	Document No.	Pages revision	Date
Textron Lycoming, SB No. LT 101–72–50–0150	1–6	Original	September 1, 1993.
Total Pages: 6.			

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 AlliedSignal Engines, 111 South 34th Street, Phoenix, AZ 85072; telephone (602) 365–2493, fax (602) 365–2210. 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.

(e) This amendment becomes effective on August 19, 1996.

Issued in Burlington, Massachusetts, on June 3, 1996.

James C. Jones,

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

[FR Doc. 96–15383 Filed 6–18–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–195–AD; Amendment 39–9671; AD 96–13–03]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9 and C–9 (Military) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to McDonnell Douglas Model DC–9 and C–9 (military) series airplanes, that currently requires the implementation of a program of structural inspections to detect and correct fatigue cracking in order to ensure the continued airworthiness of these airplanes as they approach the manufacturer's original fatigue design life goal. This amendment requires, among other things, revision of the existing program to require additional visual inspections of additional structure. This amendment is prompted by new data submitted by the manufacturer indicating that certain revisions to the program are necessary in order to increase the confidence level of the statistical program to ensure timely detection of cracks in various airplane structures. The actions specified by this AD are intended to prevent fatigue cracking that could compromise the structural integrity of these airplanes.

DATES: Effective July 24, 1996.

The incorporation by reference of McDonnell Douglas Report No. L26–008, ''DC–9 Supplemental Inspection Document (SID),'' Volume III–95, dated September 1995, as listed in the regulations is approved by the Director of the Federal Register as of July 18, 1996.

The incorporation by reference of McDonnell Douglas Report No. L26–008, ''DC–9 Supplemental Inspection Document (SID),'' Volume III–92, dated July 1992, was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of March 14, 1994 (59 FR 6538, February 11, 1994).

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sol Davis or David Hsu, Aerospace Engineers, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (310) 627–5233 for Mr. Davis, or (310) 627–5323 for Mr. Hsu; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94–03–01, amendment 39–8807 (59 FR 6538, February 11, 1994), which is applicable to certain McDonnell Douglas Model DC–9 and C–9 (military) series airplanes, was published as a supplemental notice of proposed rulemaking (NPRM) in the Federal Register on January 9, 1996 (61 FR 637). The action proposed to require additional visual inspections of certain Principal Structural Elements (PSE's) on certain airplanes listed in the Structural Inspection Document (SID) planning data; a revision of the reporting requirements; an increase in the sample size for one PSE; and deletion of the requirement to perform certain visual inspections of the Fleet Leader Operator Sampling (FLOS) Principal Structural Elements (PSE).

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

Support for the Proposal

One commenter supports the proposed rule.

Request To Extend the Compliance Time

One commenter requests that the compliance time for incorporating the SID revision into the FAA-approved maintenance inspection program be extended from the proposed 6 months to 1 year. This commenter also requests a corresponding increase in the completion end dates for each PSE inspection. The commenter states that it would have to special schedule its fleet of airplanes to accomplish this program within the proposed compliance time; this would entail considerable additional expenses and schedule disruptions. Further, this commenter points out that the SID program is becoming a larger and larger burden to airlines.

The FAA does not concur with the commenter's request to extend the compliance time. The FAA finds that changes in the program that are described in Volume III–92 and Volume III–95 of McDonnell Douglas Report No. L26–008, and required by this AD, introduce relatively minor changes to the overall scope of the DC–9 SID program. In addition, the FAA points out that Volume III–95 deletes the FLOS visual inspections that were previously required by AD 94–03–01 and, thereby,

reduces the number of inspections required to be performed under the program. With regard to these changes, the FAA cannot agree with the commenters assertion the SID and, thus, this AD are becoming a ''larger burden'' for operators.

Further, the proposed compliance time of 6 months was arrived at with the previous concurrence of affected operators, manufacturers, and the FAA. In light of these items, and in consideration of the amount of time that has already elapsed since issuance of the original notice, the FAA has determined that further delay of the implementation of the requirements of this final rule action is not appropriate. However, paragraph (d) of the final rule does provide affected operators the opportunity to apply for an adjustment of the compliance time if adequate data are presented to the FAA to justify such an adjustment.

Request To Revise Inspections to 100 Percent

One commenter requests that the PSE inspections be changed from sampling to 100 percent inspections. The commenter considers that this would eliminate the continual changes every year; thus, the program would be more manageable and straightforward. In addition, the commenter states that this would simplify scheduling of the SID inspections, which would streamline the program by reducing the workload for all parties concerned.

