Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–23–AD]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 97–14–16, which currently requires repetitively inspecting the flap aft roller bearings and flap attachment brackets for indications of contact (wear), inspecting for elongation of the holes in the flap attachment brackets, repairing or replacing any part showing wear, and replacing any bracket with elongated holes on Raytheon Aircraft Company (Raytheon) Models 1900, 1900C, and 1900D airplanes. The proposed AD would retain the actions required in AD 97–14–16, and would increase the number of repetitive inspections by reducing the number of ground-air-ground (GAG) cycles allowed between inspections. The proposed AD would also lower the total GAG cycles accumulated before the required initial inspection. The actions specified by the proposed AD are intended to prevent asymmetric flaps, jammed flaps, and/or possible interference between the flap and the aileron, which could inhibit aileron travel and result in possible loss of roll control of the airplane.

DATES: Comments must be received on or before September 18, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–23–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4124; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed 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, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 proposal 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 No. 98–CE–23–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–23–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 97–14–16, Amendment 39–10074, (62 FR 37128, July 11, 1997) currently requires repetitively inspecting the flap aft roller bearings and flap attachment brackets for indications of contact (wear), inspecting for elongation of the holes in the flap attachment brackets, repairing or replacing any part showing wear, and replacing any bracket found with elongated holes on Raytheon Models 1900, 1900C, and 1900D airplanes.

Actions Since Issuance of Previous Rule

Since the issuance of AD 97–14–16, the manufacturer has reported to the FAA that another incident of flap roll bearings wearing on the flap attachment brackets has occurred on a Raytheon 1900 series airplane. This makes a total of five incidents of aileron interference on these airplanes. Because the most recent incident occurred at a much lower number of GAG cycles than the preceding incidents, the FAA believes the number of flights accumulated before the initial and repetitive inspections required in AD 97–14–16 should be reduced.

Relevant Service Information

Raytheon has issued Safety Communiqué No. 137, dated May, 1997, which specifies procedures for inspecting the flap attachment brackets for signs of wear, and inspecting the aft roller bearing attachment holes for elongation. If wear from contact is visible or the roller bearing attachment holes are elongated, the Safety Communiqué specifies procedures for repairing or replacing the part. The new service information issued, Raytheon Aircraft Mandatory Service Bulletin No. SB 27–3158, Issued: June, 1998, is basically the same action as the information referenced above, except for a change in the initial and repetitive compliance times.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to preclude interference between the flap and the aileron, which could help prevent aileron travel.

This condition, if not corrected, could result in loss of directional control of the airplane during critical phases of flight.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Raytheon Models 1900, 1900C, and 1900D airplanes of the same type design, the proposed AD would supersede AD 97–14–16 with a new AD. The proposed AD would require the same actions required in AD 97–14–16, which are:

—Repetitively inspecting the outboard flap attachment brackets and aft roller bearings for wear;
—Inspecting for elongation of the holes in the flap attachment brackets;
—Repairing or replacing any part showing wear; and
—Replacing any bracket found with elongated holes.

In addition, the proposed AD would change the compliance time by reducing the required number of GAG cycles accumulated prior to the initial inspection and the number of GAG cycles required between the repetitive inspections.

Differences Between the Service Bulletin and the Proposed AD

The Raytheon Aircraft Mandatory Service Bulletin No. SB 27–3158, Issued: June, 1998, specifies that the initial inspection be accomplished at the accumulation of 1,200 GAG cycles, with the repetitive inspections occurring every 1,200 GAG cycles. The FAA is proposing that the GAG cycles be reduced to 600 for the initial inspections and 600 GAG cycles between the repetitive inspections. The FAA is using GAG cycles while the Raytheon service information is using flap cycles, which varies by a factor of two.

The FAA's reason for reducing the GAG cycles by half is that the unsafe condition could occur during critical phases of flight. The FAA must also consider that an unsafe condition on commuter aircraft warrants additional caution.

Justification of Compliance Time and Determination of the Effective Date of This AD

Wear of the flap aft roller bearings and flap attachment brackets and elongation of the flap attachment bracket holes occur over time. Examination of the most recent referenced incident and all information available to the FAA indicates that this problem has the potential of becoming detectable at around 1,200 flap cycles. To ensure that this unsafe condition does not occur during flight, the FAA is using 2 flap cycles per ground-air-ground cycle; therefore the proposed initial inspection would be required at a total accumulation of 600 GAG cycles. The repetitive inspection would be required every 600 GAG cycles.

These airplanes are utilized primarily in commuter service. Operators of these airplanes average anywhere from 8 GAG cycles per day to 14 GAG cycles per day. Based on these averages, operators of Raytheon 1900 series airplanes would reach the above thresholds between 42 days to 75 days from the initial service date of the airplane, and every 42 to 75 days after each repetitive inspection.

For these reasons, the FAA has determined that the inspections required by the proposed AD should occur ''Upon the accumulation of 600 total GAG cycles, or within the next 100 GAG cycles after the effective date of this AD, whichever occurs later, or within 600 GAG cycles from the date of the last inspection required by AD 97–14–16, unless already accomplished, and thereafter at intervals not to exceed 600 GAG cycles.'' The 100 GAG cycles for the initial compliance time is utilized to allow a grace period for those airplanes already over the 600 GAG cycle time, so as not to inadvertently ground the affected airplanes.

Cost Impact

The FAA estimates that 527 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 2 workhours per airplane to accomplish the proposed inspection, that it would take approximately 8 workhours to accomplish the proposed repair, and that the average labor rate is approximately $60 an hour. Parts cost approximately $440 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $63,240, or $120 per airplane

These figures are calculated on the basis that the proposed inspection would be the only cost required. The proposed repair would be on the condition that damage would be found as a result of the inspection.

