

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 AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 97-CE-31-AD." The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a significant regulatory action under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

97-11-10. Puritan Bennett Aero Systems Company: Amendment 39-10039; Docket No. 97-CE-31-AD.

Applicability: Series 174290 Constant Flow Airline Portable Oxygen Masks, Part Numbers 174290-14, 174290-24, 174290-34, 174290-44, and 174290-54, that have a manufacturing date between September 1992 to August 1996; utilized in aircraft that are certificated in any category.

Note 1. The part number and date of manufacture of these masks are located on the oxygen mask gas bag. These oxygen masks are the portable type as opposed to the drop-down design.

Note 2. This AD applies to aircraft equipped with an oxygen mask that is identified in the preceding applicability provision, regardless of whether a mask has been modified, altered, or repaired in the area subject to the requirements of this AD. For aircraft utilizing the oxygen masks 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 7 days after the effective date of this AD, unless already accomplished.

To prevent restricted oxygen flow, which, if not corrected, could cause serious injury to a passenger in need of emergency or first aid oxygen during flight, accomplish the following:

(a) Remove any passenger oxygen mask with the applicable part number and manufacturing date and replace with an FAA-approved oxygen mask that incorporates a part number not covered by this AD.

Note 3. Nellcor Puritan Bennett Immediate Service Bulletin No. 174290-35-1, Original Issue: March 1997, contains information relating to this subject.

(b) After the effective date of this AD, no person may equip an aircraft with any Puritan Bennett Series 174290 Constant Flow Airline Portable Oxygen Masks, Part Numbers 174290-14, 174290-24, 174290-34, 174290-44, and 174290-54, that have a manufacturing date between September 1992 to August 1996.

(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, Wichita Aircraft Certification Office, 1801 Airport Road, Rm. 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from Wichita Aircraft Certification Office.

(d) Information related to this AD may be inspected at the FAA, Central Region, Office of the Assistant Chief 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 (39-10039) becomes effective on June 23, 1997.

Issued in Kansas City, Missouri, on May 21, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-13963 Filed 5-28-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-CE-98-AD; Amendment 39-10041; AD 97-11-12]

RIN 2120-AA64

Airworthiness Directives; Aerospace Technologies of Australia Pty Ltd. (Formerly Government Aircraft Factory) Models N22B, N22S, and N24A Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Aerospace Technologies of Australia Pty Ltd. (ASTA) Models N22B, N22S, and N24A airplanes. This action requires repetitively inspecting the stub wing upper front spar cap flanges for cracks, and repairing any cracked part. This AD results from fatigue tests that show that the stub wing upper front spar cap flanges could fail over time because of fatigue. The actions specified by this AD are intended to prevent structural failure of the front spar caused by cracks in the stub wing upper front spar cap flanges, which could result in loss of control of the airplane.

DATES: Effective July 11, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 11, 1997.

ADDRESSES: Service information that applies to this AD may be obtained from Aerospace Technologies of Australia Pty Ltd., ASTA DEFENCE, Private Bag No.

4, Beach Road Lara 3212, Victoria, Australia. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-98-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. Ron Atmur, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5224; facsimile (562) 627-5210.

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 ASTA Models N22B, N22S, and N24A airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 10, 1996 (61 FR 65002). The NPRM proposed to require repetitively inspecting the stub wing upper front spar cap flanges for cracks, and repairing any cracked part. Accomplishment of the proposed inspections as specified in the NPRM would be in accordance with Nomad Service Bulletin NMD-53-6, dated October 21, 1986. Accomplishment of any proposed repair (if necessary) as specified in the NPRM would be in accordance with a scheme obtained from the FAA, Los Angeles Aircraft Certification Office.

The NPRM resulted from fatigue tests that show that the stub wing upper front spar cap flanges could fail over time because of fatigue.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed AD 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 15 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 6 workhours per airplane to accomplish the required action, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$5,400 or \$360 per airplane. This figure does not take into account the cost of repetitive inspections or the cost to repair any cracked stub wing upper front spar cap flanges. The FAA has no way of determining the number of repetitive inspections each operator will incur over the life of each affected airplane or the number of stub wing upper front spar cap flanges that may be found cracked and need to be repaired.

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:

97-11-12 Aerospace Technologies of Australia PTY LTD: Amendment 39-10041; Docket No. 95-CE-98-AD.

Applicability: Models N22B, N22S, and N24A airplanes (all serial numbers), certified 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, alternation, 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 in the body of this AD, unless already accomplished.

