

(a) For non-military airplanes: Prior to the accumulation of 17,000 total landings, accomplish the actions specified in paragraphs (a)(1), (a)(2), and (a)(3) of this AD:

(1) Remove all parts and other items in the area of the center wing-to-fuselage attachment fitting, in accordance with Paragraph 2.B. ("Removal") of the Accomplishment Instructions of CASA Service Bulletin SB-235-53-20, Revision 2, dated June 9, 1994.

(2) After all parts and other items have been removed in accordance with paragraph (a)(1) of this AD, conduct a visual inspection, using a magnifier of at least 10x magnitude, to detect fatigue cracking in this area (ref: Figure 1, Sheet 1, of the service bulletin). If any cracking is detected, prior to further flight and prior to installing the reinforcing plate in accordance with paragraph (a)(3) of this AD, repair in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(3) Install a reinforcing plate having CASA part number (P/N) 35-25010-0101 in the attachment area of the center wing-to-fuselage attachment fitting, in accordance with the service bulletin.

(b) For military airplanes: Prior to the accumulation of 15,000 total landings, accomplish the actions specified in paragraphs (b)(1), (b)(2), and (b)(3) of this AD:

(1) Remove all parts and other items in the area of the center wing-to-fuselage attachment fitting, in accordance with Paragraph 2.B. ("Removal") of the Accomplishment Instructions of CASA Service Bulletin SB-235-53-20M, Revision 1, dated November 27, 1995.

(2) After all parts and other items have been removed in accordance with paragraph (b)(1) of this AD, conduct a visual inspection, using a magnifier of at least 10x magnitude, to detect fatigue cracking in this area (ref: Figure 1, Sheet 1, of the service bulletin). If any cracking is detected, prior to further flight and prior to installing the reinforcing plate in accordance with paragraph (b)(3) of this AD, repair in a manner approved by the Manager, Standardization Branch, ANM-113, FAA.

(3) Install a reinforcing plate having CASA part number (P/N) 35-25010-0101 in the attachment area of the center wing-to-fuselage attachment fitting, in accordance with the service bulletin.

(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.

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, FAA, Transport Airplane Directorate.

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.

Issued in Renton, Washington, on February 25, 1997.

James V. Devany,

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

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#### 14 CFR Part 39

[Docket No. 96-CE-24-AD]

RIN 2120-AA64

#### Airworthiness Directives; Pilatus Britten-Norman Ltd. BN-2A and BN-2A Mk 111 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to supersede Airworthiness Directive (AD) 75-24-07 R1, which currently requires repetitively inspecting the left-hand (LH) rudder bar assembly for cracks and loose fasteners on certain Pilatus Britten-Norman Ltd. BN-2A and BN-2A Mk 111 series airplanes, and replacing any cracked part. The Federal Aviation Administration's policy on aging commuter-class aircraft is to eliminate certain repetitive short-interval inspections when improved parts or modifications are available. The proposed action would require inspecting the LH rudder bar assembly, determining the wall thickness of the slider tube unit, modifying the rudder bar assembly by replacing the LH slider tube with a new strengthened slider tube unit as terminating action for the repetitive inspections that are currently required by AD 75-24-07 R1. The actions specified in the proposed AD are intended to prevent failure of the pilot's rudder bar assembly, which, if not detected and corrected, could result in loss of control of the airplane.

**DATES:** Comments must be received on or before May 5, 1997.

**ADDRESSES:** Submit comments on the proposal in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-24-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from

Pilatus Britten-Norman Ltd., Bembridge, Isle of Wight, United Kingdom PO35 5PR; telephone 44-1983 872511; facsimile 44-1983 873246. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Tom Rodriguez, Program Officer, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium; telephone (322) 508.2715; facsimile (322) 230.6899; or Mr. S. M. Nagarajan, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; facsimile (816) 426-2169.

#### 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 should 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 that summarizes 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 No. 96-CE-24-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, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-24-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

## Discussion

The FAA has determined that reliance on critical repetitive inspections on aging commuter-class airplanes carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. In determining what inspections are critical, the FAA considers (1) the safety consequences if the known problem is not detected during the inspection; (2) the probability of the problem not being detected during the inspection; (3) whether the inspection area is difficult to access; and (4) the possibility of damage to an adjacent structure as a result of the problem.

