

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

**Note 2:** This AD applies to each airplane identified in paragraph (a) of this AD, 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with British Aerospace Jetstream Alert Service Bulletin 55-A-JA-990640, Issued: September 1, 1999. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on January 12, 2001.

**Note 3:** The subject of this AD is addressed in British Aerospace Jetstream Alert Service Bulletin 55-A-JA-990640, Issued: September 1, 1999. This service bulletin is classified as mandatory by the United Kingdom Civil Aviation Authority (CAA).

Issued in Kansas City, Missouri, on November 14, 2000.

**James E. Jackson,**

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

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NM-127-AD; Amendment 39-12026; AD 2000-24-19]

RIN 2120-AA64

#### **Airworthiness Directives; Learjet Model 35, 35A, 36, and 36A Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Learjet Model 35, 35A, 36, and 36A series airplanes, that requires revision of the Airplane Flight Manual (AFM) to add procedures for donning the flightcrew oxygen masks when the cabin altitude warning horn is activated. This amendment is intended to prevent incapacitation of the flightcrew due to lack of oxygen and consequent loss of control of the airplane due to absence of AFM procedures for donning the flightcrew oxygen masks when the cabin altitude warning horn is activated.

**DATES:** Effective January 4, 2001.

**ADDRESSES:** Information pertaining to this amendment may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

**FOR FURTHER INFORMATION CONTACT:** Ben Sorensen, Flight Test Pilot, Flight Test and Program Management, ACE-117W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4165; fax (316) 946-4407.

**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 Learjet Model 35, 35A, 36, and 36A series airplanes was published in the **Federal Register** on June 8, 2000 (65 FR 36391). That action proposed to require revision of the Airplane Flight Manual (AFM) to add procedures for donning the flightcrew oxygen masks when the cabin altitude warning horn is activated. That proposal was intended to prevent incapacitation of the flightcrew due to lack of oxygen and consequent loss of control of the airplane due to absence of

AFM procedures for donning the flightcrew oxygen masks when the cabin altitude warning horn is activated.

#### **Since the Issuance of the Proposal**

The FAA has determined that the identified unsafe condition is adequately addressed by Step 1 (donning the oxygen mask following a cabin high altitude warning) of the AFM revision under paragraph (a) of the proposed AD. In line with that determination, it is no longer necessary to include Steps 2 through 12 of paragraph (a). The FAA has revised paragraph (a) of the final rule accordingly.

#### **Comments on the Proposal**

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

#### **Request To Withdraw the Proposal**

One commenter states that it opposes the adoption of the proposal, as well as the FAA's continued efforts to use rulemaking to address "operational" concerns. The commenter contends that airworthiness directives should only address corrective actions that specifically identify product flaws that create an unsafe condition. In particular, the commenter maintains that the unsafe condition demands an "operational" as well as an educational concern. The commenter further states that its primary concern with the proposal is that, in the accidents and incidents reports where incapacitation of the flightcrew was due to hypoxia, the root design or mechanical flaw has not been identified. The commenter concludes that a pilot's failure to don an oxygen mask raises "operational" concerns that have nothing to do with the specific problems concerning the continued airworthiness of the product in question. From these comments, the FAA infers that the commenter requests that the proposed AD be withdrawn.

The FAA does not concur that the proposed AD should be withdrawn. The purpose of an AD is to correct an identified unsafe condition in products, regardless of where the unsafe condition is located or what it is caused by. The current AFM does not contain procedures to don oxygen masks when the cabin altitude aural warning is activated. The FAA considers that the lack of such procedures constitutes an unsafe condition and, as such, must be corrected. In essence, the requirement to revise the AFM to add procedures to don oxygen masks when the cabin altitude warning is activated serves to

protect the flying public from the consequences of the unsafe condition. The AD also serves to protect the manufacturer from the liability that would be faced should the unsafe condition not be corrected.

#### **Request To Revise the Emergency Procedures**

One commenter requests that the proposed emergency descent procedures be revised to specify that the flightcrew (1) don the oxygen mask; (2) level off (stabilize) the aircraft; and (3) verify loss of cabin pressure. The commenter suggests that if loss of cabin pressure is verified, the flightcrew should continue with the remainder of the emergency procedures. The commenter states that the purpose of adding these steps would be to ensure that the procedures, as proposed, do not lead the flightcrew to a possible overreaction. The commenter concludes that the suggested additional steps would provide clear direction for the flightcrew when the cabin altitude warning horn activates.

The FAA does not concur with the request to add procedures specifying that, immediately after donning the oxygen masks, the flightcrew level off the aircraft and verify loss of cabin pressure. As explained previously, the FAA has determined that, other than donning the oxygen masks, it is unnecessary to add further requirements to the Emergency Procedures Section of the AFM. The current FAA-approved AFM appears to take a conservative approach to cabin high altitude emergency procedures and specifies that the flightcrew perform an emergency descent. Furthermore, the FAA has not identified any unsafe conditions associated with those specific AFM procedures. The FAA has, however, forwarded the commenter's suggestions to the manufacturer for its consideration.

#### **Request To Revise the Title of the Emergency Procedures**

One commenter, the manufacturer, requests that the title of the emergency procedures be revised to also address the condition where the flightcrew notices a high cabin altitude before the warning horn sounds. The commenter suggests that the following words be added to the title: “\* \* \* or Cabin Altitude Exceeds 10,000 feet.”