The FAA does not concur that a revision to the AD is necessary. The inspections in the McDonnell Douglas SID programs were established using specific criteria for determining whether a PSE should be defined as FLOS, Fleet Leader Sample (FLS), or 100 percent. The manufacturer established these criteria only after extensive and detailed consultations with large numbers of operators and with the FAA. The FAA finds that the 100 percent inspections are only necessary if an insufficient number of samples exists in the operator's sample size to use sampling concepts. However, if an operator has a sufficient number of samples and elects to accomplish 100 percent inspections, it is the operator's prerogative to do so.

Request To Permit Repairs in Accordance With SRM or DER Approval

Two commenters request that proposed paragraph (c) be revised to permit repair of any cracked structure in a PSE found during any inspection (i.e., a non-mandated or unscheduled inspection) to be accomplished in accordance with the FAA-approved Structural Repair Manual (SRM) or the Designated Engineering Representatives (DER) of the McDonnell Douglas Corporation. One of these commenters states that the current procedure for accomplishing the repair in accordance with a method ''approved by the FAA'' takes too long, adversely impacts work scheduling, and delays scheduled departure of airplanes.

The FAA does not concur with the commenters' request to revise paragraph (c) of this AD. While DER's are authorized to determine whether a design or repair method complies with a specific requirement, they are not authorized to make the discretionary determination as to what the applicable requirement is. Further, the SID program is based upon cooperation between aircraft operators, the FAA, and the manufacturer. The SID program functions most effectively in detecting fatigue cracks if all findings of fatigue cracking are reported to McDonnell Douglas as required by this AD. It is crucial that the FAA, as well as McDonnell Douglas, be aware of all repairs made to PSE's.

Further, every repair of PSE structure requires a damage tolerance assessment (DTA) to be performed (of the repair) in order to establish its effect on the fatigue life of the affected structure. The DTA process involves the review and use of type design data that are proprietary and may not be available to those persons (such as a DER) who are generally authorized to approve routine repairs. For this reason, it is appropriate that the Manager of the Los Angeles Aircraft Certification Office (ACO) be the focal point in the DTA approval process.

In some cases, repairs are made to PSE structure as a result of cracking that was found during an opportunity inspection (i.e., non-mandated or unscheduled inspection), and the approval of the repair is made without the coordination of the manufacturer or the Los Angeles ACO. When the time arrives for that PSE to be inspected in accordance with the AD, the PSE becomes a ''discrepant PSE.'' If a DTA were not accomplished on the ''discrepant PSE'' at the time of the repair, compliance with the AD could require that the repair be removed or reworked at a later time. In either case, the Manager of the Los Angeles ACO is tasked to ensure that all repairs to cracked PSE's comply with the AD.

The FAA considers that any repair to cracked PSE's without the required DTA can only be classified as ''interim'' or ''temporary,'' and will eventually require coordination with the Manager of the Los Angeles ACO. Most methods of repair specified in the DC–9 Structural Repair Manual, the relevant service bulletins, or DER-designed repairs do not include a continuing inspection program to ensure that the repair is inspected at an acceptable level of safety. A DTA can be done most easily at the time of repair, rather than at a later date when the details of the repair may be hard to obtain and, undoubtedly, would be more costly. Currently, the Manager and staff of the Los Angeles ACO are working very closely with the manufacturer to expedite interim repair approval requests. Such requests may be made under the provisions of paragraph (d) of the final rule.

Request for Clarification of Repair Requirements

One commenter requests clarification as to what area of the subject structure is required to be repaired in accordance with a method approved by the FAA. The commenter notes that McDonnell Douglas maintains that the secondary structure in the general area of the PSE is not part of the PSE inspection; therefore, repair of this area does not require FAA approval if the area is found cracked during a SID inspection. McDonnell Douglas also indicates that its DER's have been given authority by the FAA to approve repairs for longerons 16 and 17 over the forward and aft cargo doors (PSE 53.09.001 and 53.09.035).

The FAA finds that clarification of this point is necessary. The FAA points out that the SID program and this AD do not use the term ''secondary'' structure when referring to the PSE's. Volume 1, Section 1, of MDC Report No. L26–008 defines a PSE as structure whose failure, if it remained undetected, could lead to the loss of the airplane. The physical boundaries of PSE's are clearly defined in Volume 1, Sections 2 and 3, of the SID, MDC Report No. L26–008. Accordingly, the FAA considers that the repair requirements of paragraph (c) of the AD are not limited only to certain parts of the PSE's, as implied by the commenter, but rather to any crack that is found within the physical boundaries of any PSE. Therefore, the FAA finds that any cracked structure, including the following cracks, must be repaired in accordance with a method approved by the Manager, Los Angeles ACO.

