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:

Aerospatiale: Docket 97-NM–161-AD.

Applicability: Model ATR42 series airplanes as identified in Aerospatiale Service Bulletin No. ATR42–32–0081, dated July 16, 1996, and Aerospatiale Service Bulletin No. ATR42–32–0082, dated July 16, 1996; 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 otherwise 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 accomplished previously.

To prevent wear of the landing gear attachment pins, which could result in collapse of the main landing gear (MLG), accomplish the following:

(a) Within 12 months after the effective date of this AD, remove the MLG leg hinge pins and side brace assembly center pins having the part numbers (P/N) specified in paragraph C. (2) of Aerospatiale Service Bulletin No. ATR42–32–0081, dated July 16, 1996; and replace the pins with serviceable pins, in accordance with the Aerospatiale service bulletin and Messier-Dowty Service Bulletin No. 631–32–127, Revision 1, dated October 22, 1996.

(b) Prior to the accumulation of 15,000 landings since the last overhaul of the MLG, or within 8 years time-in-service since the last overhaul of the MLG, whichever occurs first, remove the MLG swinging lever/barrel pins and shock absorber universal joint hinge pins having the P/N's specified in paragraph C. (2) of Aerospatiale Service Bulletin No. ATR42–32–0082, dated July 16, 1996; and replace the pins with serviceable pins, in accordance with the Aerospatiale service bulletin and Messier-Dowty Service Bulletin No. 631–32–128, dated November 15, 1996.

Note 2: Serviceable pins include those that have been removed, inspected and marked with green paint in accordance with Messier-Dowty Service Bulletin No. 631–32–127, Revision 1, dated October 22, 1996; or Messier-Dowty Service Bulletin No. 631–32–128, dated November 15, 1996; as applicable.

(c) As of the effective date of this AD, no person shall install any MLG pin having a part number identified in Aerospatiale Service Bulletin No. ATR42–32–0081, dated July 16, 1996, or Aerospatiale Service Bulletin No. ATR42–32–0082, dated July 16, 1996, on any airplane unless that pin is considered to be serviceable in accordance with the applicable service bulletin.

(d) 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 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.

(e) 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 August 14, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–22043 Filed 8–22–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–189–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace BAe Model ATP 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 certain British Aerospace BAe Model ATP airplanes. This proposal would require a detailed visual inspection of the flap drive torque tubes in the wing root area to detect inadequate clearance between the torque tubes and surrounding structure or scoring damage to the tubes; and follow-on repetitive inspections or corrective action, if necessary. Accomplishment of certain replacements and modifications would constitute terminating action for the repetitive inspections. This proposal is prompted by reports of inadequate clearance between flap drive torque tubes and surrounding structures, and possible scoring damage to the tubes. The actions specified by the proposed AD are intended to prevent failure of the torque tubes, which could result in an asymmetric flap condition and reduced controllability of the airplane.

DATES: Comments must be received by October 6, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–189–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 AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: *William Schroeder,* Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; *telephone* (425) 227–2148; *fax* (425) 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–189–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–189–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain British Aerospace BAe Model ATP airplanes. The CAA advises that, following reports of restrictions of flight control, a zonal survey was conducted of all flying control circuits on these airplanes. An area of reduced clearance, which was identified between the wing flap control system and wing center section structure, was found to affect the aluminum flap drive torque tubes. Such inadequate clearance and consequent scoring damage could lead to failure of the torque tubes, and result in an asymmetric flap condition and reduced controllability of the airplane.

Explanation of Relevant Service Information

The manufacturer has issued Service Bulletin ATP–27–80, dated April 23, 1996, which describes procedures for a detailed visual inspection of the flap drive torque tubes in the wing root area to detect inadequate clearance between the torque tubes and surrounding structure or scoring damage to the tubes; and follow-on repetitive inspections, if necessary. For certain cases, the service bulletin also describes procedures for the replacement of damaged torque tubes with new tubes and modification of the surrounding structure to gain adequate clearance. Accomplishment of such replacement and modification would eliminate the need for the repetitive inspections. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 003–04–96 in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

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 registered in the United States, the proposed AD would require a detailed visual inspection of the flap drive torque tubes in the wing root area to detect inadequate clearance between the torque tubes and surrounding structure or scoring damage to the tubes; and follow-on repetitive inspections, if necessary. For certain cases, this proposal also would require the replacement of damaged torque tubes with new tubes and modification of the surrounding structure to gain adequate clearance. Accomplishment of the modification would constitute terminating action for the repetitive inspection requirement of this AD. These actions would be required to be accomplished in accordance with the service bulletin described previously.

