

## 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:

**98-11-10 McDonnell Douglas:** Amendment 39-10537. Docket 97-NM-251-AD.

**Applicability:** Model DC-9-10, -20, -30, -40, and -50, and DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) series airplanes; Model MD-88 airplanes; and C-9 (military) series airplanes; as listed in McDonnell Douglas Service Bulletin DC9-27-346, Revision 01, dated July 29, 1997; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) 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 a jammed speed brake handle pin, which could result in retraction of the spoilers and full advancement of the left throttle during a go-around, accomplish the following:

(a) Within 12 months after the effective date of this AD, perform an inspection to determine if the latching lever pin of the speed brake passes an axial force check, and a visual inspection to determine if the staking of the latching lever pin is "acceptable", in accordance with McDonnell Douglas Service Bulletin DC9-27-346, Revision 01, dated July 29, 1997.

**Note 2:** The criteria for determining whether the staking is "acceptable" are defined in Figure 1 of the service bulletin.

(1) Condition 1. If the pin passes the axial force check and the staking is found to be acceptable, no further action is required by this AD.

(2) Condition 2. If the pin passes the axial force check and the staking is found to be unacceptable, accomplish the actions specified in Condition 2, Option 1, or Condition 2, Option 2 of the Accomplishment Instructions of the service bulletin. These actions shall be accomplished at the times specified in paragraph E. "Compliance" of the service bulletin. Accomplishment of the replacement of the speed brake latching lever constitutes terminating action for the repetitive inspection requirements of this AD.

(3) Condition 3. If the pin fails the axial force check and the staking is found to be unacceptable, accomplish the actions specified in Condition 3, Option 1, or Condition 3, Option 2 of the Accomplishment Instructions of the service bulletin. These actions shall be accomplished at the times specified in paragraph E. "Compliance" of the service bulletin. Accomplishment of the replacement of the speed brake latching lever constitutes terminating action for the repetitive inspection requirements of this AD.

(b) 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.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(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) The actions shall be done in accordance with McDonnell Douglas Service Bulletin DC9-27-346, Revision 01, dated July 29, 1997. 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 The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on June 26, 1998.

Issued in Renton, Washington, on May 14, 1998.

**John J. Hickey,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 98-13407 Filed 5-21-98; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-165-AD; Amendment 39-10540; AD 98-11-13]

RIN 2120-AA64

### Airworthiness Directives; Raytheon Model Hawker 800XP Series Airplanes, and Hawker 800 (U-125A Military Derivative) Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to certain Raytheon Model Hawker 800XP series airplanes and Hawker 800 (U-125A military derivative) airplanes. This action requires removal of the sealant from the firewall mounting flanges and mounting points of the fire extinguisher assemblies; removal of sealant obstructing the discharge tubes of the fire extinguisher assemblies; cleaning and flushing of the mounting flanges, mounting points, and discharge tubes with solvent; and installation of new gaskets on the firewall mounting flanges and mounting points. This amendment is prompted by reports of excessive sealant applied during manufacture of the firewall mounting flanges and mounting points of the fire extinguisher assemblies, which subsequently entered and obstructed the discharge tubes. The actions specified in this AD are intended to prevent obstructions of the discharge tubes of the fire extinguisher assemblies, which could result in improper distribution of the fire extinguishing agent within the nacelle in the event of a fire.

**DATES:** Effective June 8, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 8, 1998.

Comments for inclusion in the Rules Docket must be received on or before July 21, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-165-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Raytheon Aircraft Company, Manager Service

Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201-0085. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Randy Griffith, Aerospace Engineer, Systems and Propulsion Branch, ACE-116W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4145; fax (316) 946-4407.

**SUPPLEMENTARY INFORMATION:** The FAA has received a report indicating that, during manufacture testing of the fire suppression system on a Raytheon Model Hawker 800XP series airplane, the system failed to operate properly. Investigation has revealed that the discharge tubes of the fire extinguisher assemblies were obstructed. Testing of other Model Hawker 800XP series airplanes and a Hawker 800 (U-125A military derivative) airplane revealed similar obstructions of the discharge tubes of the fire extinguisher assemblies. The cause of the obstructions has been attributed to excessive sealant applied during manufacture of the firewall mounting flanges and mounting points of the fire extinguisher assemblies, which subsequently entered and obstructed the discharge tubes. This condition, if not corrected, could result in improper distribution of the fire extinguishing agent within the nacelle in the event of a fire.

#### **Explanation of Relevant Service Information**

The FAA has reviewed and approved Raytheon Service Bulletin SB.26-3197, dated April 1998, which describes procedures for removal of the sealant from the firewall mounting flanges and mounting points of the fire extinguisher assemblies; removal of sealant obstructing the discharge tubes of the fire extinguisher assemblies; cleaning and flushing of the mounting flanges, mounting points, and discharge tubes with solvent; and installation of new gaskets on the firewall mounting flanges and mounting points. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

#### **Explanation of the Requirements of the Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent obstructions of the discharge tubes of the fire extinguisher assemblies, which could result in improper distribution of the fire extinguishing agent within the nacelle in the event of a fire. This AD requires removal of the sealant from the firewall mounting flanges and mounting points of the fire extinguisher assemblies; removal of sealant obstructing the discharge tubes of the fire extinguisher assemblies; cleaning and flushing of the mounting flanges, mounting points, and discharge tubes with solvent; and installation of new gaskets on the firewall mounting flanges and mounting points.

#### **Determination of Rule's Effective Date**

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### **Comments Invited**

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public 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 shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. 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 Number 98-NM-165-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 that it 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, 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 the following new airworthiness directive:

**98-11-13 Raytheon Aircraft Company**  
(Formerly Beech): Amendment 39-10540. Docket 98-NM-165-AD.

*Applicability:* Model Hawker 800XP series airplanes and Hawker 800 (U-125A military derivative) airplanes, as listed in Raytheon Service Bulletin SB.26-3197, dated April 1998; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) 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 obstructions of the discharge tubes of the fire extinguisher assemblies, which could result in improper distribution of the fire extinguishing agent within the nacelle in the event of a fire, accomplish the following:

(a) Within 25 days after the effective date of this AD, accomplish paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this AD, in accordance with Raytheon Service Bulletin SB.26-3197, dated April 1998.

(1) Remove the sealant from the firewall mounting flanges and mounting points of the fire extinguisher assemblies;

(2) Remove all sealant obstructing the discharge tubes of the fire extinguisher assemblies;

(3) Clean and flush the mounting flanges, mounting points, and discharge tubes with solvent; and

(4) Install new gaskets on the firewall mounting flanges and mounting points.

(b) 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, Wichita Aircraft Certification Office (ACO), FAA, Small 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, Wichita ACO.

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

(c) Special flight permits may be issued in accordance with §§ 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) The actions shall be done in accordance with Raytheon Service Bulletin SB.26-3197,

dated April 1998. 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 Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on June 8, 1998.

Issued in Renton, Washington, on May 15, 1998.

**John J. Hickey,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 98-13684 Filed 5-21-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 29226; Amdt. No. 1869]

RIN 2120-AA65

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

*For Purchase—*Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

#### FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8620 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with