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 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.

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

Issued in Renton, Washington, on March 26, 1997.

**S. R. Miller,**

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

[FR Doc. 97–8253 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–13–U

---

## 14 CFR Part 39

**[Docket No. 91–CE–87–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; De Havilland DHC–6 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); Reopening of the comment period.

**SUMMARY:** This document proposes to revise an earlier proposed airworthiness directive (AD), which would have superseded AD 80–13–11 R2. That AD currently requires repetitively inspecting the elevator, flap, aileron, and rudder control rods for cracks on certain de Havilland DHC–6 series airplanes, replacing any cracked rod, and installing rod sleeves. The previous document would have required replacing the elevator trim and elevator/flap interconnect rods, the aileron control rods, the elevator control rods, and the rudder control rods with parts of improved design, and repetitively inspecting these rods thereafter at certain intervals. These replacements would reduce the need for the number of repetitions of the inspections currently required by AD 80–13–11 R2. The Federal Aviation Administration (FAA) has determined that the flap control rods should also be replaced with parts of improved design as terminating action for repetitive inspections currently required by AD 80–03–08. The proposed action would supersede both AD 80–13–11 R2 and AD 80–03–08 and would require the replacements as terminating action to the repetitive inspections currently required. The proposed action is part of the FAA's policy on commuter class aircraft, which briefly states that, when a modification exists that could eliminate or reduce the number of required critical inspections, the modification should be incorporated. The actions specified by the proposed AD are intended to prevent cracking of these control rods, which, if not detected and corrected, could result in loss of control of the airplane.

**DATES:** Comments must be received on or before June 13, 1997.

**ADDRESSES:** Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91–CE–87–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 de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario, Canada, M3K 1Y5. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Jon Hjelm, Aerospace Engineer, FAA, New York Aircraft Certification Office, 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581; telephone (516) 256–7523; facsimile (516) 568–2716.

**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. 91–CE–87–AD.'' The postcard will be date stamped and returned to the commenter.

### Availability of Supplemental NPRM

Any person may obtain a copy of this supplemental NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91–CE–87–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

### Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain de Havilland DHC–6 series airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on October 12, 1993 (58 FR 52714). The NPRM proposed to supersede AD 80–13–11 R2 with a new AD that would (1) require replacing elevator trim and elevator/flap interconnect rods, and the flap, aileron, elevator, and rudder control rods with parts of improved design; and (2) retain the aileron control rod inspections currently required by AD 80–13–11 R2, but reduce the number of repetitions of these inspections. Accomplishment of the proposed replacement as specified in the NPRM would be in accordance with de Havilland Service Bulletin (SB) No. 6/502, dated March 24, 1989. Accomplishment of the proposed inspections as specified in the NPRM would be in accordance with de Havilland SB No. 6/390, Revision E, dated December 20, 1991.

Interested persons have been afforded an opportunity to participate in the making of this AD. No comments were received on the NPRM or on the FAA's determination of the cost on the public.

### The FAA's Aging Commuter-Class Aircraft Policy

The actions specified in the NPRM are part of the FAA's aging commuter class aircraft policy, which briefly states that, when a modification exists that could eliminate or reduce the number of required critical inspections, the modification should be incorporated. This policy is based on the FAA's determination 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 of the airplane if the known problem is not detected by the inspection; (2) the reliability of the inspection such as the probability of not detecting the known problem; (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.

**Events Leading to the Issuance of This Supplemental NPRM**

Since issuing the NPRM, the FAA has determined that AD 80–03–08 is also one that should be superseded by this action to coincide with the FAA's aging commuter aircraft policy. AD 80–03–08 currently requires repetitively inspecting the flap control rods on de Havilland DHC–6 series airplanes. De Havilland SB No. 6/502 also specifies procedures for replacing the flap control rods with parts of improved design. The FAA has determined that when these replacements are incorporated, the number of repetitive inspections of these control rods can be reduced.