These factors have led the FAA to establish an aging commuter-class aircraft policy that requires incorporating a known design change when the change could replace a critical repetitive inspection. With this policy in mind, the FAA recently conducted a review of existing ADs that apply to certain Pilatus Britten-Norman Ltd. (PBN) BN-2A and BN-2A Mk 111 series airplanes. Assisting the FAA in this review were (1) Pilatus Britten-Norman Ltd.; (2) the Regional Airlines Association (RAA); (3) the Civil Aviation Authority of the United Kingdom; and, (4) several operators of the affected airplanes.

From this review, the FAA has identified Airworthiness Directive 75-24-07 R1, Amendment 39-4571, as one that should be superseded with a new AD that would require a modification eliminating the need for short-interval and critical repetitive inspections. AD 75-24-07 R1 currently requires repetitively inspecting the LH rudder bar assembly for cracks and loose fasteners on certain PBN BN-2A and BN-2A Mk 111 series airplanes, and replacing any cracked part.

## Related Service Information

Pilatus Britten-Norman, Ltd. has issued Service Bulletin (SB) No. BN-2/SB. 111, Issue: 1, dated October 25, 1977 and SB BN-2/SB.56, Issue 2, dated February 13, 1978 which specifies procedures for installing Modification NB/M/948 which is a new, strengthened LH slider tube unit that does not require the repetitive inspection of AD 75-24-07 R1.

## FAA's Determination

Based on its aging commuter-class aircraft policy and after reviewing all available information, the FAA has determined that AD action should be taken to eliminate the repetitive short-

interval inspections required by AD 75-24-07 R1, Amendment 39-4571, and to prevent failure of the LH rudder bar assembly, which, if not detected and corrected, could result in loss of control of the airplane.

## Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other PBN BN-2A and BN-2A Mk 111 series airplanes of the same type design, the proposed AD would supersede AD 75-24-07 R1 with a new AD that would require:

(1) Inspecting for cracks in the LH rudder bar assembly using a dye penetrant method, and measuring the thickness of the slider tube to determine the applicability of the proposed action, either .056-inch (17 gauge) or .036-inch (20 gauge),

(2) Repetitively inspecting for cracks until the accumulation of a determined number of landings, then accomplishing Modification NB/M/948 by installing a new, strengthened central pillar/slider tube assembly, part number (P/N) NB-45-A1-2975, and

(3) If cracks are found during any inspection, prior to further flight, accomplish Modification NB/M/948 by installing P/N NB-45-A1-2975.

The proposed actions would be accomplished in accordance with Pilatus SB No. BN-2/SB. 111, Issue: 1, dated October 25, 1977, and Pilatus SB No. BN-2/SB.56, Issue 2, dated February 13, 1978.

## Proposed Compliance Time

For airplanes equipped with the thinner (20 gauge) slider tubes, the proposed AD would require accomplishing the modification upon the total accumulation of 2,500 landings, or within the next 500 landings after the effective date of the proposed action, whichever occurs later; and for airplanes equipped with the thicker (17 gauge) slider tubes, the proposed AD would require accomplishing the modification within the next 500 landings after the effective date of the proposed action or upon the total accumulation of 5,000 landings, whichever occurs later.

Note: If the operator has not recorded the number of landings, they can be figured by calculating 3 landings per 1 hour time-in-service.

## Cost Impact

The FAA estimates that 109 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 15 workhours per airplane to accomplish the proposed

action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$560 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$159,140 or \$1,460 per airplane. The FAA has no way to determine the number of affected owners/operators who may have accomplished the proposed action and therefore must assume that none of the affected owners/operators of the affected airplanes have accomplished the proposed action.

## The Proposed Action's Impact Utilizing the FAA's Aging Commuter Class Aircraft Policy

The intent of the FAA's aging commuter airplane program is to ensure safe operation of commuter-class airplanes that are in commercial service without adversely impacting private operators. Of the approximately 109 airplanes in the U.S. registry that would be affected by the proposed AD, the FAA has determined that approximately 30 percent are operated in scheduled passenger service by 11 different operators. A significant number of the remaining 70 percent are operating in other forms of air transportation such as air cargo and air taxi.

The average utilization of the fleet for those airplanes in commercial commuter service is approximately 20 to 40 landings per week with approximately 3 landings per 1 hour TIS per week. Based on these figures, operators of commuter-class airplanes involved in commercial operation would have to accomplish the proposed modification within approximately 3 to 5 calendar months after the proposed AD would become effective. For private owners, who typically operate their airplanes between 100 to 200 landings per year, this would allow 12 to 25 years before the proposed modification would be mandatory.