- Any crack that is found in longerons 16 and 17 within the shaded area between STA. 362.500 and STA. 434.500 of PSE 53.09.001 (for Model DC–9–30, –40, and –50 series airplanes)
- Any crack that is found in longerons 16 and 17 within the shaded area between STA. 710.500 and STA.

766.000 of PSE 53.09.035 (for Model DC–9–10, and –20 series airplanes)

Request To Eliminate Duplication of Reporting of Existing Repairs

This same commenter requests that the proposed rule be revised to eliminate the duplication of reporting of existing repairs from one inspection interval to the next. The commenter points out that the proposed rule would require that all existing repairs in the PSE area must be reported to McDonnell Douglas, along with details of each repair.

The FAA does not consider that any action is necessary since the rule does not require reporting relevant to existing repairs. However, paragraphs (a)(3) and (b)(3) of the AD do require that all inspection results (negative or positive) be reported to McDonnell Douglas.

Request To Refer to ''or Later FAA-Approved Revisions'' of the SID

One commenter requests that the proposed rule be revised to include the phrase, ''or later FAA-approved revisions,'' when referring to the SID document. The commenter states that this would allow operators to revise their programs whenever a new revision to the SID is released, and would eliminate the FAA's need to supersede the existing AD time and again as new revisions of the SID are issued.

The FAA does not concur. To use the phrase, ''or later FAA-approved revisions,'' in an AD when referring to the service document, violates Office of the Federal Register (OFR) regulations regarding approval of materials ''incorporated by reference'' in rules. In general terms, these OFR regulations require that either the service document contents be published as part of the actual AD language; or that the service document be submitted for approval by the OFR as ''referenced'' material, in which case it may be only referred to in the text of an AD. The AD may only refer to the service document that was submitted and approved by the OFR for ''incorporation by reference.'' In order for operators to use later revisions of the referenced document (issued after the publication of the AD), either the AD must be revised to reference the specific later revisions, or operators must request the approval to use them as an alternative method of compliance with this AD [under the provisions of paragraph (d)].

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 889 Model DC–9 and C–9 (military) series airplanes of the affected design in the worldwide fleet. The FAA estimates that 568 airplanes of U.S. registry and 38 U.S. operators will be affected by this AD.

Incorporation of the SID program into an operator's maintenance program, as required by AD 94–03–01, takes approximately 1,062 work hours (per operator) to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost to the 38 affected U.S. operators of incorporating the revised procedures into the maintenance program is estimated to be $2,421,360, or $63,720 per operator.

The incorporation of the revised procedures in this AD action will require approximately 20 additional work hours per operator to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost to the 38 affected U.S. operators to incorporate these revised procedures into the SID program is estimated to be $45,600, or $1,200 per operator.

The recurring inspection costs, as required by AD 94–03–01, take 362 work hours per airplane per year to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the recurring inspection costs required by AD 94–01–03 are estimated to be $12,336,960, or $21,720 per airplane.

The recurring inspection procedures added to the program by this AD action will not add any new economic burden on affected operators, since certain inspections are added while others are deleted.

Based on the figures discussed above, the cost impact of this AD is estimated to be $12,382,560 for the first year, and $12,336,960 for each year thereafter. These cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action. However, it can reasonably be assumed that the majority of the affected operators have already initiated the SID program (as required by AD 94–03–01).

Additionally, the number of required work hours for each required inspection (and for the SID program revision), as indicated above, is presented as if the accomplishment of those actions were to be conducted as ''stand alone'' actions. However, in actual practice, these actions for the most part will be accomplished coincidentally or in combination with normally schedule airplane inspections and other maintenance program tasks. Therefore, the actual number of necessary additional work hours will be minimal in many instances. Further, any cost associated with special airplane scheduling can be expected to be minimal.

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 removing amendment 39–8807 (59 FR 6538, February 11, 1994), and by adding

a new airworthiness directive (AD), amendment 39–9671, to read as follows:

96–13–03 McDonnell Douglas: Amendment 39–9671. Docket 94–NM–195–AD. Supersedes AD 94–03–01, Amendment 39–8807.

