

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-100-AD]

RIN 2120-AA64

#### Airworthiness Directives; Jetstream Model BAe ATP 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 Jetstream Model BAe ATP series airplanes. This proposal would require modification of certain parts in the elevator flight control system and the propeller pitch warning system. This proposal is prompted by a report indicating that these parts could interfere with the proper operation of these systems. The actions specified by the proposed AD are intended to prevent the flight crew from having to engage the standby elevator control system in order to regulate the pitch of the airplane; and to prevent malfunctioning of the pitch warning system for the propellers; either of which could lead to reduced controllability of the airplane.

**DATES:** Comments must be received by February 18, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-100-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 Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport,

Washington, DC 20041-6029. 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 (206) 227-2148; fax (206) 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-100-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-100-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for

the United Kingdom, recently notified the FAA that two unrelated unsafe conditions, which could lead to similar consequences, may exist on certain Jetstream Model BAe ATP series airplanes. The CAA advises that it has received a report indicating that there have been occurrences of restriction or interference with movement of the elevator flight control system on some of these airplanes. The manufacturer conducted a zonal survey of this airplane model to detect where movement of these controls could be impeded. That survey revealed the following information:

The flight control system for the elevators, which is located in an area under the flight deck, has small clearances between some of its components and surrounding structures. This design creates the potential for foreign objects to interfere with or restrict movement of the stop lever for this system's bellcrank assembly. If movement of this lever is impeded, the flight crew must engage the standby control system for the elevators, which enables one, but not both elevators to be operated. When only one elevator is working, it becomes more difficult for the flight crew to control the pitch of the airplane. This condition, if not corrected, could lead to reduced controllability of the airplane.

The zonal survey also indicated that there could be interference with the controls for the propeller pitch warning system on airplanes on which Jetstream Modification 35205A has been installed. (That modification is described in Jetstream Service Bulletin ATP-53-19, dated January 13, 1993, which contains procedures for installing of two access panels in the floor of the flight deck to make it easier for maintenance personnel to adjust the microswitches for the powerplant.) During normal operation of this system, a green warning light stays on when the propellers are in low pitch and the airplane does not exceed 60 knots Indicated Airspeed (IAS); when that airspeed is exceeded, a red warning light comes on and the flight crew knows that the pitch of the propellers must be increased. Should a retaining cord on the access panel impede operation of the microswitches, the green warning light could remain on when the airplane is flying at a speed greater than 60 knots IAS, and the flight

crew may not be immediately aware of the need to increase propeller pitch. This malfunctioning of the propeller low pitch warning system, if not corrected, could lead to the propeller operating at low pitch and high airspeed, and consequent reduced controllability of the airplane.

#### Explanation of Relevant Service Information

Jetstream has issued Service Bulletin ATP-27-78, Revision 1, dated January 31, 1996, which describes procedures for modification of the stop lever for the bellcrank assembly in the elevator flight control system. This modification, which entails shortening the lever and thus increasing clearance at its end, is intended to remove potential impediments to proper movement of the lever.

This service bulletin also describes procedures for modification of the two access panels to the powerplant microswitches on airplanes that have been fitted with Jetstream Modification 35205A. This modification, which entails removal of the retaining cords on these panels, is intended to remove potential impediments to proper operation of these switches and the propeller pitch warning system.

The CAA classified this service bulletin as mandatory and issued British airworthiness directive 003-12-95, dated January 31, 1996, 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 unsafe conditions have been identified that are likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require modification of the stop lever for the bellcrank assembly of the elevator flight control system. It also would require

that retaining cords on the access panels to the powerplant microswitches be removed from airplanes on which Jetstream Modification 35205A has been installed previously.

These actions would be required to be accomplished in accordance with the service bulletin described previously.

#### Cost Impact

The FAA estimates that 10 Jetstream Model BAe ATP series airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 7 work hours per airplane to accomplish the proposed modification of the stop lever for the bellcrank assembly of the elevator flight control system, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the proposed modification of this lever on U.S. operators is estimated to be \$4,200, or \$420 per airplane.

It would take approximately 1 work hour per airplane to accomplish the proposed removal of the retaining cords on airplanes that have been fitted with Jetstream Modification 35205A. The average labor rate is \$60 per work hour. Based on these figures, the cost impact of this proposed removal on U.S. operators of airplanes fitted with Jetstream Modification 35205A 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:

Jetstream Aircraft Limited (Formerly British Aerospace Commercial Aircraft Limited): Docket 96-NM-100-AD.

*Applicability:* Model BAe ATP series airplanes as listed in Jetstream Service Bulletin ATP-27-78, Revision 1, dated January 31, 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 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 the flight crew from having to engage the standby elevator control system in order to regulate the pitch of the airplane, and to prevent malfunctioning of the pitch warning system for the propellers, either of which could lead to reduced controllability of the airplane, accomplish the following:

(a) For airplanes on which Jetstream Modification 35205A has been installed: Within 3 months after the effective date of this AD, remove the retaining cords on the access panels to the powerplant microswitches, in accordance with Part 2 of Jetstream Service Bulletin ATP-27-78, Revision 1, dated January 31, 1996.

Note 2: Jetstream Modification 35202A is described in Jetstream Service Bulletin ATP-53-19, dated January 13, 1993.

(b) For all airplanes: Within 18 months after the effective date of this AD, modify the stop lever for the bellcrank assembly of the elevator flight control system, in accordance with Part 1 of Jetstream Service Bulletin ATP-27-78, Revision 1, dated January 31, 1996.

(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, 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.

(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 January 2, 1997.

S.R. Miller,

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

[FR Doc. 97-363 Filed 1-7-97; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 71

[Airspace Docket No. 96-AWP-34]

#### Proposed Revision of Class D and Class E Airspace; Los Angeles, CA

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to revise Class D and Class E airspace areas at Los Angeles, CA. This action is a reduction of the surface areas for the Los Angeles Hawthorne Municipal Airport, CA. A review of airspace classification and air traffic procedures has made this action necessary. The intended effect of this proposal is to reduce the complexity of the air traffic procedures and reduce the number of facilities controlling traffic within this area.

**DATES:** Comments must be received on or before February 26, 1997.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Operations Branch, AWP-530, Docket No. 96-AWP-34, Air Traffic Division, P.O. Box 92007, Worldway

Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business at the Office of the Manager, Operations Branch, Air Traffic Division at the above address.

**FOR FURTHER INFORMATION CONTACT:**

William Buck, Airspace Specialist, Operations Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6556.

**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 as 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 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 the comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 96-AWP-14." 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 Operations Branch, Air Traffic Division, at 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Operations Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedures.

#### The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise Class D and Class E airspace areas at Los Angeles Hawthorne Municipal Airport, CA. During airspace reclassification, the Hawthorne Airport Traffic Area (ATA) and the Los Angeles ATA were combined to form the Hawthorne Class D airspace. A review of airspace classification and air traffic procedures has made this action necessary. The intended effect of this proposal is to reduce the complexity of the air traffic procedures and reduce the number of facilities controlling traffic within this area. Class D airspace areas are published in Paragraph 5000 and Class E airspace designations for airspace areas designated as an extension to a Class D or Class E surface area are published in Paragraph 6004 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designation listed in this document would be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed 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 10034; 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 proposed rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.