

Docket Number 97-NM-299-AD." The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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:

97-26-22 Empresa Brasileira de Aeronautica S.A. (EMBRAER): Amendment 39-10265. Docket 97-NM-299-AD.

Applicability: All Model EMB-120 series airplanes, certificated in any category.

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 as indicated, unless accomplished previously.

To prevent a sudden change in pitch attitude caused by autopilot disconnect, which could result in reduced controllability of the airplane, accomplish the following:

(a) Within 20 flight hours after the effective date of this AD, perform a one-time inspection of the movable backstop of the elevator pitch trim command system to ensure that it is installed correctly, in accordance with Part I of the Accomplishment Instructions of EMBRAER Alert Service Bulletin 120-27-A081, Change 01, dated October 9, 1997. If any discrepancy is found, prior to further flight, accomplish follow-on corrective actions, in accordance with the alert service bulletin.

(b) Within 75 flight hours after the effective date of this AD, install a guide for the movable backstop of the elevator pitch trim command system, in accordance with Part II of the Accomplishment Instructions of EMBRAER Alert Service Bulletin 120-27-A081, Change 01, dated October 9, 1997.

(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, Atlanta Aircraft Certification Office (ACO), FAA, Small 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, Atlanta ACO.

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

(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 actions shall be done in accordance with EMBRAER Alert Service Bulletin 120-27-A081, Change 01, dated October 9, 1997. 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 Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification

Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Brazilian emergency airworthiness directive 97-09-08R1, dated October 23, 1997.

(f) This amendment becomes effective on January 13, 1998.

Issued in Renton, Washington, on December 19, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-33667 Filed 12-24-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-ASW-13]

RIN 2120-AA66

Realignment of VOR Federal Airway; Dallas/Fort Worth, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This rule realigns Federal Airway 369 (V-369) located in the Dallas/Fort Worth, TX, area. Specifically, V-369 will be realigned to include the newly activated Groesbeck, TX, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) Navigational Aid (NAVAID) as part of its route structure. As a result, the minimum en route altitude (MEA) on V-369 between the Dallas/Fort Worth (DFW) Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC), TX, and the Navasota, TX, VORTAC will be lowered. Lowering the MEA increases the capacity of the airway because it increases the number of altitudes that are available for air traffic control assignment to airway users. Overall, this action increases the efficiency of operations in the Dallas/Fort Worth area.

DATES: Effective 0901 UTC, February 26, 1998.

Comment date: Comments for inclusion in the Rules Docket must be received on or before January 28, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASW-500, Docket No. 97-ASW-13, Federal Aviation

Administration, 2601 Meacham Boulevard, Fort Worth, TX 76193-0500.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, TX 76193-0500.

FOR FURTHER INFORMATION CONTACT:

Steve Brown, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. The addition of Groesbeck VOR/DME along the centerline of the current V-369 and realigning the airway to include Groesbeck will not alter the airway track significantly and will benefit users of the airway. Since previous rulemaking actions similar to this one have not been controversial, the FAA does not anticipate any adverse comments on this case. Therefore, unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption "ADDRESSES." All communications received on or before the specified closing date for comments will be considered, and this rule may be amended or withdrawn in light of comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 97-ASW-13." The postcard will be date stamped and returned to the commenter.

The Rule

This amendment to 14 CFR part 71 realigns V-369 located in the Dallas/Fort Worth area. Currently, V-369 consists of one leg spanning 162 nautical miles (NM) from the Navasota VORTAC to the DFW VORTAC. Activation of the Groesbeck VOR/DME near the centerline of V-369 and the realignment of the airway to include the Groesbeck VOR/DME will allow for a lower MEA to be flown between the two VORTAC's. Lowering the MEA increases the capacity of the airway because it increases the number of altitudes that are available for air traffic control assignment to airway users. Overall, this action increases the efficiency of operations between the DFW and the Navasota VORTAC's.

Domestic VOR Federal Airways are published in paragraph 6010(a) 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 airways listed in this document will be published subsequently in the Order.

Agency Findings

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.

The FAA has determined that this regulation is not controversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (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, when 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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

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 6010(a)—Domestic VOR Federal Airways

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V-369 [Revised]

From Navasota, TX; via Groesbeck, TX; to Dallas-Fort Worth, TX.

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Issued in Washington, DC, on December 17, 1997.

Nancy B. Kalinowski,

*Acting Program Director for Air Traffic
Airspace Management.*

[FR Doc. 97-33760 Filed 12-24-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 28870; Amendment No. 91-254]

RIN 2120-AE51

Reduced Vertical Separation Operations

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Disposition of comments on
final rule.

