

Regulatory Impact

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 draft regulatory 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, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 the following new airworthiness directive:

British Aerospace Regional Aircraft

[Formerly Jetstream Aircraft Limited, British Aerospace (Commercial Aircraft Limited); Docket 96-NM-189-AD.

Applicability: BAe Model ATP airplanes, constructor numbers 2002 through 2063 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 as indicated, unless accomplished previously.

To prevent failure of the torque tubes, which could result in an asymmetric flap condition and reduced controllability of the airplane, accomplish the following:

(a) Within 90 days after the effective date of this AD, conduct a detailed visual inspection of the flap drive torque tubes in the left and right wing root areas to detect inadequate clearance between the torque tubes and surrounding structure or scoring damage to the tubes, in accordance with Jetstream Service Bulletin ATP-27-80, dated April 23, 1996.

(1) If adequate clearance exists between all flap drive torque tubes and surrounding structure at the sites specified in the service bulletin, with no scoring damage to any of the tubes, no further action is required by this AD.

(2) If inadequate clearance exists between any flap drive torque tube and surrounding structure at the sites specified in the service bulletin, with no scoring damage to the tubes: Accomplish the requirements of paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) At intervals not to exceed 250 hours time-in-service, repeat the detailed visual inspections required by paragraph (a) of this AD.

(ii) Within 2,000 hours time-in-service after the initial inspection required by paragraph (a) of this AD, modify the structure to gain the required minimum clearance in accordance with the service bulletin. Accomplishment of the modification constitutes terminating action for the repetitive inspection requirement of paragraph (a)(2)(ii) of this AD.

(3) If any scoring damage to the torque tubes is detected, accomplish the requirements specified in paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this AD, as applicable, in accordance with the service bulletin, and at the time specified in the applicable paragraph.

(i) If only one torque tube on one side or both sides of the airplane is damaged, and the scoring is within the maximum allowable damage limits in the service bulletin: Within 250 hours time-in-service after any inspection required by this AD in which the damage was initially detected, modify the surrounding structure to gain the required minimum clearance and install a new torque tube.

(ii) If both torque tubes on the same side of the airplane are damaged, and the scoring is within the maximum allowable damage limits in the service bulletin: Prior to further flight after any inspection required by this AD in which damage was initially detected, modify the surrounding structure to gain the required minimum clearance and replace at least one of the damaged torque tubes with a new torque tube. Within 250 hours time-

in-service after any inspection in which damage was initially detected, replace the remaining damaged torque tube with a new torque tube.

(iii) If any torque tube is damaged, and the scoring is more than the allowable damage limits described in the service bulletin: Prior to further flight, modify the surrounding structure to gain the required minimum clearance and replace the damaged tube(s) with a new torque tube(s).

(b) Accomplishment of the modification to gain the required minimum clearance between the torque tubes and surrounding structure and the replacement of damaged torque tube(s) with a new torque tube(s) constitutes terminating action for the requirements of this AD.

(c) An alternative method of compliance or adjustment of the initial compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, 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, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(d) 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.

Issued in Renton, Washington, on August 19, 1997.

S. R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-22487 Filed 8-22-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-AGL-34]

Proposed Modification of the Legal Description of Class D Airspace; St. Paul, MN, St. Paul Downtown Holman Field

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to change the legal description of the Class D airspace area at St. Paul Downtown Holman Field (STP), St. Paul, NM. The existing legal description of the airspace area establishes the vertical limit of the airspace at 3,200 feet Mean Sea Level (MSL), excluding that airspace within

the Minneapolis (MSP), MN, Class B airspace area; however, all airspace from 3,000 MSL to 3,200 MSL inclusive within the lateral boundaries of the STP Class D airspace area is part of the MSP Class B airspace area. Consequently, no portion of the STP Class D airspace area actually exists at or above 3,000 MSL. This action only proposes to change the legal description of the STP Class D airspace area to reflect the actual existing vertical limit of the airspace. This action does not propose to change the actual dimensions of operating requirements of that airspace. The intended effect of this action would be to eliminate a potential source of confusion.

DATES: Comments must be received on or before October 3, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel AGL-7, Rules Docket No. 97-AGL-34, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Operations Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

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:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the

following statement is made: "Comments to Airspace Docket No. 97-AGL-34." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, *Attention:* Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the legal description of the STP Class D airspace area at St. Paul, MN. The existing legal description of the STP Class D airspace area establishes the vertical limit of the airspace at 3,200 MSL, but specifically excludes that airspace which coincides with the MSP Class B airspace area. However, at no point within the lateral boundaries of the STP Class D airspace area is the floor of the MSP Class B airspace higher than 3,000 MSL. Consequently, the highest vertical limit of the STP Class D airspace area is up to, but does not include, 3,000 MSL. The published 3,200 MSL vertical limit, therefore, does not reflect the true vertical limit of the airspace, and may serve as a source of confusion for pilots. This action proposes to revise the legal description of the STP Class D airspace area to reflect the actual existing vertical limit of the airspace. The intended effect of this action would be to eliminate a potential source of confusion. The area would be depicted on appropriate

aeronautical charts. Class D airspace designations for specified airspace within which all aircraft operators are subject to operating rules and equipment requirements of Part 91 of the Federal Aviation Regulations (14 CFR 91.129) are published in paragraph 5000 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed 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 proposed 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).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

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 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 5000 Class D airspace
* * * * *

AGL MN D St. Paul, MN [Revised]

St. Paul Downtown Holman Field, MN

(Lat. 44°56'04" N, long. 93°03'36" W)
 South St. Paul Municipal Richard E. Fleming
 Field, MN
 (Lat. 44°51'26" N, long. 93°01'59" W)

That airspace extending upward from the surface to, but not including, 3,000 feet MSL, within a 4.1-mile radius of St. Paul Downtown Holman Field, excluding that airspace within the Minneapolis, MN, Class B airspace area, and excluding the area within a 1-mile radius of the South St. Paul Municipal Richard E. Fleming Field. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

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Issued in Des Plaines, Illinois on August 4, 1997.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 97-22502 Filed 8-22-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-AGL-30]

**Modification of Class E Airspace;
 Rochester, IN**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify Class E airspace at Rochester, IN. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway 29 has been developed for Fulton County Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This proposal would increase the radius of the existing Class E airspace. The intended effect of this proposal is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before September 25, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL-7, Rules Docket No. 97-AGL-30, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief

Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

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:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 97-AGL-30." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence

Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify Class E airspace at Rochester, IN. This proposal would provide adequate Class E airspace for operators executing the GPS Runway 29 SIAP at Fulton County Airport by increasing the radius of the existing Class E airspace. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain airspace executing the approach. The intended effect of this action is to provide segregation of airspace using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions. The area would be depicted on appropriate aeronautical charts. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed 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 proposed 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).