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.

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) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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:

97–26–05 British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited, British Aerospace (Commercial Aircraft) Limited]: Amendment 39–10248. Docket 97–NM–222–AD.

Applicability: All Model HS 748 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 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 fatigue cracking at the inspection hole locations, due to the installation of drive screws, and/or blind rivets, or hole enlargement, which could result in failure of the engine mount structure and consequent separation of the engine from the airplane, accomplish the following:

(a) Within 12 months after the effective date of this AD, perform a detailed visual inspection of the inspection holes in all of the aft engine 'W' frame socket fittings to determine if drive screws and/or blind rivets have been installed, and to determine if the inspection holes have been reworked, in accordance with PART ONE of the Accomplishment Instructions of British Aerospace (Jetstream) Viscount Preliminary Technical Leaflet (PTL) No. 501, Issue 2, dated June 1, 1994, including Appendix 1, dated January 1, 1994. If a drive screw or blind rivet is installed, or if any inspection hole has been reworked, prior to further flight, accomplish follow-on corrective actions, as applicable, in accordance with PART THREE of the Accomplishment Instructions of the PTL.

(b) At the next engine 'W' frame removal, or within 24 months after the effective date of this AD, whichever occurs first: Perform a detailed visual inspection of the inspection holes in all of the forward engine 'W' frame socket fittings to determine if drive screws and/or blind rivets have been installed, and to determine if the inspection holes have been reworked, in accordance with PART TWO of the Accomplishment Instructions of British Aerospace (Jetstream) Viscount PTL No. 501, Issue 2, dated June 1, 1994, including Appendix 1, dated January 1, 1994. If a drive screw or blind rivet is installed, or if any inspection hole has been reworked, prior to further flight, accomplish follow-on corrective actions, as applicable, in accordance with PART THREE of the Accomplishment Instructions of the PTL.

Note 2: Accomplishment of the inspections and/or corrective actions in accordance with Jetstream Service Bulletin HS748–71–33, dated September 2, 1994, is considered acceptable for showing compliance with the requirements of paragraphs (a) and (b) of this AD.

(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, International Branch, ANM–116, 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, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(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 British Aerospace (Jetstream) Viscount Preliminary Technical Leaflet (PTL) No. 501, Issue 2, dated June 1, 1994, including Appendix 1, dated January 1, 1994. 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 AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in British airworthiness directive 002–09–94, dated September 1994.

(f) This amendment becomes effective on January 2, 1998.

Issued in Renton, Washington, on December 9, 1997.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–32610 Filed 12–17–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–CE–51–AD; Amendment 39–10251; AD 97–26–08]

RIN 2120–AA64

Airworthiness Directives; Mooney Aircraft Corporation Models M20F, M20J, and M20L Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Mooney Aircraft Corporation (Mooney) Models M20F, M20J, and M20L airplanes. This action requires removing the fuel cap retaining lanyard from the fuel filler cap assemblies. A report of lost engine power during flight because of fuel starvation prompted the action. The investigation revealed that the airplane fuel float became trapped by the fuel cap retaining lanyard, keeping the float from following the fuel

level. This condition caused the pilot to get a false fuel quantity reading. The actions specified by this AD are intended to prevent loss of engine power and fuel depletion during flight caused by a false fuel gauge reading.

DATES: Effective January 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 20, 1998.

ADDRESSES: Service information that applies to this AD may be obtained at Mooney Aircraft Corporation, Louis Schreiner Field, Kerrville, Texas, 78028. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket 96–CE–51–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Alma Ramirez-Hodge, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone (817) 222–5147; facsimile (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Mooney Models M20F, M20J, and M20L airplanes was published in the **Federal Register** on March 26, 1997 (62 FR 14359). The action proposed to require removing the lanyard (nylon type material) from the fuel cap assembly. Accomplishment of the proposed action would be in accordance with Mooney Aircraft Bulletin M20–259, Issue Date: September 1, 1996.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the one comment received.

The commenter was opposed to the AD based on the premise that the total cost impact to the U.S. fleet outweighs the report of only one incident. The commenter goes on to say that if the pilot had been following good operating practices by doing a visual check of the fuel and using time as a basis for fuel consumption, there most probably wouldn't have been an incident to report. The commenter thinks the AD is not justified by one occurrence of a captured fuel cap lanyard.

The FAA disagrees. The FAA believes that one incident, in some cases, does justify the issuance of an AD. When the single incident indicates that there could be a loss of engine power to the affected airplane model, the justification for the AD is the continued safe flight and safe landing of over 2,000 airplanes. The total cost impact per airplane is minimal, $60 per airplane, when compared to the damage that could be done, should another fuel cap lanyard become trapped. The pilot that experienced a loss of engine power in his/her airplane was fortunate to have landed safely and without further incident. Therefore, this final rule will not change as a result of this comment.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 2,526 airplanes in the U.S. registry will be affected by this AD, that it would take approximately 1 workhour per airplane to accomplish this action, and that the average labor rate is approximately $60 an hour. There are no parts to include in this cost estimate. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $151,560 or $60 per airplane. The FAA has no way to determine how many owners/operators have already accomplished this action, and assumes that no operator has accomplished this action.