After reviewing all information related to the events leading to this supplemental NPRM, the FAA has determined that (1) the flap control rod replacements should be added to the document; and (2) AD action should be taken to prevent cracking of the elevator trim and elevator/flap interconnect rods, the aileron control rods, the elevator control rods, the rudder control rods, and the flap control rods. If not detected and corrected, a cracked control rod 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 de Havilland DHC–6 series airplanes of the same type design, the proposed AD would supersede both AD 80–13–11 R2 and AD 80–03–08 with a new AD that would (1) require replacing elevator, flap, aileron, and rudder control rods and elevator trim and elevator flap/interconnect control rods with improved parts; and (2) retain the aileron control rod inspections currently required by AD 80–13–11 R2, but reduce the number of repetitions of these inspections. Accomplishment of the proposed replacements would be in accordance with de Havilland SB No. 6/502, dated March 24, 1989. Accomplishment of the proposed inspections would be in accordance with de Havilland SB No. 6/390, Revision E, dated December 20, 1991, and de Havilland SB No. 6/388, Revision C, dated October 29, 1982.

The FAA prepared a Regulatory Flexibility Determination and Analysis for the original proposal. This analysis was based on all owners/operators of de Havilland DHC–6 airplanes replacing all control rods specified in de Havilland SB No. 6/502. Because the replacement flap control rods that the FAA is adding to the proposal are already included in de Havilland SB No. 6/502, there is no need to accomplish a separate Regulatory Flexibility Determination and Analysis. The FAA is reprinting the synopsis of this analysis in this document.

**Cost Impact**

The FAA estimates that 169 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 20 workhours (4 workhours/ inspection and 16 workhours/replacement) per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $15,600 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,839,200.

AD 80–13–11 R2 and AD 80–03–08, which would both be superseded by the proposed action, currently require inspecting these control rod assemblies. These inspections take approximately 32 workhours at an average cost of $60 per hour; approximately $1,920 per airplane or $324,480 for the entire fleet. The inspection procedures of the proposed AD would be less costly and less frequent than those required by AD 80–13–11 R2 and AD 80–03–08.

With the above figures in mind, including the costs for the modification proposed by this action, the proposed AD would cost an additional $14,880 per airplane over that already required by AD 80–13–11 R2 and AD 80–03–08, or a total additional fleet cost of $2,524,860. These figures do not account for the recurring costs through the repetitive inspection requirement of AD 80–13–11 R2 and AD 80–03–08, and the proposed AD. The proposed AD would only require repetitive inspections every 2,400 hours time-in-service (TIS) after the control rod assembly is replaced, where AD 80–13–11 R2 currently requires repetitive inspections every 800 hours TIS and AD 80–03-08 requires repetitive inspections every 200 hours TIS.

The incremental costs of the proposed AD would depend on the remaining service life of a DHC–6 airplane and its utilization, i.e., the number of hours TIS per year. The proposed AD would provide a cost savings over that already required to most owner/operators of de Havilland DHC–6 airplanes. The following examines the incremental costs to owners of de Havilland DHC–6 series airplanes with remaining service lives of 10, 20, and 30 years if the airplanes are utilized between 100 and 2,500 hours TIS annually.

The proposed AD would provide a cost savings at a service life of 10 years for operators utilizing their airplanes less than 135 hours TIS or more than 1,000 hours TIS annually, and would provide a cost savings at service lives of 20 and 30 years for all de Havilland DHC–6 series airplanes, regardless of airplane usage. The savings resulting from the less frequent inspections more than offset the costs of replacing the control rods. The cost savings would be at least $2,800 at an average 20-year remaining service life and utilizing a 7 percent interest rate. For a 30-year remaining service life, the operator should realize a cost savings of at least $6,000 (with a 7 percent interest rate).

De Havilland DHC–6 series airplanes that are utilized between 135 and 1,000 hours TIS annually may not see a cost savings when replacing the control rods based upon a 10-year remaining service life. Before issuing this supplemental notice of proposed rulemaking, the FAA took into account that the costs of replacing the rods could be greater than the savings from the inspections required by the proposed AD for operators utilizing their airplanes within this range.

**The Proposed AD'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 169 airplanes in the U.S. registry that would be affected by the proposed AD, the FAA has determined that approximately 50 percent are operated in scheduled passenger service by 14 different operators. A significant number of the remaining 50 percent are operated in other forms of air transportation such as air cargo and air taxi.

