.

(**Note:** The compliance time in this AD takes precedence over the compliance time in the Fairchild Service Bulletin referenced above.)

FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents and service information described above, the FAA has determined that AD action should be taken to prevent asymmetrical flap deflection forcing the airplane into an uncommanded roll and could cause loss of control of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Fairchild Models SA226-TC, SA226-T, SA226-T(B), and SA226A-T airplanes of the same type design, the proposed AD would require:

- Inspecting wing trailing edge ribs at wing stations (WS) 98.385 and 100.635 for cracks,
- Replacing any cracked rib with a new rib assembly (part number (P/N) 27-31085-1/2 or 27-31086-1/2 or FAA equivalent), and
- Installing a reinforcement doubler (P/N 27K36075-7 or FAA equivalent), whether or not cracks are found.

Cost Impact

The FAA estimates that 240 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 100 workhours per airplane to accomplish the proposed installation of the doubler and 180 workhours per airplane to accomplish the proposed installation of the new rib assembly and doubler, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$133 for both wing rib assemblies per airplane. The doubler can be manufactured from local materials. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$2,623,920 for the U.S. fleet or \$10,933 per airplane for the rib assembly and doubler installations. The labor cost for the doubler installation is \$6,000 per airplane and the doubler can be manufactured from local materials.

Regulatory Flexibility Determination and Analysis

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by government regulations. The RFA requires government agencies to determine whether rules would have a "significant economic impact on a substantial number of small entities," and, in cases where the rule would have an economic impact, the agency making the rule is obligated to conduct a Regulatory Flexibility Analysis in which alternatives to the rule are considered. FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, outlines FAA procedures and criteria for complying with the RFA. Small entities are defined as small businesses, small not-for-profit organizations that are independently owned and operated, or airports operated by small governmental jurisdictions. A "substantial number" is defined as a number that is not less than 11 and that is more than one-third of the small entities subject to a proposed rule, or any number of small entities judged to be substantial by the rulemaking official. A "significant economic impact" is defined by an annualized net compliance cost, adjusted for inflation, which is greater than a threshold cost level for defined entity types.

There are an estimated 240 Fairchild SA226 series airplanes in the U.S. registry that could be affected by the proposed action. For many of these airplanes, it is believed that the actions that are proposed have already been completed. The entities affected by the proposed AD are largely grouped in the

Standard Industrial Classification (SIC) 4512, Operators of Aircraft for Hire, classified as "Unscheduled." FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, defines a small entity in this classification as one that owns or operates nine or fewer aircraft.

In order to experience a significant economic impact under Order 2100.14A, an operator of aircraft for hire, unscheduled, would have to incur annualized costs of \$4975 (1996 dollars) or more. Costs are estimated to be approximately \$6,000 per airplane if only the doubler plates are installed, or as much as \$10,933 per airplane if any ribs are found cracked and a rib assembly replacement is required, in addition to installing the doubler plate. Annualized costs are dependent on the required work, the cost of capital for airplane owners/operators, and the expected length of time that the required changes are expected to be in use. Since the changes are assumed to be permanent, the service life of the changes is the remaining life of the airplane. The cost of capital for the airplane owners/operators is assumed to be 15 percent. Under these conditions, no owner/operator of a single airplane would be subject to significant costs if the expected remaining service life of the aircraft were more than:

(a) 1.43 years (approximately 17 months), if the doubler plate installation is required; or

(b) 2.9 years (approximately 35 months) if both the doubler plate installation and rib replacement is required.

Ownership of the new SA226 series airplanes (i.e.: the airplanes other than the older Model SA226TC) is very widely dispersed. There are five separate entities (excluding Swearingen) that show ownership of newer SA226 series airplanes in the U.S. Registry, each of which owns two SA226 series airplanes. According to the manufacturer, these airplanes are relatively new with typically less than 10,000 hours total time-in-service (TIS), and are employed primarily as corporate aircraft with usage rates at approximately 400 hours TIS per year. Allocating a nominal remaining service life of 25,000 hours total TIS (out of a total service life of 35,000 hours) at the rate of 500 hours TIS per year, suggests remaining lives on the order of 50 years. Even with a remaining service life of half of this, or 25 years, annualized costs for both doubler plate installation and rib replacement would be on the order of \$1,715. Thus, an owner of two such airplanes would experience annualized costs for the proposed AD of

approximately \$3,430, which is a figure less than 70 percent of threshold value for significant cost.

