

## Conclusion

This action affects only certain novel or unusual design features on the Boeing Model 777 series airplanes. It is not a rule of general applicability, and it affects only the manufacturer who applied to the FAA for approval of these features on the airplane.

## List of subjects in 14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety.

The authority citation for these proposed special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

## The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions as part of the type certification basis for the Boeing Model 777 series airplanes equipped with seats with articulating seat backs:

1. The articulating seat back must reliably break away at the designed inertial load.

2. The seat must provide an equivalent level of head injury protection under the maximum inertia loading conditions under which the articulating seat back will not break away. The HIC value must not exceed 1,000 units at any time prior to break away.

3. The head must not become entrapped in the seat back opening created by the articulating seat back, during any testing conducted to demonstrate compliance with §§ 25.562 and 25.785(b), and these special conditions. The head must also not become entrapped in the seat back opening during any other foreseeable operating or crash conditions.

4. The HIC must not exceed 1,000 units for any obvious protrusions or recessed areas of the seat back opening (i.e., bottom lip of the seat back opening). The anthropomorphic test device (ATD) must come in contact with these protrusions or recessed areas of the seat back opening.

5. It must be shown that the additional breakaway features of the articulating seat back do not pose an entrapment hazard to the occupant of a seat having these features and impacted from the rear.

Issued in Renton, Washington, on May 27, 1998.

**John J. Hickey,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-118-AD]

RIN 2120-AA64

#### Airworthiness Directives; Aerospatiale Model ATR72 Series 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 Aerospatiale Model ATR72 series airplanes. This proposal would require a one-time inspection of certain anchor nuts located on the upper surface of the wings to detect damage, and replacement of the anchor nuts with new or serviceable nuts, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of anchor nuts on the upper surface of the wings, which could result in reduced structural integrity of the airplane.

**DATES:** Comments must be received by July 6, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-118-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 Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; 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 98-NM-118-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-114, Attention: Rules Docket No. 98-NM-118-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Aerospatiale Model ATR72 series airplanes. The DGAC advises that certain anchor nuts located on the upper skin panel of the wings were found to have failed. This failure has been attributed to quality defects during manufacture of a batch of the anchor nuts, which may cause the nuts to rupture after the tightening of corresponding screws. Such failures, if not corrected, could result in reduced structural integrity of the airplane.

#### Explanation of Relevant Service Information

The manufacturer has issued Avions de Transport Regional Service Bulletin ATR72-57-1019, dated July 7, 1997, which describes procedures for a one-time inspection of certain anchor nuts located on the upper surface of the

wings to detect damage, and replacement of any damaged nuts with new or serviceable nuts. Accomplishment of the action specified in the service bulletin is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 97-264-034(B), dated September 24, 1997, in order to assure the continued airworthiness of these airplanes in France.

#### FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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 accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

#### Differences Between Proposed Rule and Service Bulletin

Operators should note that, although the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this proposal would require the repair of those conditions to be accomplished in accordance with a method approved by either the FAA or the DGAC (or its delegated agent). In light of the type of repair that would be required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that, for this proposed AD, a repair approved by either the FAA or the DGAC would be acceptable for compliance with this proposed AD.

#### Cost Impact

The FAA estimates that 39 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed

inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be \$18,720, or \$480 per airplane.

The cost impact figure discussed above is 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:

**Aerospatiale:** Docket 98-NM-118-AD.

*Applicability:* Model ATR72-102, -201, -202, and -212 series airplanes, as listed in Avions de Transport Regional Service Bulletin ATR72-57-1019, dated July 7, 1997; 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 (b) 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 anchor nuts on the upper surface of the wings, which could result in reduced structural integrity of the airplane, accomplish the following:

(a) Within 6 months after the effective date of this AD, inspect the anchor nuts having part number (P/N) NAS1473A5 located on the upper surface of the wing to detect damage, in accordance with Avions de Transport Regional Service Bulletin ATR72-57-1019, dated July 7, 1997.

(1) If no damage is detected, no further action is required by this AD.

(2) If any damage is detected, and the damage is within the allowable limits specified in the Accomplishment Instructions of the service bulletin, prior to the accumulation of an additional 4,000 flight cycles following the inspection, replace the damaged nut having P/N NAS1473A5 with a new or serviceable nut, in accordance with the Accomplishment Instructions of the service bulletin.

(3) If any damage is detected, and the damage is outside the allowable limits specified in the Accomplishment Instructions of the service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, or the Direction Générale de l'Aviation Civile (or its delegated agent).

(b) 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, International Branch, ANM-116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

**Note 2:** Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(c) 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.

**Note 3:** The subject of this AD is addressed in French airworthiness directive 97-264-034(B), dated September 24, 1997.

Issued in Renton, Washington, on May 28, 1998.

**John J. Hickey,**

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

[FR Doc. 98-14791 Filed 6-3-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 98-AWA-1]

RIN 2120-AA66

#### Proposed Revision of the Legal Description of the Memphis Class B Airspace Area; Tennessee

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes to revise the legal description of the Memphis Class B airspace area by changing the point of origin of the airspace area from the Memphis Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) navigational aid to a geographical point in space. The FAA is taking this action due to the relocation of the Memphis VORTAC. This proposed action will not change the actual dimensions, configuration, or operating requirements of the Memphis Class B airspace area. The effective date of this rulemaking action would coincide with the relocation of the Memphis VORTAC.

**DATE:** Comments must be received on or before July 6, 1998.

**ADDRESS:** Send comments on the proposal in triplicate to the Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket, AGC-200, Airspace Docket No. 98-AWA-1, 800 Independence Avenue, SW, Washington DC 20591. Comments may also be sent electronically to the following Internet address: [nprmcmts@mail.hq.faa.gov](mailto:nprmcmts@mail.hq.faa.gov). 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.

#### FOR FURTHER INFORMATION CONTACT:

Patricia P. Crawford, 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:

##### 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 should 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. 98-AWA-1." 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 Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will also be filed in the docket.

##### Availability of NPRM's

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339) or the **Federal Register's** electronic bulletin board service (telephone: 202-512-1661).

Internet users may reach the FAA's web page at <http://www.faa.gov> or the **Federal Register's** webpage at <http://www.access.gpo.gov/su-docs> for access to recently published rulemaking documents.

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should call the FAA's Office of Rulemaking, (202) 267-9677 for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, that describes the application procedure.

##### Background

Due to on-airport expansion, the Memphis VORTAC will be relocated approximately 2.85 miles south of its current position. This relocation will affect the current Memphis Class B airspace area description. Due to this relocation, the FAA is proposing to redefine the legal description of the Memphis Class B airspace area with reference to a "point in space," which is the current geographic location of the Memphis VORTAC, as the point of origin.

##### The Proposal

The FAA proposes to amend 14 CFR part 71 (part 71) by revising the legal description of the Memphis Class B airspace area. The current legal description for the Memphis Class B airspace area utilizes the Memphis VORTAC as the point of origin. The Memphis VORTAC will be relocated 2.85 nautical miles south of its current location. Due to the relocation of this navigational aid, the FAA proposes to revise the legal description of the Memphis Class B airspace area by changing the point of origin from the Memphis VORTAC to a point in space geographical position. The geographical point of origin that will be used as part of the proposed legal description will be the old location of the navigational aid. This proposed action is a technical amendment to the legal description and would not change the actual dimensions, configuration, and operating requirements of the Memphis Class B airspace area.

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