Differences Between Proposed Rule and Service Bulletins

Operators should note that Jetstream Service Bulletin ATP–27–80, dated April 23, 1996, differs from this AD in two respects:

1. The service bulletin recommends that, if inadequate clearance exists between any flap drive torque tube and surrounding structure in the wing root area, and there is no scoring damage to the tubes, the detailed repetitive visual inspections of the tubes, at intervals not to exceed 250 hours time-in-service, may continue indefinitely. However, the proposed AD would require modification to achieve adequate clearance within 2,000 hours time-in-service after the initial inspection. The FAA has determined that long term continued operational safety will be better assured by modifications or design changes to remove the source of the problem, rather than by repetitive inspections. Long term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has led the FAA to consider placing less emphasis on special procedures and more emphasis on design improvements. The proposed modification requirement is in consonance with these considerations.

2. The service bulletin recommends that, if both torque tubes on the same side are damaged, and the scoring is within the maximum allowable damage limits specified, continued flight is allowed up to 250 hours time-in-service before new torque tubes are installed. However, the proposed AD would require replacing at least one of the torque tubes with a new tube prior to further flight. The FAA has determined that failure of both torque tubes on one side during the same flight could result in an asymmetric flap condition and reduced controllability of the airplane. The FAA also has determined that if both torque tubes are damaged, even though the damage on either torque tube is within the allowable limits specified in the service bulletin during repetitive inspections, undetected residual damage could propagate unexpectedly and result in the failure of a torque tube. Therefore, considering the possible catastrophic results of an asymmetric flap condition, this proposed AD requires that at least one of the torque tubes on the same side remains undamaged at all times.

Cost Impact

The FAA estimates that 10 British Aerospace BAe Model ATP airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour 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 $600, or $60 per airplane.

The cost impact figures discussed above are 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:

British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited, ritish Aerospace (Commercial Aircraft) Limited]: Docket 96–NM–189–AD.

Applicability: BAe Model ATP airplanes, constructor numbers 2002 through 2063 inclusive; 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 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 as indicated, unless accomplished previously.

To prevent failure of the torque tubes, which could result in an asymmetric flap condition and reduced controllability of the airplane, accomplish the following:

(a) Within 90 days after the effective date of this AD, conduct a detailed visual inspection of the flap drive torque tubes in the left and right wing root areas to detect inadequate clearance between the torque tubes and surrounding structure or scoring damage to the tubes, in accordance with Jetstream Service Bulletin ATP–27–80, dated April 23, 1996.

(1) If adequate clearance exists between all flap drive torque tubes and surrounding structure at the sites specified in the service bulletin, with no scoring damage to any of the tubes, no further action is required by this AD.

(2) If inadequate clearance exists between any flap drive torque tube and surrounding structure at the sites specified in the service bulletin, with no scoring damage to the tubes: Accomplish the requirements of paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) At intervals not to exceed 250 hours time-in-service, repeat the detailed visual inspections required by paragraph (a) of this AD.

(ii) Within 2,000 hours time-in-service after the initial inspection required by paragraph (a) of this AD, modify the structure to gain the required minimum clearance in accordance with the service bulletin. Accomplishment of the modification constitutes terminating action for the repetitive inspection requirement of paragraph (a)(2)(ii) of this AD.

(3) If any scoring damage to the torque tubes is detected, accomplish the requirements specified in paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this AD, as applicable, in accordance with the service bulletin, and at the time specified in the applicable paragraph.

(i) If only one torque tube on one side or both sides of the airplane is damaged, and the scoring is within the maximum allowable damage limits in the service bulletin: Within 250 hours time-in-service after any inspection required by this AD in which the damage was initially detected, modify the surrounding structure to gain the required minimum clearance and install a new torque tube.

(ii) If both torque tubes on the same side of the airplane are damaged, and the scoring is within the maximum allowable damage limits in the service bulletin: Prior to further flight after any inspection required by this AD in which damage was initially detected, modify the surrounding structure to gain the required minimum clearance and replace at least one of the damaged torque tubes with a new torque tube. Within 250 hours time-in-service after any inspection in which damage was initially detected, replace the remaining damaged torque tube with a new torque tube.

(iii) If any torque tube is damaged, and the scoring is more than the allowable damage limits described in the service bulletin: Prior to further flight, modify the surrounding structure to gain the required minimum clearance and replace the damaged tube(s) with a new torque tube(s).

(b) Accomplishment of the modification to gain the required minimum clearance between the torque tubes and surrounding structure and the replacement of damaged torque tube(s) with a new torque tube(s) constitutes terminating action for the requirements of this AD.

(c) An alternative method of compliance or adjustment of the initial 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.

(d) 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 August 19, 1997.

S. R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–22487 Filed 8–22–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AGL–34]

Proposed Modification of the Legal Description of Class D Airspace; St. Paul, MN, St. Paul Downtown Holman Field

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to change the legal description of the Class D airspace area at St. Paul Downtown Holman Field (STP), St. Paul, NM. The existing legal description of the airspace area establishes the vertical limit of the airspace at 3,200 feet Mean Sea Level (MSL), excluding that airspace within