

Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from The New Piper Aircraft, Inc., Attn: Customer Service, 2926 Piper Dr., Vero Beach, Florida, 32960. 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 supersedes AD 75-26-18, Amendment 39-2504.

(g) This amendment (39-9837) becomes effective on January 17, 1997.

Issued in Kansas City, Missouri, on November 18, 1996.

James E. Jackson,

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 96-29986 Filed 11-25-96; 8:45 am]

BILLING CODE 4910-13-U

## 14 CFR Part 39

[Docket No. 96-NM-140-AD; Amendment 39-9836; AD 96-24-12]

RIN 2120-AA64

### Airworthiness Directives; Aerospatiale Model ATR72 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Aerospatiale Model ATR72 series airplanes, that requires modification of the pitch uncoupling mechanism of both elevators. This amendment is prompted by reports of fatigue cracking of the pitch uncoupling mechanism and the torque tube of the elevator. Failure of the pitch uncoupling mechanism due to fatigue cracking could result in the uncommanded uncoupling of the elevators. The actions specified by this AD are intended to prevent such fatigue cracking and subsequent uncommanded uncoupling of the elevators, which could result in reduced controllability of the airplane.

**DATES:** Effective December 31, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 31, 1996.

**ADDRESSES:** The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton,

Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Gary Lium, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1112; fax (206) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Aerospatiale Model ATR72 series airplanes was published in the Federal Register on August 19, 1996 (61 FR 42825). That action proposed to require modification of the elevator uncoupling mechanism.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

#### Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

The FAA estimates that 51 Aerospatiale Model ATR72 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 55 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. The required parts will be provided by the manufacturer at no cost to the operator. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$168,300, or \$3,300 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the 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 adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### 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 the following new airworthiness directive:

96-24-12 Aerospatiale: Amendment 39-9836. Docket 96-NM-140-AD.

*Applicability:* Model ATR72-101, -102, -201, -202, -211, and -212 series airplanes on which Modification 4495 or Aerospatiale Service Bulletin ATR 72-27-1044 has not been accomplished; 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 uncoupling of the elevators due to failure of the elevator coupling mechanism and resultant reduced controllability of the airplane, accomplish the following:

(a) Prior to the accumulation of 12,000 total landings, or within 1,000 landings after the effective date of this AD, whichever occurs later: Modify the elevator uncoupling mechanism in accordance with Aerospatiale Service Bulletin ATR72-27-1044, dated March 5, 1996.

(b) As of the effective date of this AD, no person shall install a pitch uncoupling mechanism of the elevator, having the following part numbers, on any airplane:  
S2738194100800  
S2738194102895  
S2738194102200  
S2738194102400  
S2738194102800  
S2738194103200

(c) 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, 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.

(e) The modification shall be done in accordance with Aerospatiale Service Bulletin ATR72-27-1044, dated March 5, 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 Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on December 31, 1996.

Issued in Renton, Washington, on November 18, 1996.

James V. Devany,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 96-29989 Filed 11-25-96; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Part 250

RIN 1010-AC03

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Minerals Management Service (MMS) amends the documents incorporated by reference in regulations governing oil, gas, and sulphur operations in the Outer Continental Shelf (OCS). The organizations that publish the incorporated documents have revised many of their recommended practices and standards and have published new editions. The new editions will continue to ensure that lessees use the best available and safest technologies while operating in the OCS.

**DATES:** *EFFECTIVE DATE:* December 26, 1996.

The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Federal Register on December 26, 1996.

**FOR FURTHER INFORMATION CONTACT:** Bill Hauser, Engineering and Standards Branch, telephone (703) 787-1600.

**SUPPLEMENTARY INFORMATION:** MMS uses standards, specifications, and recommended practices developed by standard-setting organizations and the oil and gas industry as a means of establishing requirements for activities in the OCS. This practice, known as incorporation by reference, allows MMS to incorporate the requirements of technical documents into the regulations without increasing the volume of the Code of Federal Regulations (CFR). MMS currently incorporates by reference, 68 documents into the offshore operating regulations.

The regulations found at 1 CFR part 51 govern how MMS and other Federal agencies incorporate various documents by reference. Agencies can only incorporate by reference through publication in the Federal Register. This generally includes standard rulemaking procedures; i.e., the agencies provide notice and opportunity for comment.

Agencies must also gain approval from the Director of the Federal Register for each publication incorporated by reference. Incorporation by reference of a document or publication is limited to

the edition of the document or publication cited in the regulations. This means that newer editions, amendments, or revisions to documents already incorporated by reference in regulations are not part of MMS's regulations.

This rule updates more than 50 out-of-date documents incorporated by reference into MMS regulations. For most documents, the changes between the old and new editions are minor. However, MMS must update these documents because the older editions may not be readily available to the affected parties. For instance, some American Petroleum Institute (API) documents currently referenced by MMS are out of print and no longer available. Other documents have undergone major revisions, and after reviewing these documents, MMS has determined that we must incorporate these documents to ensure the use of the best and safest technologies.

In the future, MMS would like to keep the number of out-of-date documents incorporated by reference to a minimum. To accomplish this, this rule includes language that streamlines the rulemaking process. Under this rule, MMS will review new editions of documents we incorporate by reference as we do now. If MMS determines that the revisions are minor, result in safety improvements or represent new industry standard technology, and do not impose undue costs on the affected parties, MMS will update the documents incorporated by reference section of our regulations with a final rule published in the Federal Register. This means that the new edition of the document(s) becomes effective without the public having prior opportunity to comment. This option is provided to agencies under 5 U.S.C. 533(b) when agencies find that the notice and comment would be impracticable, unnecessary, or contrary to the public interest.

#### Narrative Response to Comments

MMS received comments on the notice of proposed rulemaking (60FR42819) from oil and natural gas producers and trade organizations representing oil and gas producers, pipeline companies, and drilling contractors. A summary of their comments and MMS's response to each comment follows below:

*Comment:* Three parties alerted MMS that some of the documents that we had proposed to incorporate by reference have been superseded by newer editions or documents with different titles.

*MMS response:* MMS reviewed the new documents, and if the changes were