

those actions in the future if this AD were not adopted.

#### 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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:

96-03-12 Jetstream Aircraft Limited:  
Amendment 39-9917. Docket 96NM-97-AD.

*Applicability:* Model 4101 airplanes having constructor number 41004 through 41074 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.

To prevent overheating of the electrical ground posts ("earth posts") for the direct current (DC) power generation and de-icing systems of the left and right engines, which could result in such things as failure of these systems, accomplish the following:

(a) Within 300 hours time-in-service after the effective date of this AD, accomplish the actions specified in paragraphs (a)(1) and (a)(2) of this AD on both the left and right engines:

(1) Inspect each earth post and earth post bracket to detect damage caused by arcing, signs that it has been overheated, and lateral movement of the earth post, in accordance with Part A of Jetstream Service Bulletin J41-24-033, Revision 2, dated January 24, 1996. If any discrepancy is detected, prior to further flight, accomplish both paragraphs (a)(1)(i) and (a)(1)(ii) of this AD:

(i) Repair any damage and lateral movement in accordance with a method approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate; and

(ii) Replace the earth post with a new earth post in accordance with Part B of the service bulletin.

(2) Inspect each ground cable ("earth cable") for the DC power generation and propeller de-icing systems to detect damage caused by arcing, and signs that the terminal tags and cable insulation have been overheated, in accordance with Part A of the service bulletin. If any discrepancy is detected, prior to further flight, replace the earth cable with a new or serviceable cable, in accordance with Part A of the service bulletin.

(b) Within 6 months after the effective date of this AD, replace each earth post with a new earth post, in accordance with Part B of Jetstream Service Bulletin J41-24-033, Revision 2, dated January 24, 1996. Any earth post that is replaced in accordance with paragraph (a)(1)(ii) of this AD need not be replaced again under the requirements of this paragraph.

(c) 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, 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.

(e) The actions shall be done in accordance with Jetstream Service Bulletin J41-24-033, Revision 2, dated January 24, 1996. 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 Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on March 14, 1997.

Issued in Renton, Washington, on January 29, 1997.

Darrell M. Pederson,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 97-2673 Filed 2-6-97; 8:45 am]

BILLING CODE 4910-13-U

### 14 CFR Part 39

[Docket No. 96-NM-89-AD; Amendment 39-9918; AD 97-03-13]

RIN 2120-AA64

### Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all CASA Model C-212 series airplanes, that requires that the rudder pedal assemblies be adjusted prior to each flight until the rudder pedal setting mechanisms are modified. This amendment also requires replacement of the attachment rails for certain flight crew seats. This amendment is prompted by reports indicating that the flight crew may not be able to achieve the maximum certified deflection of the rudder at the airplane's minimum controllable airspeed and in other flight conditions, because the existing range of settings for adjusting the rudder pedals restricts the flight crew in its ability to move the rudder. This condition, if not corrected, could result in insufficient rudder deflection, and consequent reduction in controllability of the airplane.

**DATES:** Effective March 14, 1997.

The incorporation by reference of certain publications listed in the

regulations is approved by the Director of the Federal Register as of March 14, 1997.

**ADDRESSES:** The service information referenced in this AD may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Greg Dunn, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2799; fax (206) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all CASA Model C-212 series airplanes was published in the Federal Register on November 12, 1996 (61 FR 58014). That action proposed to require that the rudder pedal assemblies be adjusted prior to each flight until the rudder pedal setting mechanisms are modified (by the installation of stops and other parts). That action also proposed to require replacement of the attachment rails for certain flight crew seats.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

#### Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

The FAA estimates that 41 CASA Model C-212 series airplanes of U.S. registry will be affected by this AD.

The required adjustment of the rudder pedal assemblies will take approximately .10 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the adjustment requirement on U.S. operators is estimated to be \$246, or \$6 per airplane, per adjustment (prior to each flight).

The required modification and replacement will take approximately 64 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost between

\$2,000 and \$5,500 per airplane, depending on the kit that is installed. Based on these figures, the cost impact of these actions on U.S. operators is estimated to be between \$239,440 and \$382,940, or between \$5,840 and \$9,340 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

#### 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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: 97-03-13 CASA: Amendment 39-9918. Docket 96-NM-89-AD.

**Applicability:** All Model C-212 series airplanes, 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 (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 as indicated, unless accomplished previously.

To prevent the settings for the rudder pedals from restricting the flight crew in its ability to move the rudder to its maximum certified deflection, which could result in insufficient deflection and consequent reduction in controllability of the airplane, accomplish the following:

(a) As of the effective date of this AD, prior to each flight, adjust the left and right rudder pedal setting mechanisms in accordance with CASA Flight Operation Instructions COM 212-245, Revision 1, dated November 16, 1993, until the modification required by paragraph (b) of this AD has been accomplished.

