

(a) Accomplish the following if the airplane records indicate that the propeller has not been removed and re-installed since the factory installation.

- (1) Remove spinner dome, cowling, and hardware as required to access propeller attachment bolts.
- (2) Reposition the beta system, using beta positioning tool, and remove the safety wire from the propeller mounting bolts (part number (P/N) B3347).

(3) Check the torque level of the P/N B3347 propeller bolts.

(i) If the torque is less than 60 ft-lbs, prior to further flight, replace the bolts with another FAA-approved propeller bolt using the installation procedures and torque sequence detailed in the Model 1900D Maintenance Manual (61-10-00) (A/Steps 1, 2, and B/Step 3).

(ii) If torque is 60 ft-lbs or greater, torque the bolts to a value of 100-105 ft-lbs using the torque sequence detailed in the Model 1900D Maintenance Manual (61-10-00) (B/Step 3).

(4) Re-safety wire the propeller bolts and remove the beta system positioning tool.

(5) Re-install the hardware, the spinner, and the cowlings.

(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, Wichita Aircraft Certification Office, Room 100, 1801 Airport Rd., 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 2: 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 64106.

(e) This amendment (39-10111) becomes effective on September 24, 1997.

Issued in Kansas City, Missouri, on August 14, 1997.

Michael Gallagher,
Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-22146 Filed 8-20-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-CE-71-AD; Amendment 39-10103; AD 97-16-10]

RIN 2120-AA64

Airworthiness Directives; RAPCO, Inc. Filter, Part Numbers RA-1J4-4, RA-1J4-6, and RA-1J4-7 From Lot Numbers 05597, 07797, and 12597

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 97-16-10, which was sent previously to owners of airplanes known to have RAPCO, Inc. (RAPCO) in-line pressure filters installed. This AD requires removing RAPCO filters with part numbers (P/N) RA-1J4-4, RA-1J4-6, and RA-1J4-7 that are from Lot Numbers 05597, 07797, and 12597. Recent operator reports and the manufacturer's report of several cracked filter housings on these RAPCO, Inc. in-line pressure filters prompted this AD. The actions specified by this AD are intended to prevent failure of the flight instruments during flight because of a failed in-line pressure filter, which could cause loss of control of the airplane.

DATES: Effective September 18, 1997, to all persons except those to whom it was made immediately effective by priority letter AD 97-16-10, issued July 31, 1997, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before October 17, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 97-CE-71-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Roy Boffo, Aerospace Engineer, Chicago Aircraft Certification Office, 2300 E. Devon, Des Plaines, Illinois 60018, telephone (847) 294-7564; facsimile (847) 294-7834.

SUPPLEMENTARY INFORMATION:

Discussion

On July 31, 1997, the FAA issued priority letter AD 97-16-10, which applies to certain RAPCO in-line

pressure filters that may be installed on, but not limited to, the following airplanes:

| Manufacturer | Model |
|--|--|
| Cessna Aircraft Company (Cessna). | 310R and T310R. |
| Raytheon Aircraft Company (Raytheon) (formerly known as Beech Aircraft Corporation). | E33A, F33A, V35A, V35B, 36, A36, 58, 65-B80, 70, 95-B55, D55, E55. |
| The New Piper Aircraft, Inc. (Piper). | PA-31-300, PA-31-325, PA-31P, PA-31P-350, PA-31T, PA-34-200T. |

This priority letter AD results from recent operator reports and the manufacturer's report of several cracked filter housings on RAPCO, Inc. in-line pressure filters produced from lot numbers 05597, 07797, and 12597 with part numbers (P/N) RA-1J4-4, RA-1J4-6, and RA-1J4-7. This product is an in-line pressure filter used on single and twin-engine airplanes with pressure-driven primary and standby flight instruments (attitude gyros). The filters are designed to remove the carbon particles between the vacuum pump outlet and the instrument pressure inlet. Failure of this filter results in failure of the flight instruments, which could cause loss of control of the airplane.