To prevent structural failure of the front spar caused by cracks in the stub wing upper front spar cap flanges, which would result in loss of control of the airplane, accomplish the following:

(a) Prior to accumulating 1,700 hours time-in-service (TIS) or within the next 300 hours TIS after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 2,650 hours TIS, inspect, using both visual and eddy current methods, the stub wing front spar cap flanges in the area of Buttock Line (BL) 47.6 for fatigue cracks in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Nomad Service Bulletin NMD-53-6, dated October 21, 1986.

(b) If any crack is found during any inspection required by this AD, prior to further flight, obtain a repair scheme from the manufacturer through the Los Angeles Aircraft Certification Office (ACO) at the address specified in paragraph (d) of this AD, and incorporate this repair scheme. This repair does not eliminate the repetitive inspection requirement of this AD.

(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, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood,

California 90172. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(e) The inspections required by this AD shall be done in accordance with Nomad Service Bulletin NMD-53-6, dated October 21, 1986. 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 Aerospace Technologies of Australia Pty Ltd., ASTA DEFENCE, Private Bag No. 4, Beach Road Lara 3212, Victoria, Australia. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief 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 (39-10041) becomes effective on July 11, 1997.

Issued in Kansas City, Missouri, on May 22, 1997.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-14077 Filed 5-28-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-CE-34-AD; Amendment 39-10042; AD 97-11-13]

RIN 2120-AA64

Airworthiness Directives; Fairchild Aircraft SA226 and SA227 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Fairchild Aircraft SA226 and SA227 series airplanes. This AD requires modifying the electrical power generation system. The AD results from reports of both generators going off-line during flight on three of the affected airplanes. The actions specified by this AD are intended to prevent failure of both generators during critical phases of flight (such as night operation or while in icing conditions), which could result in loss of control of the airplane.

DATES: Effective July 11, 1997.

The incorporation by reference of certain publications listed in the

regulations is approved by the Director of the Federal Register as of July 11, 1997.

ADDRESSES: Service information that applies to this AD may be obtained from Field Support Engineering, Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490; telephone (210) 824-9421; facsimile (210) 820-8609. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-34-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. Ingrid D. Knox, Aerospace Engineer, FAA, Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone (817) 222-5190; 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 certain Fairchild Aircraft SA226 and SA227 series airplanes was published in the Federal Register as a notice of proposed rulemaking (NPRM) on November 4, 1996 (61 FR 56642). The NPRM proposed to require modifying the electrical power generation system. Accomplishment of the proposed modifications as specified in the NPRM would be in accordance with the following service bulletins, as applicable:

- Fairchild Service Bulletin (SB) 226-24-027, Issued: May 19, 1988, Revised: February 22, 1989;
- Fairchild SB 227-24-008, Issued: March 18, 1988, Revised: February 22, 1989;
- Fairchild SB 226-24-023, Issued: October 25, 1985, Revised: January 23, 1989;
- Fairchild SB 227-24-005, Issued: October 25, 1985, Revised: January 23, 1989;
- Fairchild SB 226-24-026, Issued: May 27, 1987;
- Fairchild SB 24-018, Issued: October 22, 1980, Revised: January 7, 1981;
- Fairchild SB 226-24-031, dated July 27, 1989;
- Fairchild SB 227-24-012, Issued: May 4, 1989, Revised: July 27, 1989.

The NPRM resulted from reports of both generators going off-line during flight on three of the affected airplanes. Interested persons have been afforded an opportunity to participate in the

making of this AD. One comment was received in support of the proposed AD and no comments were received regarding 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 34 SA226 series airplanes and 206 SA227 series airplanes in the U.S. registry will be affected by this AD, that it will take approximately 80 workhours per SA226 series airplane and 50 workhours per SA227 series airplane to accomplish the required action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$12,400 for SA226 series airplanes and \$6,000 for SA227 series airplanes. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$584,800 for SA226 series airplane operators (or \$17,200 per airplane) and \$1,854,000 for SA227 series airplane operators (or \$9,000 per airplane). This figure is based on the presumption that no owner/operator of the affected airplanes has accomplished the required modifications. Fairchild Aircraft has informed the FAA that no parts have been distributed to any affected airplane owner/operator.

This AD allows 2,000 hours time-in-service (TIS) after the effective date of the AD before mandatory accomplishment of the design modifications. 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 will have to accomplish the required modification within 24 to 48 calendar months after the effective date of the AD. For private owners, who typically operate between 100 to 200 hours TIS per year, this allows 24 to 48 years before the required modification will be mandatory.

Regulatory Flexibility Determination and Analysis

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to