

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 58 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 7 workhours per airplane to accomplish this modification, and that the average labor rate is approximately \$60 an hour. British Aerospace will provide parts to the owners/operators of the affected airplanes at no cost. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$24,360, or \$420 per airplane.

#### 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 adding a new airworthiness directive (AD) to read as follows:

**98-12-11 British Aerospace:** Amendment 39-10567; Docket No. 98-CE-15-AD.

**Applicability:** Jetstream Model 3101 airplanes, serial numbers 601 through 646, 648 through 655, 657, 658, and 660, 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 (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 300 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent difficulty accessing the emergency hydraulic hand-pump because of the current design, which, in the event of a hydraulic system failure, could result in the inability to operate the flaps and landing gear, accomplish the following:

(a) Modify the emergency hydraulic hand-pump by increasing the length of the access aperture in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of British Aerospace Jetstream Service Bulletin 29-JM 7360, Revision 1, dated January 3, 1991.

(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, Small Airplane Directorate, Aircraft Certification Service, 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, 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 Small Airplane Directorate.

(d) Questions or technical information related to British Aerospace Jetstream Service

Bulletin 29-JM 7360 Revision No. 1, dated January 3, 1991, should be directed to British Aerospace Regional Aircraft Limited, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(e) The modification required by this AD shall be done in accordance with British Aerospace Jetstream Service Bulletin 29-JM 7360 Revision No. 1, dated January 3, 1991. 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 British Aerospace Regional Aircraft Limited, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. 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.

**Note 3:** The subject of this AD is addressed in British Aerospace Jetstream Service Bulletin 29-JM 7360, Revision 1, dated January 3, 1991. This service bulletin is classified as mandatory by the United Kingdom Civil Aviation Authority (CAA).

(f) This amendment becomes effective on July 24, 1998. Issued in Kansas City, Missouri, on May 29, 1998.

**Michael Gallagher,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 98-ANM-06]

#### Amendment of Class E Airspace; Colorado Springs, CO

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

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** The direct final rule published on March 23, 1998 (63 FR 13779) changed the name of the VORTAC navigational aid in the Colorado Springs, CO, Class E3 airspace legal description from Colorado Springs VORTAC to Black Forest VORTAC. The name change of the VORTAC is for safety reasons and does not affect the existing boundaries of the airspace.

**EFFECTIVE DATE:** The direct final rule published at 63 FR 13779 is effective 0901 UTC, June 18, 1998.

**FOR FURTHER INFORMATION CONTACT:** Dennis Ripley, ANM-520.6, Federal Aviation Administration, 1601 Lind Avenue S.W., Renton, Washington, 98055-4056; telephone number: (425) 227-2527.

**SUPPLEMENTARY INFORMATION:** The FAA published the direct final rule with a request for comments in the **Federal Register** on March 23, 1998 (63 FR 13779). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. The comment period ended May 4, 1998. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment or a written notice of intent to submit such an adverse comment were received within the comment period, the regulation would become effective on June 18, 1998. No adverse comments were received, and thus this document confirms that the final rule will become effective on that date.

Issued in Seattle, Washington, on May 28, 1998.

**Joe E. Gingles,**

*Acting Assistant Manager, Air Traffic Division, Northwest Mountain Region.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 98-AGL-6]

#### Establishment of Class E Airspace; Fergus Falls, MN

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Fergus Falls, MN. Fergus Falls Municipal Airport-Einar Mickelson Field will be served by Federal Aviation Regulations Part 121 (14 CFR Part 121) air carrier operations. Controlled airspace extending upward from the surface is needed to allow the FAA to provide air traffic control services for aircraft executing instrument approach procedures. The airport meets the minimum communications and weather observation and reporting requirements for controlled airspace extending upward from the surface.

**EFFECTIVE DATE:** 0901 UTC, August 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

**SUPPLEMENTARY INFORMATION:**

#### History

On Thursday, March 12, 1998, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at Fergus Falls, MN (63 FR 12047). The proposal was to add controlled airspace extending upward from the surface to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. After the close of the comment period, but prior to issuance of the Final Rule, one letter of objection, with several signatories, was received in response to this airspace proposal. The letter is addressed herein. The basis of the objection was the anticipated adverse effect the proposed action would have regarding instructional flights for hire when the existing or forecast weather conditions are below visual flight rule (VFR) minimums. The introduction of Part 121 air carrier operations, anticipated to be a low daily number, require the highest level of safety be afforded all users of the airport to accommodate the increased IFR operations. When the existing or forecast weather conditions are below visual flight rule (VFR) minimums, special VFR operations may be conducted under the weather minimums and requirements of 14 CFR 91.157 within the airspace contained by the upward extension of the lateral boundaries of the controlled airspace designated to the surface for an airport. Therefore, while the proposed action would result in added requirements for operation under special VFR, the increased level of safety afforded to all users of the airport by the creation of the Class E surface area, because of the introduction of Part 121 air carrier operations, far outweighs the minor inconvenience of meeting those requirements.

Class E airspace designations for airspace designated as a surface area are published in paragraph 6002 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will

be published subsequently in this Order.

#### The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at Fergus Falls, MN, to accommodate aircraft executing instrument approach procedures at Fergus Falls Municipal Airport-Einar Mickelson Field. The proposed introduction of FAR Part 121 (14 CFR Part 121) air carrier operations necessitates creation of this controlled airspace. The area would be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, CLASS B CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

*Paragraph 6002 Class E airspace designated as surface areas.*

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