

further flight, repair the carburetor by installing a serviceable two-piece venturi or by installing a one-piece venturi in accordance with Precision Airmotive Service Bulletin (SB) No. MSA-2, Revision 1, dated November 11, 1991, Revision 2, dated December 28, 1993, or Revision 3, dated October 10, 1995. Installing a one-piece venturi constitutes terminating action for the repetitive inspection requirements of this paragraph.

(3) If a one-piece venturi is already installed, or installed in accordance with sub-paragraph (2) of this paragraph, and the engine subsequently runs rough or experiences power loss, accomplish either of the following:

(i) Modify the carburetor in accordance with paragraphs (c), (d) or (e) of this AD, as applicable; or

(ii) Install a carburetor containing a two-piece venturi and resume the repetitive inspections required by paragraph (a)(2) of this AD.

(b) For Precision Airmotive Corporation Model MA-3 series carburetors: at the next annual, 100-hour, or progressive inspection, whichever occurs first, after the effective date of this AD, inspect the carburetor to determine if the primary venturi is loose or missing. If either of these conditions are

found, prior to further flight, repair the carburetor by installing a serviceable two-piece venturi, or replace the entire carburetor with a serviceable carburetor. Repeat this inspection at each annual, 100-hour, or progressive inspection.

(c) For Precision Airmotive Corporation Model MA-3SPA series carburetors with part numbers (P/N) 10-4894 or 10-4115-1, installed on Teledyne Continental Model O-200A series engines modified on or after the effective date of this AD by installing a one-piece venturi, install a new fuel nozzle in accordance with Precision Airmotive SB MSA-7, dated September 30, 1994, at the time of installation of the one-piece venturi.

(d) For Precision Airmotive Corporation Model MA-3SPA series carburetors with P/Ns 10-4895, 10-4439, or 10-3237, installed on Teledyne Continental Model O-300 or C-145 series engines modified on or after the effective date of this AD by installing a one-piece venturi, install a new fuel nozzle in accordance with Precision Airmotive SB No. MSA-8, dated July 10, 1995, at the time of installation of the one-piece venturi.

(e) For Precision Airmotive Corporation Model MA-3SPA series carburetors with P/Ns 10-4240, 10-4252, 10-4252-1, or 10-4457, installed on Teledyne Continental Model C-75, C-85, or C-90 series engines

modified on or after the effective date of this AD by installing a one-piece venturi, install a new fuel nozzle in accordance with Precision Airmotive SB No. MSA-9, dated October 10, 1995, at the time of installation of the one-piece venturi.

(f) 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, Seattle Aircraft Certification Office. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle Aircraft Certification Office.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Seattle Aircraft Certification Office.

(g) 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 aircraft to a location where the inspection requirements of this AD can be accomplished.

(h) The actions required by this AD shall be done in accordance with the following Precision Airmotive Corporation SBs:

Document No.	Pages	Revision	Date
MSA-2 ..... Total Pages: 3.	1-3	1	November 11, 1991.
MSA-2 ..... Total Pages: 3.	1-3	2	December 28, 1993.
MSA-2 ..... Total Pages: 4.	1-4	3	October 10, 1995.
MSA-7 ..... Total Pages: 3.	1-3	Original	September 30, 1994.
MSA-8 ..... Total Pages: 3.	1-3	Original	July 10, 1995.
MSA-9 ..... Total Pages: 3.	1-3	Original	October 10, 1995.

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 Precision Airmotive Corporation, 3220 100th Street SW., Building E, Everett, WA 98204; telephone (206) 353-8181, fax (206) 348-3545. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on February 13, 1998.

Issued in Burlington, Massachusetts, on December 23, 1997.

**Jay J. Pardee,**

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 98-70 Filed 1-8-98; 8:45 am]

**BILLING CODE 4910-13-U**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 96-CE-66-AD; Amendment 39-10273; AD 98-01-10]

**RIN 2120-AA64**

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A., Models EMB-110P1 and EMB-110P2 Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes Airworthiness Directive (AD) 87-03-10, which currently requires repetitively inspecting the fillet area of both the left and right main landing gear (MLG) wheel axle/piston tube support junction area for cracks on Empresa Brasileira de Aeronautica S.A. (EMBRAER) Models

