provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the clutch, loss of power to the main rotor and a subsequent forced landing of the helicopter, accomplish the following:

(a) Within 30 hours time-in-service (TIS) after the effective date of this AD, make an entry into the Accessory Replacement Record to reflect a new life limit of 3,600 hours TIS for the clutch, P/N 4639302044 or P/N CL42067–1.

(b) Remove the clutch, P/N 4639302044 or P/N CL42067–1, from service on or before reaching 3,600 hours TIS. This AD revises the Airworthiness Limitations section of the maintenance manual by establishing a new retirement life for the clutch, P/N 4639302044 or P/N CL42067–1, of 3,600 hours TIS.

(c) Replacement of the clutch, P/N 4639302044 or P/N CL42067–1, with a clutch, P/N 4639202011, constitutes a terminating action for the requirements of this AD.

(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, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

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

(f) This amendment becomes effective on December 10, 1997.

Note 3: The subject of this AD is addressed in Luftfahrt-Bundesamt (Germany) AD 95–242, dated June 13, 1995.

Issued in Fort Worth, Texas, on October 30, 1997.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 97–29238 Filed 11–4–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–SW–05–AD; Amendment 39–10194; AD 97–23–06]

RIN 2120–AA64

Airworthiness Directives; Schweizer Aircraft Corporation Model 269A, A–1, B, and C, and TH–55A Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Schweizer Aircraft Corporation Model 269A, A–1, B, and C, and TH–55A helicopters, with a certain main rotor transmission ring gear (ring gear) installed, that requires inspections of the ring gear teeth for surface deterioration which includes pitting, excessive wearing, cracking or corrosion, and replacement of the ring gear if such ring gear teeth surface deterioration is found; and also requires creating a main rotor transmission component log card (log card), if none is available, and making a notation on the log card if a ring gear is changed. This amendment is prompted by reports of failures of the ring gear due to single tooth distress as a result of improper gear tooth spacing during the manufacturing of the ring gear. The actions specified by this AD are intended to prevent failure of the ring gear, loss of drive to the main rotor gearbox, and a subsequent forced landing.

DATES: Effective December 10, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 10, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from Schweizer Aircraft Corporation, P.O. Box 147, Elmira, NY 14902, ATTN: Publications Dept. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond Reinhardt, Aerospace Engineer, New York Aircraft Certification Office, FAA, 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581, telephone (516) 256–7532, fax (516) 568–2716.

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 Schweizer Aircraft Corporation Model 269A, A–1, B, and C, and TH–55A helicopters was published in the **Federal Register** on November 4, 1996 (61 FR 56640). That action proposed to require inspections of the ring gear teeth for pitting, wearing, cracking or corrosion, and replacement of the ring gear if such ring gear teeth surface deterioration is found. The proposed inspections would be accomplished before further flight if clicking, tapping, or other unusual noises, or unusual vibration is detected while operating the helicopter, or if metal particles are found on the magnetic drain plug during routine maintenance; or, upon installation of replacement transmissions with the affected ring gear; and within the next 50 hours time-in-service (TIS) or at the next annual inspection, whichever occurs first. Thereafter, the notice proposes repetitive inspections at intervals not to exceed 50 hours TIS in accordance with the manufacturer's service bulletin.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

The one commenter states that all ring gears, P/N 269A5104–005, should not be affected by the AD, but that only ring gears, P/N 269A5104–005, manufactured by Eastern Gear Corporation (EGC) and ACR Industries (ACR), should be affected. The same commenter also states that the use of the term ''wearing'' in the proposed AD needs further amplification because all gear teeth will exhibit wear after some time in service. This wear is normally very minor, but the inference of the proposed AD could lead one to believe that ANY wear is unacceptable. The FAA concurs with both comments and the requirements of this AD are changed accordingly. The applicability paragraph has been revised to specify only those gears manufactured by EGS and ACR. The word ''excessive'' has been added before the word ''wearing'' since all gears will experience some wear after some time in service. The inspection for wear, including what constitutes ''excessive wear'', is contained in the Basic Helicopter Maintenance Instructions, Section 10, which is referenced in Schweizer

Service Bulletin B–244.2, dated February 19, 1996.

Additionally, since the issuance of the proposal, the manufacturer received a report of a failure of a ring gear, P/N 269A5104–7, which is the same part-numbered ring gear specified in the proposal as an airworthy replacement. Since that report, the manufacturer has changed the material properties in the manufacturing of ring gears beginning with serial number S2100 or higher. Therefore, the AD is changed to specify that only ring gears, P/N 269A5104–7, S/N S2100 or higher, are acceptable as replacements.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously and with other non-substantive changes. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 87 helicopters of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per helicopter to accomplish the initial inspections, 0.5 hours to create a main rotor transmission component log card, and 28 work hours if removal and replacement of the ring gear is required, and that the average labor rate is $60 per work hour. Required parts will cost approximately $6,400 per ring gear and $1,219 per overhaul kit. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $822,063, assuming creation of a component log card and replacement of the ring gear in the entire fleet is necessary.

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 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

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

AD 97–23–06 Schweizer Aircraft Corporation: Amendment 39–10194. Docket No. 96–SW–05–AD.

Applicability: Model 269A, A–1, B, and C, and TH–55A helicopters, with main rotor transmission ring gear (ring gear), part number (P/N) 269A5104–5, identified by the letters EGC (Eastern Gear Corporation), ACR (ACR Industries), or the manufacturer code number 23751 (EGC) or 57152 (ACR), installed, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (f) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the ring gear, loss of drive to the main rotor gearbox, and a subsequent forced landing, accomplish the following:

(a) Inspect the ring gear teeth for surface deterioration which includes pitting, excessive wearing, cracking or corrosion in accordance with Schweizer Service Bulletin B–244.2, dated February 19, 1996, as follows:

(1) Before further flight, if a clicking or tapping sound or other unusual noise or unusual vibration is detected while operating the helicopter, or if a metal particle is found on the magnetic drain plug during routine maintenance;

(2) Before installing a main rotor transmission which contains an affected ring gear on the helicopter;

(3) Within the next 50 hours time-in-service (TIS) after the effective date of this AD, or at the next annual inspection, whichever occurs first.