The proposed AD allows 500 hours time-in-service (TIS) before accomplishment of the design modification would become mandatory. The average utilization of the fleet for those airplanes in commercial commuter service is approximately 25 to 50 hours TIS per week. Based on

these figures, operators of commuter-class airplanes involved in commercial operation would have to accomplish the proposed modification within two to five calendar months after the proposed AD would become effective. Based on these scheduled operation figures, repetitive inspections for the proposed AD for operators who had accomplished the modification would be required approximately every one to two years. For private owners, who typically operate between 100 to 200 hours TIS per year, this would allow two to five years before the proposed modification would be mandatory. Based on these nonscheduled operation figures, repetitive inspections for the proposed AD for operators who had accomplished the modification would be required approximately every 12 to 24 years.

## Regulatory Flexibility Determination and Analysis

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionally burdened by government regulations. The RFA requires government agencies to determine whether rules would have a ''significant economic impact on a substantial number of small entities,'' and, in cases where they would, conduct a Regulatory Flexibility Analysis in which alternatives to the rule are considered. FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, outlines FAA procedures and criteria for complying with the RFA. Small entities are defined as small businesses and small not-for-profit organizations that are independently owned and operated or airports operated by small governmental jurisdictions. A ''substantial number'' is defined as a number that is not less than 11 and that is more than one-third of the small entities subject to the proposed rule, or any number of small entities subject to the rule which is substantial in the judgment of the rulemaking official. A ''significant economic impact'' is defined as an annualized net compliance cost, adjusted for inflation, which is greater than a threshold cost level for defined entity types. FAA Order 2100.14A sets the size threshold for small entities operating aircraft for hire at nine aircraft owned and the annualized cost threshold at $65,300 for scheduled operators and $5,000 for unscheduled operators.

The 169 U.S.-registered airplanes affected by the proposed AD are owned according to the following breakdown: 13 by individuals, 8 by U.S. government agencies, and 148 by businesses or not-for-profit enterprises. Of the 148 entities, one owns 26 airplanes, one owns 11 airplanes, nineteen own between 2 and 9 airplanes, and fifty own 1 airplane each.

The FAA cannot determine the sizes of all the 148 owner entities nor the relative significance of the costs or cost savings estimated above. However, more than one-third of these entities operate de Havilland DHC–6 series airplanes in scheduled service. According to statistics obtained by the FAA, these airplane operators in scheduled service utilize the affected airplanes an average of 1,383 hours TIS annually, and general aviation operators utilize their airplanes an average of 706 hours TIS annually. These figures may have a standard of error of 14.4 percent and the general aviation average may include some airplanes in commuter service. The FAA cannot reasonably estimate the distribution of these hours among the de Havilland DHC–6 fleet.

Because of these uncertainties, no cost thresholds for significant economic impact can be reasonably determined. The FAA solicits comments concerning the impact of this proposed AD on small entity owners of the affected airplanes. Based on the possibility that this proposed AD could have a significant impact on a substantial number of small entities, the FAA conducted a Regulatory Flexibility Determination and Analysis. A copy of this analysis may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

## 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 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 removing both AD 80–13–11 R2, Amendment 39–4703, and AD 80–03–08, Amendment 39–3682, and by adding the following new AD:

**De Havilland:** Docket No. 91–CE–87–AD. Supersedes AD 80–13–11 R2, Amendment 39–4703, and AD 80–03–08, Amendment 39–3682.

*Applicability:* Models DHC–6–1, DHC–6–100, DHC–6–200, and DHC–6–300 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, unless already accomplished.

To prevent loss of control of the airplane caused by cracked elevator, flap, aileron, elevator trim, elevator/flap interconnect, and rudder control rods, accomplish the following:

(a) Within the next 500 hours time-in-service

(TIS) after the effective date of this AD, replace the following 2024–T3 or 2024–T81 control rods with 6061–T6 control rods in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland Service Bulletin (SB) No. 6/502, dated March 24, 1989:

(1) Flap Control Rods: Modification No. 6/1781;

(2) Elevator Trim and Elevator/Flap Interconnect Control Rods: Modification No. 6/1785;

(3) Aileron Control Rods: Modification No. 6/1791;

(4) Elevator Control Rods: Modification No. 6/1792; and

(5) Rudder Control Rods; Modification No. 6/1802.