## 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 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) 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 has been placed 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 14 CFR part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for part 39 continues to read as follows:

#### **PART 39—AIRWORTHINESS DIRECTIVES**

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

##### **§ 39.13 [Amended]**

2. Section 39.13 is amended by removing Airworthiness Directive (AD), 75-24-07 R1, Amendment 39-4571, and by adding a new AD to read as follows:

Pilatus Britten-Norman: Docket No. 96-CE-24-AD; Supersedes AD 75-24-07 R1, Amendment 39-4571.

*Applicability:* BN-2A and BN-2A Mk 111 airplanes (all serial numbers), 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 (d) 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 after the effective date of this AD, unless already accomplished. For operators who have not kept records of the landings of the airplane, use 3 landings per 1 hour time-in-service (TIS).

To prevent failure of the left-hand (LH) rudder bar assembly, which, if not detected and corrected, could result in loss of control of the airplane, accomplish the following:

(a) Within the next 500 landings after the effective date of this AD, inspect the LH

rudder bar unit for cracks (using a dye penetrant method), and measure the thickness/gauge of the LH slider tube in accordance with paragraph 1. of the ACTION Inspection section of Pilatus Britten-Norman (PBN) Service Bulletin (SB) No. BN-2/SB.111, Issue 1, dated October 25, 1977 or paragraphs 1 through 3 in the ACTION section of PBN BN-2/SB.56, Issue 2, dated February 13, 1978.

(1) If no cracks are visible, accomplish the following in accordance with paragraph 3a. and 3b. of the ACTION Inspection section of PBN SB No. BN-2/SB.111, dated October 25, 1977:

(i) For airplanes that have slider tubes with 17 gauge metal (.056-inch thick), continue to inspect the LH rudder bar assembly for cracks every 500 landings and,

(ii) Upon the total accumulation of 5,000 landings or within the next 500 landings after the effective date of this AD, whichever occurs later, accomplish Modification NB/M/948 by installing a new, strengthened slider tube unit, part number (P/N) NB-45-A1-2975, in accordance with the ACTION Rectification section of PBN SB BN-2/SB.111, dated October 25, 1977.

(iii) For airplanes that have slider tubes with 20 gauge metal (.036-inch) continue to inspect the LH rudder bar assembly for cracks every 250 landings and,

(iv) Upon the total accumulation of 2,500 landings or within the next 500 landings after the effective date of this AD, whichever occurs later, accomplish Modification NB/M/948 by installing a new, strengthened slider tube unit, part number (P/N) NB-45-A1-2975, in accordance with the ACTION Rectification section of PBN SB BN-2/SB.111, dated October 25, 1977.

(2) If cracks are visible during any inspection required by this AD, prior to further flight, accomplish Modification NB/M/948 in accordance with the ACTION Rectification section of PBN SB BN-2/SB.111, dated October 25, 1977.

(b) Accomplishing Modification NB/M/948 using P/N NB-45-A1-2975 at any time prior to the required number of accumulated landings in paragraphs (a)(1)(ii) and (iv) of this AD is terminating action for the repetitive inspections.

(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.

(d) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium; or the Manager, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Division or the Manager, Small Airplane Directorate.

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

compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Division or the Small Airplane Directorate.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to Pilatus Britten-Norman Ltd., Bembridge, Isle of Wight, United Kingdom PO35 5PR; telephone 44-1983 872511; facsimile 44-1983 873246; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment supersedes AD 75-24-07 R1, Amendment 39-4571.

Issued in Kansas City, Missouri, on February 24, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-5157 Filed 2-28-97; 8:45 am]

BILLING CODE 4910-13-U

#### **14 CFR Part 71**

[Airspace Docket No. 97-AEA-04]

#### **Proposed Establishment of Class E Airspace; Warren, PA**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule would establish Class E airspace at Warren, PA. The development of a new Standard Instrument Approach Procedure (SIAP), Helicopter Point In Space Approach, based on the Global Positioning System (GPS) and serving Warren General Hospital Heliport has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations to the heliport. The area would be depicted on aeronautical charts for pilot reference.

**DATES:** Comments must be received on or before April 10, 1997.

**ADDRESSES:** Send comments on the proposed rule in triplicate to: Manager, Operations Branch, AEA-530, Docket No. 97-AEA-04, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430. The official docket may be examined in the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Operations Branch, AEA-530, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

**FOR FURTHER INFORMATION CONTACT:**