(b) Thereafter, inspect the ring gear teeth at intervals not to exceed 50 hours TIS in accordance with Schweizer Service Bulletin B–244.2, dated February 19, 1996.

(c) If surface deterioration which includes pitting, excessive wearing, cracking or corrosion is discovered, before further flight, remove the transmission from service and replace the ring gear with a ring gear, P/N 269A5104–7, serial number (S/N) S2100 or higher number.

(d) At the next main rotor transmission overhaul, remove and replace the ring gear, P/N 269A5104–5, identified on the face of the ring gear by the letters EGC, ACR, or the manufacturer code number 23751 (EGC) or 57152 (ACR) and replace it with a ring gear, P/N 269A5104–7, S/N S2100 or higher number.

(e) Installation of a ring gear, P/N 269A5104–7, S/N S2100 or higher number constitutes a terminating action for the requirements of this AD and must be annotated on a component log card. A new component log card must be created if a component log card is not in the applicable maintenance records.

(f) 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, New York Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, New York Aircraft Certification Office.

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

(g) 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 helicopter to a location where the requirements of this AD can be accomplished, provided no clicking or tapping sound or other unusual noise or unusual vibration was detected on any previous flight.

(h) The inspections shall be done in accordance with Schweizer Service Bulletin B–244.2, dated February 19, 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 Schweizer Aircraft Corporation, P.O. Box 147, Elmira, NY 14902, ATTN: Publications Dept. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort

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

(i) This amendment becomes effective on December 10, 1997.

Issued in Fort Worth, Texas, on October 30, 1997.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 97–29237 Filed 11–4–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

14 CFR Part 71

[Airspace Docket No. 97–AGL–59]

Modification of Class D Airspace; Minot, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action reinstates controlled airspace extending upward from the surface at Minot Air Force Base (AFB), ND. The airspace areas are necessary to accommodate precision standard instrument approach procedures (SIAP) serving Minot AFB. The affected airspace, formerly surface area extensions to the Minot AFB Control Zone, was inadvertently omitted from United States controlled airspace during Airspace Reclassification in 1993. This action corrects that omission.

DATES: Effective date: November 5, 1997.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7573.

SUPPLEMENTARY INFORMATION:

The Rule

This action amends 14 CFR part 71 by reinstating controlled airspace extending upward from the surface at Minot AFB, ND. The affected airspace, formerly surface area extensions to the Minot AFB Control Zone, was inadvertently omitted from United States controlled airspace during Airspace Reclassification in 1993. This action corrects that error.

Federal Aviation Administration (FAA) Order 7400.6G, dated September 4, 1990, and now obsolete, described a Control Zone serving Minot AFB which consisted of a circle with a 5 Statute Mile (SM) radius and two extensions, one to the southeast and one to the northwest, each of which was 5 SM wide and extended from the radius to 7 SM southeast and northwest respectively of the Deering Tactical Air Navigation (TACAN) facility. The Deering TACAN is located near the center of the 5 SM radius circle. The Minot AFB Control Zone, as described in FAA Order 7400.6G, was established by a final rule published in the **Federal Register** on August 12, 1970 (35 FR 12751).

In accordance with the Airspace Reclassification final rule published December 17, 1991, and effective September 16, 1993 (56 FR 65638), distances were converted from SM to Nautical Miles (NM), and Control Zones were generally redesignated as Class D airspace areas, and most Control Zone extensions were redesignated as Class E airspace areas.

In preparation for Airspace Reclassification, the FAA redrafted the legal descriptions of all airspace areas under United States jurisdiction. Part of this process involved dividing Control Zones into Class D and E airspace areas where necessary. In redrafting the legal description for the Minot AFB Control Zone, the FAA redesignated the 5 SM-radius circle as a 4.5 NM-radius Class D airspace area. The FAA did not, however, redesignate the Control Zone extensions as Class E airspace areas. This omission was unintentional as the surface area extensions remained, and continue to be, necessary to accommodate SIAP's serving Minot AFB. The FAA has never purposely and affirmatively acted to revoke the controlled airspace.

The fact that the Control Zone extensions were not redesignated as Class E airspace, and that consequently the affected areas are currently Class G airspace, was discovered in a recent joint FAA/Air Force review of the airspace requirements for Minot AFB. As a result of the discovery, the FAA and the Air Force have been forced to discontinue use of all precision SIAP's serving Minot AFB pending reinstatement of the controlled airspace areas.

The precision SIAP's at Minot AFB serve important flight safety and national security interests. Airspace standards, however, require that the SIAP's be contained entirely within controlled airspace. The FAA finds that the safety and national security concerns created by the lack of a precision SIAP at Minot AFB, combined with the fact that the agency did not intend to permit the affected airspace to revert to uncontrolled status, makes notice and public procedure under 5 U.S.C 553(b) impractical and contrary to the public interest. Furthermore, for the reasons listed above, the FAA finds that good cause exists, pursuant to 5 U.S.C. 553(d), to make this amendment effective in less than 30 days.

The coordinates for this airspace docket are based on North American Datum 83. Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1 The Class D airspace designations listed in this document will be published subsequently in the Order. Under the circumstances presented, the FAA concludes that there is an immediate need to modify these Class D airspace areas in order to promote the safe and efficient handling of air traffic in these areas.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 5000 Class D Airspace

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