**Note 2:** The specific part numbers of the 2024–T3 or 2024–T81 control and interconnect control rods and their 6061–T6 replacement part numbers are contained in de Havilland SB No. 6/502, dated March 24, 1989.

(b) Within 2,400 hours TIS after the replacement required by paragraph (a) of this AD, and thereafter at intervals not to exceed 2,400 hours TIS, inspect all the affected control rods for cracks in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland SB No. 6/390, Revision E, dated December 20, 1991; or de Havilland SB No. 6/388, Revision C, dated October 29, 1982, as applicable. Prior to further flight, replace any cracked rod with a new 6061–T6 rod as specified in and in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland SB No. 6/502, dated March 24, 1989.

(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 compliance time that provides an equivalent level of safety may be approved by the Manager, New York Aircraft Certification Office (ACO), 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581. The request shall be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(e) All persons affected by this directive may obtain copies of the documents referred to herein upon request to de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario, Canada, M3K 1Y5; or may examine these documents 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 80–13–11 R2, Amendment 39–4703, and AD 80–03–08, Amendment 39–3682.

Issued in Kansas City, Missouri, on March 26, 1997.

**Michael Gallagher,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 97–8252 Filed 3–31–97; 8:45 am]

BILLING CODE 4910–13–U

## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

## 25 CFR Part 41

**RIN 1076–AD08**

## Grants to Tribally Controlled Community Colleges and Navajo Community College

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is proposing to revise part 41 to improve the clarity of the regulations and understanding of the public as mandated by Executive Order 12866. The regulations have been reorganized and rewritten in plain English.

**DATES:** Comments must be received on or before June 2, 1997.

**ADDRESSES:** Mail comments to Joann S. Morris, Director, Office of Indian Education Programs, Bureau of Indian Affairs, Department of the Interior, 1849 C St. NW, Mail Stop 3512–MIB, Washington, D.C. 20240; or, hand deliver them to Room 3512 at the above address. Comments will be available for inspection at this address from 9:00 a.m. to 4:00 p.m., Monday through Friday beginning approximately April 15, 1997.

**FOR FURTHER INFORMATION CONTACT:** Garry R. Martin, Office of Indian Education Programs, Bureau of Indian Affairs at telephone (202) 208–4871.

**SUPPLEMENTARY INFORMATION:** The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes, 25 U.S.C. 2 and 9.

Publication of the proposed rule by the Department of the Interior (Department) provides the public an opportunity to participate in the rulemaking process. Interested persons may submit written comments regarding the proposed rule to the location identified in the ''addresses'' section of this document.

### Executive Order 12988

The Department has certified to the Office of Management and Budget (OMB) that the proposed rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

### Executive Order 12866

This proposed rule is not a significant regulatory action under Executive Order 12866.

### Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

### Executive Order 12630

The Department has determined that this proposed rule does not have ''significant'' takings implications. The proposed rule does not pertain to ''taking'' of private property interests, nor does it impact private property.

### Executive Order 12612

The Department has determined that this proposed rule does not have significant Federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights and responsibilities of States.

### NEPA Statement

The Department has determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969.

### Unfunded Mandates Act of 1995

This proposed rule imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Act of 1995.

### Paperwork Reduction Act of 1995

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d), the Department of the Interior has submitted a copy of these sections to the Office of Management and Budget (OMB) for its review.

All information is to be collected annually from each applicant. The annual reporting and recordkeeping burden for this collection of information is estimated to average 3 hours for each response for 24 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The total annual reporting and recordkeeping burden for this collection is estimated to be 72 hours.

Organizations and individuals desiring to submit comments on the information collection requirement should direct them to the Office of Information and Regulatory Affairs, OMB, Room 10202, New Executive Office Building, Washington, D.C. 20503; Attention: Desk Officer for the U.S. Department of the Interior.