The cost impact to the owner/operators of the affected airplanes could possibly double since the FAA is proposing a reduction of the number of required GAG cycles between the proposed inspections. The FAA is not able to determine the number of repetitive inspections that would occur over the life of the airplane.

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 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) 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 has been placed 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 14 CFR part 39 of the Federal Aviation Regulations 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 removing Airworthiness Directive (AD) 97–14–16, Amendment 39–10074 (62 FR 37128, July 11, 1997), and by adding a new AD to read as follows:

Raytheon Aircraft Company (Type Certificate No. A24CE formerly held by the Beech Aircraft Corporation): Docket No. 98–CE–23–AD; Supersedes AD 97–14–16, Amendment 39–10074.

Applicability: The following model and serial number airplanes, certificated in any category:

Model	Serial Nos.
1900	UA–1 and UA–3.

Model	Serial Nos.
1900C	UB–1 through UB–74, and UC–1 through UC–174.
1900C (C–12J)	UD–1 through UD–6.
1900D	UE–1 through all serial numbers.

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 (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 in the body of this AD, unless already accomplished.

Note 2: The compliance time of this AD takes precedence over the compliance time set out in the Raytheon Aircraft Mandatory Service Bulletin No. SB 27-3158, Issued: June, 1998.

Note 3: If the owners/operators of the affected airplane have not kept track of GAG cycles, hours time-in-service (TIS) may be substituted by multiplying each hour TIS by 2, to calculate the number of GAG cycles. For example, 1,300 hours TIS would equal 2,600 GAG cycles.

To prevent asymmetric flaps, jammed flaps, and/or possible interference between the flap and the aileron, which could inhibit aileron travel and result in possible loss of roll control of the airplane, accomplish the following:

(a) Upon the accumulation of 600 total ground-air-ground (GAG) cycles, or within 600 GAG cycles from the date of the last inspection required by AD 97–14–16, or within the next 100 GAG cycles after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 600 GAG cycles, inspect the outboard flap attachment brackets and aft roller bearings on both wings for visible wear and elongation of the bracket holes in accordance with instructions 1 through 17 in Raytheon Aircraft (Raytheon) Mandatory Service Bulletin No. SB 27–3158, Issued: June, 1998.

(b) Prior to further flight, repair or replace any worn or damaged part in accordance with Temporary Revision No. 57–1 to the Raytheon Aircraft Beech 1900 Airliner Series Structural Repair Manual P/N 114–590021–9B, dated May 16, 1997; Reissued June 30, 1992.

(c) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), Room 100, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager. Wichita ACO.

(2) Alternative methods of compliance approved for AD 97–14–16 are not considered approved as alternative methods of compliance for this AD.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to Raytheon Aircraft Company, 9709 E. Central, P. O. Box 85, Wichita, Kansas 67201–0085; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment supersedes AD 97–14–16, Amendment 39–10074.

Issued in Kansas City, Missouri, on June 29, 1998.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–18008 Filed 7–7–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 61

RIN 1076–AD89

Preparation of Rolls of Indians

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is amending its regulations governing the compilation of rolls of Indians in order to reopen the enrollment application process for the Sisseton and Wahpeton Mississippi Sioux Tribe. The amendment reopens the enrollment period to comply with a directive of the Eighth Circuit of Appeals.

DATES: Comments must be received on or before September 8, 1998.

ADDRESSES: Comments are to be mailed to Daisy West, Office of Tribal Services, Bureau of Indian Affairs, 1849 C Street, NW, MS 4603–MIB, Washington, DC 20240; or, hand delivered to Room 4603 at the same address.

FOR FURTHER INFORMATION CONTACT: Daisy West, Bureau of Indian Affairs (202) 208–2475.

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Indian Affairs must reopen the enrollment application process authorized under 25 U.S.C. 1300d–3(b) to give individuals another opportunity to file applications to share in the Sisseton and Wahpeton Mississippi Sioux judgment fund distribution. The Eighth Circuit of Appeals decision in *Loudner v. U.S.*, 108 (f). 3d 896 (8th Cir. 1997), held that the Bureau of Indian Affairs did not give proper notice of the application period, and that 5 months was not a sufficient time period within which to file applications, in light of the long delay in distribution of the fund. The proposed rule is intended to reopen the enrollment period in order to allow sufficient time for eligible persons to enroll.

Additional Notice and Public Meetings

The Bureau of Indian Affairs is taking several steps to ensure that all potential applicants are informed of the reopening of the comment period. We will notify all BIA Area Directors and Agency Superintendents and require them to post notices in area offices, agency offices, community centers on and near reservations, and in Indian Health Clinics. We will also notify tribal newspapers and newspapers of general circulation in major communities in Montana, North Dakota, South Dakota, Nebraska, and Minnesota.

Additionally, we will hold community meetings on Indian reservations identified from the 1909 roll, including: Cheyenne River, Crow Creek, Upper Sioux, Sisseton-Wahpeton, Spirit Lake, Fort Peck, Standing Rock, Lower Brule, Yankton, Rosebud, and Pine Ridge. At each meeting we will:

(1) Inform potential beneficiaries of the reopening of the enrollment process for this judgment fund;

(2) Inform potential beneficiaries of eligibility criteria; and

(3) Help applicants to prepare and file applications.

Previously Submitted Applications

We have on file applications submitted under § 61.4(s) that we denied because we received them after November 1, 1973. We will now process these applications. If you previously filed an application that we denied, you may wish to confirm that we have it and are processing it. To do this, please call Daisy West at (202) 208–2475.

Application Deadline

We have not established an application deadline in this proposed rule. In order to allow adequate time for