correct an unsafe condition in aircraft, and that it 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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

### § 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

**95–03–11 McDonnell Douglas Helicopter Systems and Hughes Helicopters, Inc.:** Amendment 39–9147. Docket No. 94–SW–21–AD.

*Applicability:* Model 369, OH–6A, and YOH–6A series helicopters, with tail rotor blade assemblies, part number (P/N) 369A1613–7, 369A1613–503, 369A1613–505, 369A1613–509, 369D21606, 369D21606–509, 369D21613–11, 369D21613–31, 369D21613–41, 369D21613–51, 369D21613–71, 369D21615, 369D21615–21, 369D21615–41, or 421–088, installed, certificated in any category.

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

To prevent loss of the abrasion strip, separation of a tail rotor blade, separation of the tail rotor gearbox, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 25 hours time-in-service (TIS) or 90 calendar days, whichever occurs first, and thereafter, at intervals not to exceed 100 hours TIS, inspect the tail rotor blade abrasion strip for debonding from the tail rotor blade. Prior to conducting the repetitive inspections, remove any abrasion tape from the tail rotor blade.

(1) If the inspection reveals debonding, replace the tail rotor blade with an airworthy blade that has been modified by an installation of rivets, and install 304 stainless steel abrasion tape (.0027-inch thick) over the inboard end of the abrasion strip in accordance with steps B through H of Part I of the Accomplishment Instructions of McDonnell Douglas Helicopter Systems Service Information Notice (SIN) HN–238, DN–187, EN–80, FN–66, dated October 26, 1994.

(2) If the inspection reveals no debonding, install 304 stainless steel abrasion tape (.0027-inch thick) over the inboard end of the abrasion strip in accordance with steps B through H of Part I of the Accomplishment Instructions of McDonnell Douglas Helicopter Systems SIN HN–238, DN–187, EN–80, FN–66, dated October 26, 1994.

(b) Within 1,000 hours TIS after the effective date of this AD, replace the affected tail rotor blades in shipsets with tail rotor blades that contain the new-design abrasion strips in accordance with Part II of the Accomplishment Instructions of SIN HN–238, DN–187, EN–80, FN–66, dated October 26, 1994. Once the new-design abrasion strips are installed on the tail rotor blades, the tail rotor assembly P/N changes as follows:

| Old tail rotor assembly No. | New tail rotor assembly No. |
|---|---|
| 369A1613–7 | 369A1613–11. |
| 369A1613–503 | 369A1613–507. |
| 369A1613–505 | 369A1613–507. |
| 369A1613–509 | 369A1613–507. |
| 369D21606 | 369D21606–511. |
| 369D21606–509 | 369D21606–511. |
| 369D21613–11 | 369D21613–11N. |
| 369D21613–31 | 369D21613–31N. |
| 369D21613–41 | 369D21613–61. |
| 369D21613–51 | 369D21613–61. |
| 369D21613–71 | 369D21613–61. |
| 369D21615 | 369D21615–N. |
| 369D21615–21 | 369D21615–31. |
| 369D21615–41 | 369D21615–31. |
| 421–088 | 421–088–11. |

(c) Installation of tail rotor blades with new-design abrasion strips installed in accordance with Part II of the Accomplishment Instructions of SIN HN–238, DN–187, EN–80, FN–66, dated October 26, 1994, constitutes a terminating action for the requirements of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

**Note:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(e) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished, provided there is no evidence of debonding of the abrasion strip at any point along the entire abrasion strip bond line of the tail rotor blades.

(f) The modification and replacement shall be done in accordance with McDonnell Douglas Helicopter Systems Service Information Notice HN–238, DN–187, EN–80, FN–66, dated October 26, 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 McDonnell Douglas Helicopter Systems, Technical Publications, Bldg. 530/B111, 5000 E. McDowell Road, Mesa, Arizona 85205–9797. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(g) This amendment becomes effective on March 1, 1995.

Issued in Fort Worth, Texas, on February 6, 1995.

**Eric Bries,**

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 95–3512 Filed 2–13–95; 8:45 am]

**BILLING CODE 4910–13–P**

## 14 CFR Part 39

**[Docket No. 94–CE–08–AD; Amendment 39–9139; AD 95–03–02]**

## Airworthiness Directives; Brackett Aircraft Company, Inc. Air Filter Assemblies Installed on Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to airplanes with certain Brackett Aircraft Company, Inc. (Brackett) air filter assemblies that have a neoprene gasket design installed between the carburetor heat box and the air filter frame. This action requires repetitively inspecting (visually) the air filter frame for a loose or deteriorating gasket, and replacing any gasket found loose or deteriorated. An accident report concerning a Cessna Model 172 airplane that experienced engine loss because a six-inch piece of neoprene gasket material was lodged in the carburetor prompted this action. The actions specified by this AD are intended to prevent gasket particles from entering the carburetor because of air filter gasket failure, which could result in partial or complete loss of engine power.