Further investigation has revealed that some of the plastic filter housings have cracked during flight when exposed to high temperatures and low humidity conditions. The failure is occurring anytime between 2 and 6 hours time-in-service (TIS). The manufacturer discovered that the vendor of the plastic made a manufacturing change, moving the sonic weld machine and the housings into a high humidity area. Apparently, the sonic weld time was doubled due to a higher moisture content in the plastic. This condition leads to brittle plastic filter housings that crack when exposed to low humidity/high temperature ambient conditions.

This condition, if not corrected, could result in failure of the operators' flight instruments during flight.

The FAA's Determination and Explanation of the AD

Since an unsafe condition has been identified that is likely to exist or develop in airplanes that have RAPCO in-line pressure filters marked with part numbers RA-1J4-4, RA-1J4-6, or RA-1J4-7 from Lot Numbers 05597, 07797, or 12597 installed, the FAA issued priority letter AD 97-16-10 on July 31, 1997, to prevent failure of the flight

instruments during flight because of a failed in-line pressure filter, which could cause loss of control of the airplane. The AD requires removing the filters from service.

Compliance Time

The compliance time of this AD is presented in calendar time instead of hours time-in-service (TIS). The FAA has determined that a calendar time compliance is the most desirable method because of the diversity of the affected fleet. Therefore, to ensure that the above-referenced condition is corrected within a reasonable period of time, a compliance schedule based upon calendar time instead of hours TIS is utilized.

Determination of the Effective Date of the AD

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on July 31, 1997, to all known U.S. owners/operators of airplanes that may have certain RAPCO in-line pressure filters installed.

These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments

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-71-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. A copy of it, if filed, 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, 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:

97-16-10 RAPCO, INC.: Amendment 39-10103; Docket No. 97-CE-71-AD.

Applicability: Filter Part Numbers (P/N) RA-1J4-4, RA-1J4-6, or RA-1J4-7 from Lot Numbers 05597, 07797, or 12597 installed on, but not limited to, the following airplanes, certificated in any category:

| Manufacturer | Model |
|--|--|
| Cessna Aircraft Company (Cessna). | 310R and T310R. |
| Raytheon Aircraft Company (Raytheon) (formerly known as Beech Aircraft Corporation). | E33A, F33A, V35A, V35B, 36, A36, 58, 65-B80, 70, 95-B55, D55, E55. |
| The New Piper Aircraft, Inc. (Piper). | PA-31-300, PA-31-325, PA-31P, PA-31P-350, PA-31T, PA-34-200T. |

Note 1: This AD applies to each airplane with one or more of these filters installed that is 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 2 days after the effective date of this AD or prior to further flight, whichever occurs later, unless already accomplished, except to those operators receiving this action by priority letter issued July 31, 1997, which made these actions effective immediately upon receipt.

To prevent failure of the flight instruments during flight because of a failed in-line pressure filter, which could cause loss of control of the airplane, accomplish the following:

(a) Remove any filter with an applicable part number and lot number and replace with an FAA-approved filter that incorporates a part number (P/N) and lot number not covered by this AD.

Note 2: RAPCO, Inc. distributed a news letter entitled RAPCO, Inc Reporter, dated January 1, 1995, Issue 6, that discusses the care and maintenance of the in-line filters and hoses to prevent damage.

(b) Upon the effective date of this AD, no person may equip an aircraft with any RAPCO filters marked with P/N RA-1J4-4, RA-1J4-6, or RA-1J4-7 that are from Lot Numbers 05597, 07797, or 12597.

Note 3: Production of the affected filters has ceased. The affected lots were produced

in February 1997, and a check of the aircraft records will give a good indication as to whether these filters have been installed on an aircraft.

(c) Special flight permits may be issued for daytime visual flight rules (VFR) flight only, 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 to accomplish the requirement of this AD.

(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, Chicago Aircraft Certification Office, 2300 E. Devon, Des Plaines, Illinois 60018. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may concur or comment and then send it to the Manager, Chicago Aircraft Certification Office.