EMB-110P1 and EMB-110P2 airplanes, and requires replacing any MLG wheel axle/piston tube assembly where a crack is found. AD 87-03-10 also provided the option of reworking this area when no cracks were found as terminating action for the repetitive inspections. The Federal Aviation Administration's policy on aging commuter-class aircraft is to eliminate or, in certain instances, reduce the number of certain repetitive short-interval inspections when improved parts or modifications are available. This AD requires the following on EMBRAER Models EMB 110-P1 and EMB 110-P2 airplanes that do not have an "R" stamped on both the left and right MLG wheel axle/piston tube assembly end-piece: inspecting (one-time) the fillet area of each MLG wheel axle/piston tube support junction area to assure that the area is free of cracks, replacing any MLG wheel axle/piston tube assembly if a crack is found, and reworking this area on both the left

and right MLG's, as terminating action for the repetitive inspections that are currently required by AD 87-03-10. The actions specified in this AD are intended to prevent failure of the MLG wheel axle/piston tube assembly caused by fatigue cracking, which could result in loss of control of the airplane during landing operations.

**DATES:** Effective February 9, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 9, 1998.

**ADDRESSES:** Service information that applies to this AD may be obtained from EMBRAER, Av. Brig Faira Lima 2170, 12227-901, Sao Jose dos Campos-SP, Brazil. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket 96-CE-66-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:** Mr. Curtis Jackson, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7358; facsimile (404) 305-7348.

**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 EMBRAER Models EMB-110P1 and EMB-110P2 airplanes that do not have an "R" stamped on both the left and right MLG wheel axle/piston tube assembly end-piece was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 12, 1997 (62 FR 11384). The NPRM proposed to supersede AD 87-03-10 with a new AD that would require inspecting (one-time) the fillet area of both the left and right MLG wheel axle/piston tube support junction area to assure that the area is free of cracks, replacing any MLG wheel axle/piston tube assembly if a crack is found, and reworking this area on both the left and right MLG's, as terminating action for the repetitive inspections that are currently required by AD 87-03-10. Airplanes that have an "R" stamped on both the left and right MLG wheel axle/piston tube assembly end-piece either (1) have a design configuration that is different from the unsafe condition

specified in this document; or (2) the airplanes already have both the left and right MLG wheel axle/piston tube assembly reworked. Accomplishment of the proposed inspection as specified in the NPRM would be in accordance with EMBRAER Service Bulletin (SB) No. 110-032-0068, dated December 20, 1985. Accomplishment of the proposed rework as specified in the NPRM would be required in accordance with EMBRAER SB No. 110-032-0071, Change No. 01, dated June 21, 1988.

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

**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 50 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 22 workhours (inspection: 8 workhours; rework: 14 workhours) per airplane to accomplish this AD, and that the average labor rate is approximately \$60 an hour. There is no cost for parts to accomplish this AD. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$66,000.

The initial inspection cost of this AD is the same as that required by AD 87-03-10. The difference in the inspection costs of this AD and AD 87-03-10 is that this AD does not require the repetitive inspections and AD 87-03-10 currently requires repetitive inspections every 1,000 landings. The required rework eliminates the repetitive inspection requirement, and is optional in AD 87-03-10.

The FAA does not have any way of determining how many airplanes have an "R" stamped on both the left and right MLG wheel axle/piston tube support junction area end-piece and have these areas reworked, and, therefore already have the actions of this AD accomplished. The affected airplanes are no longer in production with few airplanes being operated in the United States. Since AD 87-03-10

provided the option of reworking the area on both the left and right MLG's as terminating action for the repetitive inspections, the FAA believes that most of the operators will have accomplished the rework and will not be affected by this AD.

**The FAA's Aging Commuter Aircraft Policy**

The actions required by this AD are consistent with the FAA's aging commuter 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 airplanes utilized in commuter service 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.

The alternative to reworking the fillet area of the left and right MLG wheel axle/piston tube support junction area is to rely on the repetitive inspections currently required by AD 87-03-10 to detect cracks in this area.

**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.

#### 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 removing Airworthiness Directive (AD) 87-03-10, Amendment 39-5524, and by adding a new AD to read as follows:

**98-01-10 Empresa Brasileira De Aeronautica S.A:** Amendment 39-10273; Docket 96-CE-66-AD. Supersedes AD 87-03-10, Amendment 39-5524.

**Applicability:** Models EMB-110P1 and EMB-110P2 airplanes, all serial numbers, certificated in any category, that do not have an "R" stamped on both the left and right main landing gear (MLG) wheel axle/piston tube assembly end-piece.