(b) Within 6 months after the effective date of this AD, modify the left and right rudder pedal assemblies by installing stops and other parts, in accordance with CASA Service Bulletin SB-212-27-47, Revision 1, dated April 13, 1994. Accomplishment of this modification constitutes terminating action for the repetitive adjustments required by paragraph (a) of this AD.

(c) For CASA Model C-212 series airplanes listed in CASA Service Bulletin SB-212-27-47, Revision 1, dated April 13, 1994: Within 6 months after the effective date of this AD, replace the attachment rails for the pilot and co-pilot seats in accordance with CASA Service Bulletin SB-212-27-47, Revision 1, dated April 13, 1994.

(d) 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, 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.

(e) 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.

(f) The actions shall be done in accordance with CASA Flight Operation Instructions COM 212-245, Revision 1, dated November 16, 1993; and CASA Service Bulletin SB-212-27-47, Revision 1, dated April 13, 1994, which contains the following list of effective pages:

Page number	Revision level shown on page	Date shown on page
1-5, 8, 14-17, 19-23, 26, 34, 35.	1 .....	April 13, 1994.
6, 7, 9-13, 18, 24, 25, 27-33.	Original ..	September 14, 1993.

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 Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on March 14, 1997.

Issued in Renton, Washington, on January 29, 1997.

Darrell M. Pederson,  
*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 97-2674 Filed 2-6-97; 8:45 am]

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#### 14 CFR Part 39

[Docket No. 96-NM-148-AD; Amendment 39-9919; AD 97-03-14]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 737-300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737-300 series airplanes, that requires an inspection to detect fatigue cracking, base trim, and upper flange over-trim of the pulley brackets of the aileron control cables. This amendment also requires, if necessary, replacement of the pulley brackets with new pulley brackets, and replacement of the two button-head rivets with flush-head rivets. This amendment is prompted by a review of the design of the flight control systems on Model 737 series airplanes. The actions specified by this AD are intended to prevent fatigue cracking or fracturing of the pulley brackets, which

could result in slack in the cables and consequent reduced ability of the flightcrew to control the aileron.

**DATES:** Effective March 14, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 14, 1997.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Don Kurle, Senior Engineer, Systems and Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2798; fax (206) 227-1181.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737-300 series airplanes was published in the Federal Register on August 28, 1996 (61 FR 44237). That action proposed to require a visual inspection to detect fatigue cracking, base trim, and upper flange over-trim of the pulley brackets of the aileron control cables. That action also proposed to require, if necessary, replacement of the pulley brackets with new pulley brackets, and replacement of the two button-head rivets with flush-head rivets.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

#### Support for the Proposal

One commenter supports the proposed rule.

#### Request To Revise Statement of Findings of Critical Design Review Team

One commenter requests the second paragraph of the Discussion section that appeared in the preamble to the proposed rule be revised to accurately reflect the findings of the Critical Design Review (CDR) team. The commenter asks that the FAA delete the one sentence in that paragraph, which read:

"The recommendations of the team include various changes to the design of the flight control systems of these airplanes, as well as correction of certain design deficiencies." The commenter suggests that the following sentences should be added: "The team did not find any design issues that could lead to a definite cause of the accidents that gave rise to this effort. The recommendations of the team include various changes to the design of the flight control systems of these airplanes, as well as incorporation of certain design improvements in order to enhance its already acceptable level of safety."

The FAA does not find that a revision to this final rule in the manner suggested by the commenter is necessary, since the Discussion section of a proposed rule does not reappear in a final rule. The FAA acknowledges that the CDR team did not find any design issue that could lead to a definite cause of the accidents that gave rise to this effort. However, as a result of having conducted the CDR of the flight control systems on Boeing Model 737 series airplanes, the team indicated that there are a number of recommendations that should be addressed by the FAA for each of the various models of the Model 737.

#### Request To Extend Compliance Time

The Air Transport Association (ATA) of America, on behalf of one of its members, requests that the proposed compliance time be extended from 18 months to four years. The ATA member indicates that the consequences of bracket failure are minimal since a dual control path exists. The commenter adds that, even in the event of total cable input failure on one side of the control path, control of the aircraft would not be lost. The commenter points out that the referenced service bulletin states that resultant cable slack will cause sluggish aileron control, which should be apparent to the flightcrew in the event of failure of a bracket. The commenter also states that the adoption of an 18-month compliance time would pose an unnecessary burden on operators, and that a compliance time of four years is adequate to address the unsafe condition. The ATA states that it does not view the identified unsafe condition as an airworthiness concern. However, in the interest of enhancing safety, the ATA requests that the rule be adopted with the extended compliance time.

The FAA does not concur. The FAA acknowledges that a dual control path exists, and that in the event of failure of a bracket, the second load path will