

### *E. Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this direct final rule.

### *F. International Compatibility*

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to ICAO Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified the following difference. Once this rule is effective, the FAA's regulations will no longer include the definitions of Category IIIa, IIIb, and IIIc operations. This differs from ICAO Standards and Recommended Practices because ICAO's Annex 6 and Annex 10 include the Category IIIa, IIIb, and IIIc definitions. Until such time ICAO removes these definitions from its annexes, the FAA will be required to file a Difference with ICAO.

### *G. Environmental Analysis*

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 312f and involves no extraordinary circumstances.

## **IV. Executive Order Determinations**

### *A. Executive Order 13132, Federalism*

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The agency determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have Federalism implications.

### *B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use*

The FAA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that

Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it is not a "significant energy action" under the executive order and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

## **V. Additional Information**

### *A. Comments Invited*

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the rulemaking action in this document. The most helpful comments reference a specific portion of the rulemaking action, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking. Before acting on this rulemaking action, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The agency may change this rulemaking action in light of the comments it receives.

### *B. Availability of Rulemaking Documents*

An electronic copy of rulemaking documents may be obtained from the Internet by—

1. Searching the Federal eRulemaking Portal (<http://www.regulations.gov>);
2. Visiting the FAA's Regulations and Policies Web page at [http://www.faa.gov/regulations\\_policies](http://www.faa.gov/regulations_policies); or
3. Accessing the Government Printing Office's Web page at <http://www.gpo.gov>.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Commenters must identify the docket or amendment number of this rulemaking.

All documents the FAA considered in developing this rulemaking action, including economic analyses and technical reports, may be accessed from

the Internet through the Federal eRulemaking Portal referenced in item (1) above.

## **List of Subjects in 14 CFR Part 1**

Air transportation.

## **The Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

## **PART 1—DEFINITIONS AND ABBREVIATIONS**

- 1. The authority citation for part 1 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

- 2. Amend § 1.1 by removing the definitions of "Category IIIa operations," "Category IIIb operations," and "Category IIIc operations."

Issued in Washington, DC, on February 7, 2012.

**Michael P. Huerta,**  
*Acting Administrator.*

[FR Doc. 2012-3692 Filed 2-15-12; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

### **14 CFR Part 39**

[Docket No. FAA-2012-0107; Directorate Identifier 2012-NM-018-AD; Amendment 39-16955; AD 2012-03-51]

**RIN 2120-AA64**

### **Airworthiness Directives; Airplanes Originally Manufactured by Lockheed for the Military as P2V Airplanes**

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

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

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain airplanes originally manufactured by Lockheed for the military as P2V airplanes. This emergency AD was sent previously to all known U.S. owners and operators of these airplanes. This AD requires cleaning of the forward lower spar cap between wing stations 40 and 84.5 (right and left), and doing a detailed inspection for cracks, working fasteners, and other anomalies, including surface damage in the form of a nick, gouge, or corrosion; and repairing if necessary. This AD was prompted by a report of a significant crack in the principle wing structure. We are issuing this AD to detect and

correct cracks, working fasteners, and other anomalies in the principle wing structure, which could cause significant loss of structural integrity of the wing.

**DATES:** This AD is effective March 2, 2012 to all persons except those persons to whom it was made immediately effective by Emergency AD 2012-03-51, issued on February 6, 2012, which contained the requirements of this amendment.

We must receive comments on this AD by April 2, 2012.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Roger Caldwell, Aerospace Engineer, Denver Aircraft Certification Office, FAA, 26805 East 68th Avenue, Denver, CO 80249; phone: 303-342-1086; fax: 303-342-1088; e-mail: [roger.caldwell@faa.gov](mailto:roger.caldwell@faa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Discussion

On February 6, 2012, we issued Emergency AD 2012-03-51, which requires cleaning of the forward lower spar cap between wing stations 40 and 84.5 (right and left), and doing a detailed inspection for cracks, working fasteners, and other anomalies, including surface damage in the form of a nick, gouge, or corrosion; and repairing if necessary. That AD also requires sending inspection results (both positive and negative) to the FAA. This AD was prompted by a report of a significant crack in the principle wing structure on a Neptune Aviation Service, Inc. Model SP-2H (P2V-7) airplane. A crack approximately 24 inches long was found in the left side wing front spar and lower skin just outboard of the fuselage side of wing station 40. The crack propagated through the wing front spar web, lower chord, and wing lower skin through stringer No. 22 and aft to stringer No. 21. The cause of the cracking is unknown at this time. This condition, if not detected and corrected, could result in significant loss of structural integrity of the wing.

#### FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

#### AD Requirements

This AD requires cleaning of the forward lower spar cap between wing stations 40 and 84.5 (right and left), and doing a detailed inspection for cracks, working fasteners, and other anomalies, including surface damage in the form of a nick, gouge, or corrosion; and repairing if necessary. This AD also requires sending inspection results (both positive and negative) to the FAA.

#### Interim Action

We consider this AD interim action. If final action is later identified, we might consider further rulemaking then.

#### FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because of a report of a significant crack in the principle wing structure on a Neptune Aviation Service, Inc. Model SP-2H (P2V-7) airplane. This condition, if not detected and corrected, could result in significant loss of structural integrity of the wing. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA-2012-0107 and Directorate Identifier 2012-NM-018-AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

#### Costs of Compliance

We estimate that this AD affects 38 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	Up to 80 work-hours × \$85 per hour = \$6,800 .....	\$100	Up to \$6,900 .....	Up to \$262,200.

No definitive data are available for repair costs at this time.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I,

section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD 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.

*For the reasons discussed above, I certify that this AD:*

- (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),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) 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.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

#### 2012-03-51 Lockheed (Original

**Manufacturer):** Amendment 39-16955; Docket No. FAA-2012-0107; Directorate Identifier 2012-NM-018-AD.

#### (a) Effective Date

This AD is effective March 2, 2012 to all persons except those persons to whom it was made immediately effective by Emergency AD 2012-03-51, issued on February 6, 2012, which contained the requirements of this amendment.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to all of the airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), (c)(6), and (c)(7) of this AD, certificated in any category:

- (1) Aero Union Corporation Model SP-2H (P2V-7) airplanes;
- (2) Central Air Service, Inc. Model SP-2H (P2V-7) airplanes;
- (3) Evergreen Air Center Model SP-2H (P2V-7) airplanes;
- (4) Hawkins and Powers Aviation, Inc. Model HP-P2V-7 airplanes;
- (5) Minden Air Corp Model SP-2H (P2V-7) airplanes;
- (6) Neptune Aviation Service, Inc. Model SP-2H (P2V-7) airplanes; and
- (7) USDA Forest Service (type certificate previously held by U.S. Department of Agriculture) Model P2V-5F (SP-2E) airplanes.

#### (d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 57, Wings.

#### (e) Unsafe Condition

This AD was prompted by a report of a significant crack in the principle wing structure on a Neptune Aviation Service, Inc. Model SP-2H (P2V-7) airplane. We are issuing this AD to detect and correct cracks, working fasteners, and other anomalies in the principle wing structure, which could cause significant loss of structural integrity of the wing.

#### (f) Compliance

Comply with this AD within the compliance times specified.

#### (g) Inspections

Within one day after the effective date of this AD: Do the actions specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD.

(1) Gain access to the wing spar box between wing stations 40 and 84.5 (right and left sides of the airplane) through an access panel that allows for inspecting the forward lower spar cap assembly and remove or reposition any internal fuel bladder assembly that impedes access.

(2) Clean the exposed surface of the forward lower spar cap between wing stations 40 and 84.5 (right and left), and do a detailed inspection for cracks, working fasteners, and other anomalies, including surface damage in the form of a nick, gouge, or corrosion, of the forward lower spar cap between wing stations 40 and 84.5 (right and left).

(3) If any crack, working fastener, or other anomaly is found during any inspection required by paragraph (g)(2) of this AD, before further flight, repair in accordance

with a method approved by the Manager, Denver Aircraft Certification Office (ACO), FAA. For a repair method to be approved by the Manager, Denver ACO, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

#### (h) Definition

For the purposes of this AD, a detailed inspection is: "An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required."

#### (i) Reporting

Within 10 days after doing the inspection required by paragraph (g) of this AD: Submit a report of the findings (both positive and negative) of the inspections required by paragraph (g) of this AD to the Denver ACO, FAA, Attention: Roger Caldwell, 26805 East 68th Avenue, Denver, CO 80249; phone: 303-342-1086; fax: 303-342-1088; e-mail: [roger.caldwell@faa.gov](mailto:roger.caldwell@faa.gov). The report must include a detailed figure or picture of all cracks and damage and the location, orientation, and size of all cracks and damage. The report must also include the airplane serial number, the number of landings and flight hours on the airplane, and a description of how the airplane is operated (e.g., firefighting, photography, etc.).

#### (j) Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES-200.

#### (k) Special Flight Permit

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed unless approved in accordance with the procedures specified in paragraph (l) of this AD.

#### (l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Denver ACO, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19,

send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

#### (m) Related Information

For further information about this AD, contact: Roger Caldwell, Aerospace Engineer, Denver Aircraft Certification Office, FAA, 26805 East 68th Avenue, Denver, CO 80249; phone: 303-342-1086; fax: 303-342-1088; e-mail: [roger.caldwell@faa.gov](mailto:roger.caldwell@faa.gov).

#### (n) Material Incorporated by Reference

None.

Issued in Renton, Washington, on February 9, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 2012-3618 Filed 2-15-12; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30826; Amdt. No. 3464]

#### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures 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, adding new obstacles, or changing 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:** This rule is effective February 16, 2012. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 16, 2012.

**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;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**Availability—**All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit <http://www.nfdc.faa.gov> to register. Additionally, individual SIAP and Takeoff Minimums and ODP 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.

#### FOR FURTHER INFORMATION CONTACT:

Richard A. Dunham III, Flight Procedure Standards Branch (AFS-420), Flight Technologies and Programs Divisions, 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 rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPs, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 14 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, and 8260-15B when required by an entry on 8260-15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

#### The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPs, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

#### Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which