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

(e) 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 64106.

(f) This amendment (39-10103) becomes effective on September 18, 1997, to all persons except those persons to whom it was made immediately effective by priority letter AD 97-16-10, issued July 31, 1997, which contained the requirements of this amendment.

Issued in Kansas City, Missouri, on August 14, 1997.

Michael Gallagher,
Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-22147 Filed 8-20-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121, 125, 129, and 135

[Docket No. 28109; Amendment Nos. 121-266, 125-30, 129-27, 135-69]

RIN 2120-AF76

Revisions to Digital Flight Data Recorder Rules

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

Correction

In rule document 97-18514 beginning on page 38362 in the issue of Thursday, July 17, 1997, make the following correction:

FOR FURTHER INFORMATION CONTACT:
 [Corrected]

1. On page 38362, in the first column, under **FOR FURTHER INFORMATION**

CONTACT: in the sixth line, the telephone number “(202) 267-8096” should read “(202) 267-8166”.

Issued in Washington, DC, on August 15, 1997.

Brenda D. Courtney,
Manager, Aircraft and Airports Rules Division.

[FR Doc. 97-22262 Filed 8-20-97; 8:45 am]

BILLING CODE 4910-13-M

RAILROAD RETIREMENT BOARD

20 CFR Part 335

RIN 3220-AB30

Sickness Benefits

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby amends its regulations under the Railroad Unemployment Insurance Act (RUIA) to permit a substance-abuse professional to execute a statement of sickness in support of payment of sickness benefits under the RUIA.

EFFECTIVE DATE: This rule will be effective September 22, 1997.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Senior Attorney, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611, (312) 751-4513, TDD (312) 751-4701.

SUPPLEMENTARY INFORMATION: Section 335.2(a)(2) of the Board’s regulations provides that in order to be entitled to sickness benefits under the RUIA, a claimant must provide a “statement of sickness.” Section 335.3(a) of the Board’s regulations lists the individuals from whom the Board will accept a statement of sickness. That list does not currently include a “substance-abuse professional” (SAP), although employees may claim sickness benefits under circumstances resulting from alcohol or controlled-substances-related disorders. In providing that an SAP under this part must meet the qualifications outlined in the Department of Transportation (DOT) regulations at 49 CFR part 40.3, the Board recognizes the importance of nationally-accepted standards for SAPs. The DOT regulations define an SAP as a licensed physician (Medical Doctor or Doctor of Osteopathy), a licensed or certified psychologist, a licensed or certified social worker, or a licensed or certified employee assistance

professional. The DOT regulations also include alcohol and drug abuse counselors certified by the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) Certification Commission, a national organization imposing qualification standards for treatment of alcohol and drug-related disorders.

Under the DOT regulations, an SAP must have knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substances-related disorders. Accordingly, those individuals who have the requisite degrees or certificates, but who lack knowledge and clinical experience in alcohol and substance abuse-related disorders, would not meet the criteria of a qualified SAP under this part.

The Board published this rule as a proposed rule on April 18, 1997 (62 FR 19072), and invited comments by June 17, 1997. No comments were received.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulation action for purposes of Executive Order 12866. Therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 335

Railroad employees, Railroad sickness benefits.

For the reasons set out in the preamble, title 20, chapter II, part 335 of the Code of Federal Regulations is amended as follows:

PART 335—SICKNESS BENEFITS

1. The authority citation for part 335 continues to read as follows:

Authority: 45 U.S.C. 362(i) and 362(l).

2. Section 335.3(a) is amended by removing “or” at the end of paragraph (a)(8) of this section, by removing the period at the end of paragraph (a)(9) of this section and adding “; or”, and by adding a new paragraph (a)(10) to read as follows:

§ 335.3 Execution of statement of sickness and supplemental doctor’s statement.

(a) * * *

(10) A substance-abuse professional as defined in 49 CFR part 40.3, if the infirmity involves alcohol or controlled substances-related disorders.

* * * * *

Dated: August 12, 1997.

By Authority of the Board.