The FAA finds that the suggested additional words will clarify and specify emergency procedures for a possible situation, and will encourage proactive flightcrew action. Therefore, the FAA concurs with the commenter's request, and has revised paragraph (a) of the AD accordingly.

#### **Request To Add Certain Notes**

One commenter, the manufacturer, also requests that two new notes be added to clarify the proposed requirements of paragraph (a) after Step 10 and Step 12.

The FAA does not concur. Since all steps except Step 1 of paragraph (a) of the proposal have been removed (as explained previously) from the proposed AD, it is unnecessary to provide further clarification of the other steps.

#### **Request To Redesign the Oxygen System**

Two commenters request that the proposal include a requirement that the oxygen bottle in the cockpit be redesigned to show oxygen bottle pressure and not system pressure. Additionally, one of those commenters requests that the oxygen bottle clearly indicate that the system is “on” during preflight.

The FAA does not concur that this AD should require redesign of the oxygen bottle system. The FAA finds that a properly conducted preflight of the oxygen masks will establish and verify the correct gauge that reads bottle pressure, and ensure that the oxygen bottle valve is properly positioned. Additionally, the required flow check will not work if the oxygen bottle is turned off since all oxygen would have been released from the system. The actions required in this AD are intended to sufficiently address the stated unsafe condition.

Since redesign of the oxygen bottle system was not specified in the proposal, to require such redesign in this AD would be to mandate requirements without benefit of opportunity for public comment. Since the FAA has received no reports of any unsafe conditions associated with the design of the indicating system or bottle pressure system, it is not considering further rulemaking at this time. However, the FAA has forwarded this suggestion to the manufacturer for its consideration.

#### **Request To Add Additional Models to the Applicability**

One commenter requests that the applicability be revised to include Learjet Model 23, early Model 24, and Model 25 series airplanes. The commenter states that the oxygen and pressurization systems on these airplanes are similar to the airplane models cited in the applicability of the proposed AD.

The FAA does not concur that additional airplane models should be

added to the applicability of this AD. The FAA acknowledges that the oxygen and pressurization systems on those airplanes are similar to the Learjet Model 35 and 36 series airplanes. However, if those airplane models were added to the applicability of this AD, additional time for opportunity to comment would be required. The FAA finds that to delay this action would be inappropriate in light of the identified unsafe condition. If information is received that points to an unsafe condition on the Learjet Model 23, Model 24, or Model 25, the FAA will consider further rulemaking. The FAA will forward the commenter's suggestion to the airplane manufacturer.

#### **Request To Identify Flight Conditions Where Emergency Descent Is Unnecessary**

One commenter requests that the FAA identify all flight conditions in which an emergency descent is not required subsequent to donning oxygen masks, and clearly present the appropriate instructions in the final rule. The commenter notes that the proposed AD specifies that, regardless of the existing flight conditions, the flightcrew perform an emergency descent upon activation of the cabin altitude warning. The commenter points out that it is possible for the cabin altitude warning horn to activate during flight conditions that would not require an emergency descent and landing.

The FAA does not concur that identification of all flight conditions in which an emergency descent is not required is necessary. The FAA considers that the manufacturer has taken a prudent and conservative approach in establishing the current emergency descent procedures, which specify emergency descent is necessary regardless of flight conditions. However, for the reasons explained previously, other than donning the oxygen masks, the FAA has removed the requirement to complete additional emergency descent procedures from this final rule. Therefore, no change to the final rule is necessary in this regard.

#### **Conclusion**

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

## Cost Impact

There are approximately 739 Learjet Model 35, 35A, 36, and 36A series airplanes of the affected design in the worldwide fleet. The FAA estimates that 500 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$30,000, or \$60 per airplane.

The cost impact figure discussed above is 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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

## Regulatory Impact

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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, 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:

**2000-24-19 Learjet:** Amendment 39-12026. Docket 2000-NM-127-AD.

**Applicability:** Model 35, 35A, 36, and 36A series airplanes, certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent incapacitation of the flightcrew and consequent loss of control of the airplane due to delays in donning oxygen masks in response to the activation of the cabin altitude warning horn, accomplish the following:

(a) Within 10 days after the effective date of this AD, revise the Emergency Procedures Section of the FAA-approved Airplane Flight Manual (AFM) by accomplishing the actions specified in paragraphs (a)(1) and (a)(2) of this AD:

(1) Revise the title for the existing "Emergency Descent" section to read:

"CABIN ALTITUDE WARNING HORN ACTIVATES OR CABIN ALTITUDE EXCEEDS 10,000 FEET (EMERGENCY DESCENT)"

(2) Insert the procedures specified below between the new, revised title specified in paragraph (a)(1) of this AD and the existing procedures for emergency descent specified in the AFM.

"Don Oxygen Masks and Select 100% oxygen."

### *Alternative Methods of Compliance*

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

### *Special Flight Permit*

(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.

### *Effective Date*

(d) This amendment becomes effective on January 4, 2001.

Issued in Renton, Washington, on November 22, 2000.

**Donald L. Riggins,**

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

[FR Doc. 00-30396 Filed 11-29-00; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 97

[Docket No. 30215; Amdt. No. 2022]

### 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 the adoption of new or revised criteria, or 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 matters 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 the 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