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.

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) 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 final 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, Incorporation by reference, Safety.

Adopting 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—AIRWORHTINESS 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 a new airworthiness directive (AD) to read as follows:

97–26–08 Mooney Aircraft Corporation: Amendment 39–10251; Docket No. 96–CE–51–AD.

Applicability: The following Models and serial numbered airplanes, certificated in any category.

Models	Serial numbers
M20F	All serial numbers.
M20J	24–0001 through 24–3381.
M20L	26–0001 through 26–0041.

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 within the next 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent loss of engine power and fuel depletion during flight caused by a false fuel gauge reading, accomplish the following:

(a) Remove the lanyard (nylon type material) from the left-hand (LH) and right-hand (RH) fuel filler cap assembly in accordance with the INSTRUCTIONS section of Mooney Aircraft Corporation Service Bulletin M20–259, Issue Date: September 1, 1996.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Fort Worth Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth Airplane Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth Airplane Certification Office.

(d) The removal required by this AD shall be done in accordance with Mooney Aircraft Service Bulletin M20–259, Issue Date: September 1, 1996. 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 Mooney Aircraft Corporation, Louis Schreiner Field, Kerrville, Texas, 78028. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39–10251) becomes effective on January 20, 1998.

Issued in Kansas City, Missouri, on December 9, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–32849 Filed 12–17–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–41–AD; Amendment 39–10255; AD 97–26–12]

RIN 2120–AA64

Airworthiness Directives; The New Piper Aircraft, Inc. Models PA–31T, PA–31T1, PA–31T2, PA–31T3, PA–42, PA–42–720, and PA–42–1000 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all The New Piper Aircraft, Inc. (Piper) Models PA–31T, PA–31T1, PA–31T2, PA–31T3, PA–42, PA–42–720, and PA–42–1000 airplanes. This AD requires amending the Limitations Section of the airplane flight manual (AFM) to prohibit the positioning of the power levers below the flight idle stop while the airplane is in flight. This AFM amendment will include a statement of consequences if the limitation is not followed. This AD results from numerous incidents and five documented accidents involving airplanes equipped with turboprop engines where the propeller beta was improperly utilized during flight. The actions specified by this AD are intended to prevent loss of airplane control or engine overspeed with consequent loss of engine power caused by the power levers being positioned below the flight idle stop while the airplane is in flight.

EFFECTIVE DATE: January 28, 1998.

ADDRESSES: Information related to this AD may be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–41–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Wayne A. Shade, Aerospace Engineer, FAA, Atlanta Certification Office, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6094; facsimile (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Piper Models PA–31T, PA–31T1, PA–31T2, PA–31T3, PA–42, PA–42–720, and PA–42–1000 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on July 24, 1997 (62 FR 39793).

The NPRM proposed to require amending the Limitations Section of the AFM to prohibit the positioning of the power levers below the flight idle stop while the airplane is in flight, including a statement of consequences if the limitation is not followed. This AFM amendment shall consist of the following language:

Positioning of power levers below the flight idle stop while the airplane is in flight is prohibited. Such positioning could lead to loss of airplane control or may result in an overspeed condition and consequent loss of engine power.

The NPRM was the result of numerous incidents and five documented accidents involving airplanes equipped with turboprop engines where the propeller beta was improperly utilized during flight.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the one comment received on the NPRM. No comments were received regarding the FAA's determination of the cost to the public.

Comment Disposition

The commenter states that the applicability statement of the NPRM is unclear. The commenter explains that the NPRM references Models PA–42, PA–42–720, and PA–42–1000 airplanes. No reference is made to Model PA–42–720R airplanes. The commenter explains that since common practice is for the FAA to refer to groups of aircraft as a ''series'', a reasonable inference would be that the Model PA–42–720R airplanes should be included in the applicability of the NPRM. On the other hand, the Model PA–42–720R airplanes are covered by another type certificate than the models referenced in the NPRM so one could also infer that the Model PA–42–720R airplanes should not be included. The commenter asks for clarification on this issue and requests that the FAA not make such obvious differing inferences.

The FAA concurs that the NPRM references Models PA–42, PA–42–720, and PA–42–1000 airplanes, and that no reference is made to Model PA–42–720R airplanes. The FAA also concurs that referencing the term ''series'' in the Applicability section of an AD could cause confusion. The FAA is making a conscious effort to list all affected models in the Applicability section of all AD's, as was done in the NPRM. The term series in the Applicability section puts the burden of interpreting which airplanes are affected on the owners/operators. The term ''series'' is acceptable when referring to a large number of airplane models in the narrative of the preamble of the AD. In this NPRM, the FAA's intent was to not include the Model PA–42–720R airplanes. All affected models are listed in the Applicability section. No changes to the final rule have been made as a result of this comment.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has