

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

**98-17-06 McDonnell Douglas:** Amendment 39-10708. Docket 97-NM-20-AD.

*Applicability:* Model DC-9-80 series airplanes and Model MD-88 airplanes; as listed in McDonnell Douglas MD-80 Service Bulletin 53-253, dated March 31, 1994; 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 (e) 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 loss of pressurization due to reduced structural integrity of the airplane, accomplish the following:

(a) Prior to the accumulation of 44,500 total landings, or within 4,500 landings after the effective date of this AD, whichever occurs later: Perform a high frequency eddy current (HFEC) inspection to detect fatigue cracking of the fuselage skin panels between stations Y=160.000 and Y=200.000 at the left side of longeron 22 below the airstair door cutout, in accordance with McDonnell Douglas MD-80 Service Bulletin 53-253, dated March 31, 1994; or McDonnell Douglas MD-80 Service Bulletin 53-253, as amended by Change Notification 53-253 CN1, dated April 15, 1994.

(b) If no cracking is detected, accomplish the actions specified in either paragraph (b)(1) or (b)(2) of this AD, in accordance with McDonnell Douglas MD-80 Service Bulletin 53-253, dated March 31, 1994; or McDonnell Douglas MD-80 Service Bulletin 53-253, as amended by Change Notification 53-253 CN1, dated April 15, 1994; at the time specified.

(1) Perform the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 4,500 landings until the requirements of paragraph (b)(2) of this AD have been accomplished. Or,

(2) Prior to further flight, install the preventative modification in accordance with the service bulletin. Accomplishment of the preventative modification prior to detection of any cracking constitutes terminating action for the repetitive inspection requirements of this AD.

(c) If any cracking is detected within frame stations Y=160.000 and Y=200.000, accomplish the actions specified in either paragraph (c)(1) or (c)(2) of this AD, in accordance with McDonnell Douglas MD-80 Service Bulletin 53-253, dated March 31, 1994; or McDonnell Douglas MD-80 Service

Bulletin 53-253, as amended by Change Notification 53-253 CN1, dated April 15, 1994.

(1) Accomplish the actions specified in paragraphs (c)(1)(i), (c)(1)(ii), (c)(1)(iii), and (c)(1)(iv) of this AD at the times specified.

(i) Prior to further flight, install the temporary repair in accordance with the service bulletin.

(ii) Within 3,000 landings after installation of the temporary repair, and thereafter, at intervals not to exceed 3,000 landings, perform visual inspections to detect cracking of the repaired area, in accordance with the service bulletin.

(iii) Within 4,500 landings after installation of the temporary repair, and thereafter, at intervals not to exceed 4,500 landings, perform HFEC inspections to detect cracking of any area not covered by the temporary doubler repair, in accordance with the service bulletin.

(iv) Within 8,000 landings after installation of the temporary repair, accomplish the permanent repair in accordance with the service bulletin. Accomplishment of the permanent repair constitutes terminating action for the repetitive inspection requirements of this AD.

(2) Prior to further flight, accomplish the permanent repair in accordance with the service bulletin. Accomplishment of the permanent repair constitutes terminating action for the repetitive inspection requirements of this AD.

(d) If any cracking is detected that extends forward of station Y=160.000 or aft of station Y=200.000, prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

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

(f) 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.

(g) Except as provided by paragraph (d) of this AD: The actions shall be done in accordance with McDonnell Douglas MD-80 Service Bulletin 53-253, dated March 31, 1994; or McDonnell Douglas MD-80 Service Bulletin 53-253, as amended by Change Notification 53-253 CN1, dated April 15, 1994. 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.

(h) This amendment becomes effective on September 18, 1998.

Issued in Renton, Washington, on August 6, 1998.

**Darrell M. Pederson,**

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

[FR Doc. 98-21652 Filed 8-13-98; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 98-ANE-53-AD; Amendment 39-10706; AD 98-17-04]

RIN 2120-AA64

**Airworthiness Directives; Hartzell Propeller Inc. HC-E4A-3(A,I,J) Series Propellers**

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

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to Hartzell Propeller Inc. HC-E4A-3(A,I,J) series propellers. This action requires a one-time inspection of the propeller blade counterweight clamps for thread damage in the bolt holes, and, if necessary, replacement with serviceable parts. This amendment is prompted by a report of a counterweight clamp bolt hole thread failure that resulted in the separation of the counterweight and the separation of a blade following impact with the counterweight. The actions specified in this AD are intended to prevent propeller blade counterweight clamp bolt hole thread failure, which can result in counterweight and propeller blade separation, and possible damage to the aircraft.

**DATES:** Effective August 31, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 31, 1998.

Comments for inclusion in the Rules Docket must be received on or before October 13, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-ANE-53-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@faa.dot.gov". Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from Hartzell Propeller Inc., One Propeller Place, Piqua, OH 45356-2634, ATTN: Product Support; telephone (937) 778-4200, fax (937) 778-4321. This information may be examined at the FAA, New England Region, Office of the Regional 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.

**FOR FURTHER INFORMATION CONTACT:** Tomaso DiPaolo, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Ave., Des Plaines, IL 60018; telephone (847) 294-7031, fax (847) 294-7834.