**Note 1:** Airplanes that have an "R" stamped on both the left and right MLG wheel axle/piston tube assembly end-piece either (1) have a design configuration that is different from the unsafe condition specified in this AD; or (2) already have both the left and right MLG wheel axle/piston tube support junction area reworked. EMBRAER Service Bulletin (SB) No. 110-032-0071, Change No. 01, dated June 21, 1988, includes procedures for this rework, including stamping an "R" on both the left and right MLG wheel axle/piston tube assembly end-piece.

**Note 2:** 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 within the next 100 landings after the effective date of this AD, unless already accomplished.

**Note 3:** If the number of landings is unknown, hours time-in-service (TIS) may be used by multiplying the number of hours TIS by 0.50. If hours TIS are utilized to calculate the number of landings, this would make the AD effective "within the next 200 hours TIS after the effective date of this AD."

To prevent failure of a MLG wheel axle/piston tube assembly caused by fatigue cracking, which could result in loss of control of the airplane during landing operations, accomplish the following:

(a) Inspect, using either eddy current, dye penetrant, or magnetic particle methods, the fillet area in both the left and right MLG wheel axle/piston support junction area for cracks in accordance with the instructions contained in EMBRAER SB No. 110-032-0068, dated December 20, 1985. Included in this SB is ERAM SB No. 32-22, which includes procedures for accomplishing this inspection. If any cracks are found, prior to further flight, replace the MLG wheel axle/piston tube assembly with an uncracked assembly.

(b) Visually inspect the fillet radius in both the left and right MLG wheel axle/piston tube support junction area to determine whether the profile requires rework. Accomplish the inspection in accordance with the instructions in ERAM SB No. 32-25, which is part of EMBRAER SB No. 110-032-0071, Change No. 01, dated June 21, 1988.

(1) If the profile of the area of each MLG is like the one presented in image (A) Figure 1 of ERAM SB No. 32-25, which is part of EMBRAER SB No. 110-032-0071, Change No. 01, dated June 21, 1988, prior to further flight, polish the junction area using a fine grit abrasive cloth and stamp the letter "R" on the MLG wheel axle/piston tube assembly end-piece.

(2) If the profile of the area of each MLG is like the one presented in image (B) Figure 1 of ERAM SB No. 32-25, which is part of EMBRAER SB No. 110-032-0071, Change No. 01, dated June 21, 1988, prior to further flight, accomplish the following in accordance with EMBRAER SB No. 110-032-0071, Change No. 01, dated June 21, 1988:

(i) Rework each MLG wheel axle/piston tube support junction area;

(ii) Polish each junction area using a fine grit abrasive cloth; and

(iii) Stamp the letter "R" on each MLG wheel axle/piston tube assembly end-piece.

(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, Atlanta Aircraft Certification Office (ACO), Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

(2) Alternative methods of compliance approved in accordance with AD 87-03-10 (superseded by this action) are not considered approved as alternative methods of compliance with this AD.

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(e) The inspection required by this AD shall be done in accordance with EMBRAER Service Bulletin No. 110-032-0068, dated December 20, 1985. The modification (rework, polishing, and stamping) required by this AD shall be done in accordance with EMBRAER Service Bulletin No. 110-032-0071, Change No. 01, dated June 21, 1988. 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 EMBRAER, Av. Brig Faria Lima 2170, 12227-901, Sao Jose dos Campos-SP, Brazil. 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.

(f) This amendment (39-10273) supersedes AD 87-03-10, Amendment 39-5524.

(g) This amendment (39-10273) becomes effective on February 9, 1998.

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

**Michael Gallagher,**

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

[FR Doc. 98-103 Filed 1-8-98; 8:45 am]

BILLING CODE 4910-13-U

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Part 1610

#### Revision of Freedom of Information Act Regulations

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Interim final rule.

**SUMMARY:** The Equal Employment Opportunity Commission (EEOC) is revising its Freedom of Information Act (FOIA) regulations on Availability of Records to conform with the Electronic Freedom of Information Act Amendments of 1996. EEOC is also implementing a delegation of the Regional Attorney's FOIA responsibilities, updating office addresses, and correcting some typographical errors.

**DATES:** This interim final rule is effective on January 9, 1998. Comments must be submitted on or before March 10, 1998.

**ADDRESSES:** Written comments should be submitted to Frances M. Hart,