The manufacturer indicates that most of the older Fairchild Model SA226-TC airplanes (80 of which were listed in the U.S. Registry records), have probably been modified under the 1981 service bulletin that will be made mandatory by the AD. Fairchild Model SA226-TC airplanes in service have average cumulative usage of approximately 25,000 to 30,000 hours total TIS, with a likely average annual usage in cargo service of 1,000 to 1,500 hours TIS, and an economic life of 35,000 hours total TIS. This suggests that most Fairchild Model SA226-TC airplanes have remaining lives of about five years (even without prospective modifications that are likely to extend the life of the aircraft). A five-year life for an airplane that would be required to carry out both modifications implies that annualized costs would be approximately \$3,300. Thus, an owner of a single aging unmodified Fairchild Model SA226-TC airplane would not experience a significant economic impact.

According to U.S. Registry records, there are 12 entities (excluding Swearingen) that own 2 or more Fairchild Model SA226-TC airplanes, accounting for a total of 49 airplanes. Because of the age of the aircraft and the likelihood of compliance with the original service bulletin (dated 1981), the FAA believes that significant impacts will not be felt by most owners of these airplanes. In addition, the eight owners of two or more of these airplanes account for less than one-tenth of the affected entities. For these reasons, the FAA has determined that the proposed AD would not have a significant economic impact on a substantial number of small aircraft operators. The FAA solicits comments concerning the impact of this proposed AD on small entity owners of affected airplanes. Based on the possibility that this proposed AD could have a significant impact on a substantial number of small entities, the FAA conducted a regulatory flexibility analysis.

A copy of the full Cost Analysis and Regulatory Flexibility Determination for the proposed action may be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-58-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri.

FAA's Aging Commuter Aircraft Policy

This action is consistent with the FAA's aging commuter airplane policy.

This policy simply states that reliance on repetitive inspections of critical areas on airplanes utilized in commuter service carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. The alternative to installing the doubler or the new rib assembly would be relying on repetitive inspections to detect damaged wing ribs.

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 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) 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 has been placed 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 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:

Fairchild Aircraft Inc.: Docket No. 96-CE-58-AD.

Applicability: The following Models and serial numbered airplanes, certificated in any category.

Models	Serial Nos.
SA226-TC	TC201 through TC379.
SA226-T	T201 through T275, and T277 through T291.
SA226-T(B)	T(B)275, and T(B)292 through T(B)378.
SA226-AT	AT001 through AT069.

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 (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 within the next 500 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

Note 2: The compliance time of this AD takes precedence over the compliance time in the Fairchild Service Bulletin referenced below.

To prevent asymmetrical flap deflection forcing the airplane into an uncommanded roll and cause loss of control of the airplane, accomplish the following:

(a) Inspect both wing trailing edge ribs at the center flap actuator attach brackets, wing stations (WS) 98.385 and 100.635, for cracks in accordance with the Accomplishment Instructions section, Part A, of Fairchild Service Bulletin (SB) 57-016, Issued: June 25, 1981; Revised: December 9, 1981.

(1) If no cracks are found, prior to further flight, install the reinforcement doubler, part number (P/N) 27K36075-7 or an FAA approved, in accordance with the Accomplishment Instructions section, Part B of Fairchild SB 57-016, Issued: June 25, 1981; Revised: December 9, 1981.

(2) If any cracks are found, prior to further flight, replace any cracked rib with a new rib assembly (P/N 27-31085-1/2 or 27-31086-1/2 or an FAA-approved) and install the new reinforcement doubler (P/N 27K36075-7 or an FAA equivalent) in accordance with the Accomplishment Instructions section, Part B and Part C of Fairchild SB 57-016, Issued: June 25, 1981; Revised: December 9, 1981.

(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 airplane to

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

(c) An alternative method of compliance or adjustment of compliance time that provides an equivalent level of safety may be approved by the Manager, Fort Worth Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth Airplane Certification Office.

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

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to Fairchild Aircraft, Inc., P. O. Box 32486, San Antonio, Texas, 78284; 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.

Issued in Kansas City, Missouri, on June 4, 1997.

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-15174 Filed 6-10-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-AAL-8]

Proposed Revision of Class E Airspace; Ketchikan, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal will revise the Class E airspace designated as the surface area for Ketchikan International Airport, Ketchikan, AK. The Ketchikan International Airport's surface area is currently effective 24 hours a day and has a mandatory communication requirement. The wording in the last two sentences in the current description apply to surface areas with less than 24 hour operations. These last two sentences will be deleted. The intended effect of this proposal is to modify the Ketchikan, AK, surface area description to indicate a continuous, 24 hour operation.

DATES: Comments must be received on or before July 28, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, AAL-530, Docket No. 97-AAL-8, Federal Aviation

Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, System Management Branch, Air Traffic Division, at the address shown above and on the Internet at the Alaskan Region's homepage at <http://www.alaska.faa.gov/at>.

FOR FURTHER INFORMATION CONTACT:

Robert van Haastert, System Management Branch, AAL-538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number: (907) 271-5863; email:

Robert.van.Haastert@faa.dot.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 97-AAL-8." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.