Applicability: Model DC–9–10, –20, –30, –40, –50, and C–9 (military) series airplanes; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure the continuing structural integrity of these airplanes, accomplish the following:

(a) Within 6 months after March 14, 1994 (the effective date of AD 94–03–01, amendment 39–8807), incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection(s) of the Principal Structural Elements (PSE) defined in McDonnell Douglas Report No. L26–008, ''DC–9 Supplemental Inspection Document (SID),'' Section 2 of Volume I of Revision 3, dated April 1991, in accordance with Section 2 of Volume III–92, dated July 1992, of the SID.

(1) Visual inspections of all PSE's on airplanes listed in Volume III–92, dated July 1992, of the SID planning data, are required by the fleet leader-operator sampling (FLOS) program at least once during the interval between the start date (SDATE) and the end date (EDATE) established for each PSE. These visual inspections are defined in Section 3 of Volume II, dated April 1991, of the SID, and are required only for those airplanes that have not been inspected previously in accordance with Section 2 of Volume II, dated April 1991, of the SID.

(2) The Non Destructive Inspection (NDI) techniques set forth in Section 2 of Volume II, dated April 1991, of the SID provide acceptable methods for accomplishing the inspections required by this paragraph.

(3) All inspection results (negative or positive) must be reported to McDonnell Douglas, in accordance with the instructions contained in Section 2 of Volume III–92, dated July 1992, of the SID. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Note 1: Volume II, dated April 1991, of the SID is comprised of the following:

Volume designation	Revision level shown on volume
Volume II–10/20	3
Volume II–20/30	4
Volume II–40	3
Volume II–50	3

Note 2: NDI inspections accomplished in accordance with the following Volume II of the SID provide acceptable methods for accomplishing the inspections required by this paragraph:

Volume designation	Revision level	Date of revision
Volume II–10/20	3	April 1991.
Volume II–10/20	2	April 1990.
	12	
Volume II–10/20	1	June 1989.
Volume II/20	(1)	November 1987.
Volume II–20/30	4	April 1991.
Volume II–20/30	3	April 1990.
Volume II–20/30	2	June 1989.
Volume II–20/30	1	November 1987.
Volume II–40	3	April 1991.
Volume II–40	2	April 1990.
Volume II–40	1	June 1989.
Volume II–40	(1)	November 1987.
Volume II–50	3	April 1991.
Volume II–50	2	April 1990.
Volume II–50	1	June 1989.
Volume II–50	(1)	November 1987.

[1] Original.

(b) Within 6 months after the effective date of this AD, replace the revision of the FAA-approved maintenance inspection program required by paragraph (a) of this AD, with a revision that provides for inspection(s) of the PSE's defined in McDonnell Douglas Report No. L26–008, ''DC–9 Supplemental Inspection Document (SID),'' Section 2 of Volume I of McDonnell Douglas Report No. L26–008, ''DC–9 Supplemental Inspection Document (SID),'' Revision 4, dated July 1993, in accordance with Section 2 of Volume III–95, dated September 1995, of the SID.

Note 3: Operators should note that certain visual inspections of FLOS PSE's that were previously specified in earlier revisions of Volume III of the SID are no longer specified in Volume III–95 of the SID.

(1) Prior to reaching the threshold (N_{th}), but no earlier than one-half of the threshold (N_{th}/2), specified for all PSE's listed in Volume III–95, dated September 1995, of the SID, inspect each PSE sample in accordance with the NDI procedures set forth in Section 2 of Volume II, dated July 1993. Thereafter, repeat the inspection for that PSE at intervals not to exceed DNDI/2 of the NDI procedure that is specified in Volume III–95, dated September 1995, of the SID.

(2) The NDI techniques set forth in Section 2 of Volume II, dated July 1993, of the SID provide acceptable methods for accomplishing the inspections required by this paragraph.

(3) All inspection results (negative or positive) must be reported to McDonnell Douglas, in accordance with the instructions contained in Section 2 of Volume III–95, dated September 1995, of the SID. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Note 4: Volume II, dated July 1993, of the SID is comprised of the following:

Volume designation	Revision level shown on volume
Volume II–10/20	4
Volume II–20/30	5
Volume II–40	4
Volume II–50	4

Note 5: NDI inspections accomplished in accordance with the following Volume II of the SID provide acceptable methods for accomplishing the inspections required by this paragraph:

Volume designation	Revision level	Date of revision
Volume II–10/20	4	July 1993.
Volume II–10/20	3	April 1991.
Volume II–10/20	2	April 1990.
Volume II–10/20	1	June 1989.
Volume II/20	(1)	November 1987.
Volume II–20/30	5	July 1993.
Volume II–20/30	4	April 1991.
	14	
Volume II–20/30	3	April 1990.
Volume II–20/30	2	June 1989.
Volume II–20/30	1	November 1987.
Volume II–40	4	July 1993.
Volume II–40	3	April 1991.
Volume II–40	2	April 1990.
Volume II–40	1	June 1989.
Volume II–40	(1)	November 1987.
Volume II–50	4	July 1993.
Volume II–50	3	April 1991.
Volume II–50	2	April 1990.
Volume II–50	1	June 1989.
Volume II–50	(1)	November 1987.

[1] Originals.

(c) Any cracked structure detected during the inspections required by either paragraph (a) or (b) of this AD must be repaired before further flight, in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note 6: Requests for approval of any PSE repair that would affect the FAA-approved maintenance inspection program that is required by this AD should include a damage tolerance assessment for that PSE.

(d)(1) 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, Los Angeles Aircraft Certification Office (ACO), 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, Los Angeles ACO.

(d)(2) Alternative methods of compliance, approved in accordance with AD 94–03–01, amendment 39–8807, are approved as alternative methods of compliance with this AD.

Note 7: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(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.

(f) The actions shall be done in accordance with McDonnell Douglas Report No. L26–008, ''DC–9 Supplemental Inspection Document (SID),'' Volume III–92, dated July 1992; or McDonnell Douglas Report No. L26–008, ''DC–9 Supplemental Inspection Document (SID),'' Volume III–95, dated September 1995; as applicable. (NOTE: The issue/publication date of Volume III–95 is indicated on the Record of Revisions page.) The incorporation by reference of McDonnell Douglas Report No. L26–008, ''DC–9 Supplemental Inspection Document (SID),'' Volume III–95, dated September 1995, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The incorporation by reference of McDonnell Douglas Report No. L26–008, ''DC–9 Supplemental Inspection Document (SID),'' Volume III–92, dated July 1992, was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of March 14, 1994 (59 FR 6538, February 11, 1994). Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on July 24, 1996.

Issued in Renton, Washington, on June 12, 1996.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–15498 Filed 6–18–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 96–ASW–01]

Revision of Class E Airspace; Zuni, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Class E airspace extending upward from 700 feet above ground level (AGL) at Zuni, NM. The development of a Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway (RWY) 07 at Zuni Pueblo, Black Rock Airport has made this action necessary. This action is intended to provide adequate Class E airspace to contain instrument flight rule (IFR) operations for aircraft executing the GPS SIAP to RWY 07 at Zuni Pueblo, Black Rock Airport, Zuni, NM.

EFFECTIVE DATE: 0901 UTC, August 15, 1996.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Operations Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0530, telephone: (817) 222–5593.

SUPPLEMENTARY INFORMATION:

History

On January 31, 1996, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Zuni, NM, was published in the Federal Register (61 FR 3352). A GPS SIAP to RWY 07 developed for Black Rock Airport, Zuni, NM, requires the revision of Class E airspace at this airport. The proposal was to establish controlled airspace extending upward from 700 fee AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comment on the proposal to the FAA. No comment to the proposal were received. Therefore, the rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations for airspace areas extending upward from 700 feet or more AGL are published in Paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) revises the Class E airspace located at Zuni, NM, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the GPS SIAP to RWY 07 at Black Rock Airport, Zuni, NM.

The FAA has determined that this regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore—(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—[AMENDED]

1. The authority citation for 14 CFR pat 71 continues to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, *Airspace Designations and Reporting Points,* dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 6005: Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ASW NM E5 Zuni, NM [Revised]

Zuni Pueblo, Black Rock Airport, NM
(lat. 35°05′00″ N., long. 108°47′30″ W.)
Zuni VORTAC
(lat. 34°57′57″ N., long. 109°09′16″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Black Airport and within 1.8 miles each side of the 252° bearing from the airport extending from the 6.4-mile radius to 8.4 miles southwest of the airport and that airspace extending upward from 8,200 feet MSL within 6 miles north and 8.5 miles south of Zuni VORTAC 248° and 068° radials extending from 10.2 miles east to 17 miles west of the VORTAC, excluding that airspace in the state of New Mexico.

* * * * *

Issued in Forth Worth, TX, on June 11, 1996.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 96–15646 Filed 6–18–96; 8:45 am]

BILLING CODE 4910–13–M