SUMMARY: On March 27, 1997, the FAA adopted requirements for Reduced Vertical Separation Minimum (RVSM) airspace. The rule provided requirements for operating in airspace between flight level (FL) 290 and FL 410, with assigned altitudes separated by a minimum of 1,000 feet, rather than the 2,000 foot minimum separation previously required above FL 290. The amendment made more tracks and altitudes available for air traffic control to assign to operators, thus increasing efficiency of operations and air traffic capacity. The action maintained a level of safety equal to or greater than that provided by the previous regulations by requiring improved altitude-keeping performance to participate in RVSM. This action is a summary and disposition of comments received on the final rule.

ADDRESSES: The complete docket for the final rule on RVSM may be examined at the Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-200), Room 915-G, Docket No. 28870, 800 Independence Ave., SW, Washington, DC 20591, weekdays (except federal holidays) between 9:00 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:
Roy Grimes, AFS-400 Technical
Programs, Division, Flight Standards
Service, Federal Aviation
Administration, 800 Independence
Avenue SW., Washington, DC 20591,
telephone (202) 267-3734.

SUPPLEMENTARY INFORMATION:

Background

With air traffic increasing annually worldwide, FAA airspace planners and

their international counterparts continually study methods of enhancing the air traffic control (ATC) system's ability to accommodate this traffic in a safe and efficient manner. The traffic problem has become particularly acute in the North Atlantic (NAT) airspace, where the number of flight operations increased 30 percent from 1988 through 1992, according to the NAT Traffic Forecasting Group. The forecast indicated that traffic will rise 60 percent over the 1992 level of 228,200 operations by 2005. Currently, 27 percent of operations in the NAT airspace receive clearances on tracks and to altitudes other than those requested by the operators in their filed flight plans because of airspace limitations. These flights are conducted at less than optimum tracks and altitudes for the aircraft, resulting in time and fuel inefficiencies.

One limitation on air traffic management at high altitudes is the required vertical separation. At altitudes lower than FL 290, air traffic controllers can assign aircraft operating under Instrument Flight Rules (IFR) altitudes a minimum of 1,000 feet apart, however, above FL 290, the required vertical separation was a minimum of 2,000 feet prior to this final rule. (Note: Flight levels are stated in digits that represent hundreds of feet. The term flight level is used to describe a surface of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury. Rather than adjusting altimeters for changes in atmospheric pressure, pilots base altitude readings above the transition altitude (in the United States, 18,000 feet) on this standard reference. FL 290 represents 29,000 feet; FL 310 represents 31,000 feet, and so on.)

The 2,000 ft minimum vertical separation above FL 290 previously restricted the number of flight levels available, even though many more air carrier and general aviation aircraft are capable of high altitude operations now than when the 2000-foot separation standard was established. Flight levels 310, 330, 350, 370, and 390 are flight levels at which aircraft crossing between North America and Europe operate most economically, thus causing congestion at peak hours. Now, with the issuance of the RVSM final rule, air traffic can make available other flight levels, such as 320, 340, 360, and 380. Exhaustive technical studies showed that a 1,000 ft minimum vertical separation was both feasible and safe. The solution was based on marked improvement in altitude-keeping technology and provided relief from the fuel and time inefficiencies seen in the North Atlantic

Minimum Navigation Performance Specifications (NAT MNPS) airspace prior to the issuance of the RVSM final rule.

Discussion of Comments

The FAA received three comments on the RVSM final rule.

The first commenter, the Air Line Pilots' Association (ALPA), states that some pilots have been receiving traffic advisories (TA's) from their Traffic Alert and Collision Avoidance Systems (TCAS). The TA's have been encountered between same direction aircraft separated by 1000 feet, that are in close longitudinal proximity to each other with similar cruising speeds. ALPA writes that pilots have reported TA's lasting as long as twenty minutes, requiring innovative actions to eliminate them. They point out a lack of defined procedures for handling annoying TA's. Although ALPA is not aware of an occurrence, they believe the current TCAS logic leaves open the possibility of a disruptive long duration resolution advisory (RA) in the RVSM environment. Their concern is the possibility that this type of event could cause a serious problem in RVSM airspace from the close proximity of traffic and pilot training that requires compliance with RA commands.

ALPA's second area of concern is wake vortex encounters. Pilots have reported numerous encounters with turbulence produced by B-747 and B-777 aircraft using RVSM separation. Although ALPA is not aware of any serious cases reported, these operational characteristics did not exist when the 2000 foot standard was in use. ALPA points out the absence of procedures to help pilots avoid or exit areas of descending vortex.

ALPA recommends the development of an operations plan by the North Atlantic Systems Planning Group (NATSPG) which would provide procedures that could resolve both the TCAS and wake vortex problems. Some suggestions included lateral offset, Mach number change so as to change longitudinal geometries, and planned offset of each odd or even flight level.

ALPA also suggests a centralized data collecting effort that ensures the reporting of TCAS and wake vortex events. They believe the two problems could best be evaluated through the collection of data for analysis and processing.

The FAA appreciates ALPA's comments regarding the effect of RVSM on TCAS operations. The FAA, in conjunction with the other North Atlantic air traffic service (ATS) providers has requested that the ARINC