**SUPPLEMENTARY INFORMATION:** On May 4, 1998, a Raytheon (Beech) 1900D aircraft experienced a Hartzell Propeller Inc. HC-E4A-3(A,I,J) series propeller blade separation in Syracuse, NY. The investigation revealed that a propeller counterweight clamp bolt pulled out from the counterweight clamp assembly and the counterweight separated inflight. The departing counterweight broke the adjacent propeller blade about 12 inches from the hub. Inspection of the counterweight clamp bolt holes revealed that threads in the counterweight clamp bolt hole failed and that the threads had been damaged by cross threading. During the failure investigation, additional counterweight clamps with damaged threads were found. This condition, if not corrected, could result in propeller blade counterweight clamp bolt hole thread failure, which can result in counterweight and propeller blade separation, and possible damage to the aircraft.

The FAA has reviewed and approved the technical contents of Hartzell Propeller Inc. Alert Service Bulletin (ASB) No. HC-ASB-61-237, dated July 17, 1998, that describes procedures for inspection of the propeller blade counterweight clamps for thread damage in the bolt holes, and, if necessary, replacement with serviceable parts.

Since an unsafe condition has been identified that is likely to exist or develop on other propellers of the same type design, this AD is being issued to prevent propeller blade counterweight clamp bolt hole thread failure. This AD requires a one-time inspection of the propeller blade counterweight clamps for thread damage in the bolt holes. Based upon the results of the inspection, operators must, if necessary, replace propeller blade counterweight clamps with serviceable parts.

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 should 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 notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-ANE-53-AD." The postcard will be date stamped and returned to the commenter.

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, 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:

#### 98-17-04 Hartzell Propeller Inc.:

Amendment 39-10706. Docket 98-ANE-53-AD.

**Applicability:** Hartzell Propeller Inc. HC-E4A-3(A,I,J) series propellers, with serial numbers (S/Ns) HJ1 through HJ1040, that have been previously overhauled or have had a counterweight clamp bolt removed for any reason. These propellers are installed on but not limited to Raytheon (Beech) 1900D series aircraft.

**Note 1:** This airworthiness directive (AD) applies to each propeller 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 propellers 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 propeller blade counterweight clamp bolt hole thread failure, which can result in counterweight and propeller blade separation, and possible damage to the aircraft, accomplish the following:

(a) Perform a one-time inspection of the propeller blade counterweight clamps for thread damage in the bolt holes in accordance with the Accomplishment Instructions of Hartzell Propeller Inc. Alert Service Bulletin (ASB) No. HC-ASB-61-237, dated July 17, 1998, as follows:

(1) For propellers with 2,500 or more hours time in service (TIS) since last overhaul, inspect within 300 hours time in service (TIS), or 45 days after the effective date of this AD, whichever occurs first.

(2) For all other propellers inspect within 600 hours TIS, or 90 days after the effective date of this AD, whichever occurs first.

(3) For propeller blade counterweight clamps that do not meet the return to service criteria stated in the ASB, prior to further flight remove from service propeller blade counterweight clamps and replace and reassemble with serviceable parts in accordance with the ASB.

(4) For propeller blade counterweight clamps that meet the return to service criteria stated in the ASB, reassemble in accordance with the ASB.

(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, Chicago Aircraft Certification Office. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Chicago Aircraft Certification Office.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Chicago Aircraft Certification Office.

(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 aircraft to a location where the requirements of this AD can be accomplished.

(d) The actions required by this AD shall be done in accordance with the following Hartzell Propeller Inc. service documents:

Document No.	Pages	Date
HC-ASB-61-237	1-20	July 17, 1998

Total pages: 20.

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 Hartzell Propeller Inc., One Propeller Place, Piqua, OH 45356-2634, ATTN: Product Support; telephone (937) 778-4200, fax (937) 778-4321. Copies may be inspected at the FAA, New England Region, Office of the Regional 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 31, 1998.

Issued in Burlington, Massachusetts, on August 5, 1998.

**David A. Downey,**

*Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 98-21651 Filed 8-13-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 98-AGL-36]

#### Removal of Class D Airspace and Class E Airspace; Willoughby, OH

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

**ACTION:** Final rule.

**SUMMARY:** This action removes Class D airspace and Class E airspace at Willoughby, OH. The air traffic control tower for Willoughby, Lost Nation Airport, OH, has been decommissioned, therefore the required criteria for Class D airspace for the airport is no longer being met. The removal of the Class D airspace also causes the removal of the Class E airspace extensions to the Class D airspace.

**EFFECTIVE DATE:** 0901 UTC, October 08, 1998.

**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:**

#### History

On Wednesday, June 3, 1998, the FAA proposed to amend 14 CFR part 71 to remove Class D and Class E airspace at Willoughby, OH (63 FR 30156). The proposal was to rescind controlled airspace due to required criteria no longer being met.

Interested parties were invited to participate in this rulemaking

proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. 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 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be removed subsequently in the Order.

#### The Rule

This amendment to 14 CFR part 71 removes Class D airspace and Class E airspace at Willoughby, OH. The required criteria for Class D airspace is no longer being met, as the air traffic control tower for Willoughby, Lost Nation Airport, OH, has been decommissioned. The removal of the Class D airspace also causes the removal of the Class E airspace extensions to the Class D airspace.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this 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 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—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

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.