**DATES:** Effective March 17, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 17, 1995.

**ADDRESSES:** Service information that applies to this AD may be obtained from the Brackett Aircraft Company, Inc., 7045 Flightline Drive, Kingman, Arizona 86401. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Bumann, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5265; facsimile (310) 627–5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to airplanes that have a Brackett air filter neoprene gasket installed in accordance with Supplemental Type Certificate (STC) SA71GL was published in the **Federal Register** on August 25, 1994 (59 FR 43784). The action proposed to require repetitively inspecting (visually) the air filter frame for a loose or deteriorated gasket, and replacing any gasket found loose or deteriorated.

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

The first commenter, the Brackett Aircraft Co., Inc. (Brackett), states that no full model designation was given of the Cessna 172 airplane referenced in the incident specified by the NPRM. Some Cessna 172's use the Model BA–5110A filter (which uses airlocks in the air filter frame assembly) and others use the Model BA–5110 filter (which uses screws and nuts in the air filter frame assembly). This commenter feels that some reference to this difference should be made in the proposal.

The FAA concurs. Paragraphs (a)(1) and (a)(3) of the proposal have been changed to specify removing or installing airlocks or screws, nuts, and washers, as applicable.

Brackett also states that the proposal is an economic burden to the public and the proposal does not take into account the cost of the repetitive inspections.

The FAA does not concur that this proposal would be an economic burden upon the public. Under the criteria of the Regulatory Flexibility Act of 1980 (RFA), this AD action would not unnecessarily or disproportionally burden any small entities. FAA Order 2100.14A sets the size threshold for small entities operating aircraft for hire at nine aircraft owned and the annualized cost threshold at $69,000 for scheduled operators and $5,000 for unscheduled operators. In order for these cost thresholds to be met (based on the inspection taking 1 workhour at $60 per hour), an owner in scheduled service would have to own 1,150 airplanes and an owner in unscheduled service would have to own 83 airplanes. With this information in mind and based on the above-referenced criteria from FAA Order 2100.14A, no small entities would meet the annualized cost threshold. The FAA has determined that the safety aspect of the proposal outweighs the economic cost upon the public. The FAA does concur that the cost figure does not reflect the cost of repetitive inspections. As specified in the proposal, the FAA has no available means of determining the number of repetitive inspections each owner/operator would incur. The proposal is unchanged as a result of this comment.

In addition, Brackett and the other commenter suggest that the proposal is unnecessary because part 43, appendix D, of the Federal Aviation Regulations (14 CFR part 43, appendix D) already addresses the proposed inspection. Brackett states that 14 CFR part 43, appendix D, specifies inspecting the engine accessories and systems for improper installation, poor general condition, defects, and insecure attachments during each 100-hour or annual inspection. The other commenter states that this proposal specifies a maintenance action as required by 14 CFR part 43, appendix D.

The FAA acknowledges that 14 CFR part 43, appendix D, does address the area of the proposed inspection, but does not specify procedures required to properly inspect Brackett air filter neoprene gaskets installed in accordance with STC SA71GL. Prior to March 16, 1994, procedures for repetitively inspecting the air filter frame were not available to owners/operators of airplanes with the affected air filter assemblies installed. On that date, Brackett Aircraft Company, Inc., issued Brackett Air Filter Document I–194, which specifies inspection procedures for these air filter assemblies. Since there is no way of knowing what type of inspection procedures were utilized prior to the issuance of this document and based on the accident information that prompted the proposal, the FAA has determined that AD action should be taken to ensure proper inspections of Brackett air filter assemblies installed on aircraft. The proposal is unchanged as a result of these comments.

After careful review of all available information, including the comments referenced above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 50,000 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to accomplish the initial inspection, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,000,000 or $60 per owner/operator. This figure represents the cost of the initial inspection, and does not reflect costs for repetitive inspections or possible replacements. The FAA has no way of determining how many gaskets may need replacement or how many repetitive inspections each owner/operator may incur.

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 copy of the final evaluation prepared for this action is contained 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, 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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding a new AD to read as follows:

**95–03–02 Brackett Aircraft Company, Inc.:** Amendment 39–9139; Docket No. 94–CE–08–AD.

*Applicability:* The following air filter assemblies that utilize a neoprene gasket incorporated in accordance with Supplemental Type Certificate (STC) SA71GL and installed on, but not limited to, the following corresponding airplanes, certificated in any category:

| Air filter assembly | Airplanes installed on |
|---|---|
| BA–2010 | Beech Model 77 Airplanes. |
| BA–4106 | Cessna Models 120, 140, 140A, 150, 150A, 150B, 150C, 150D, 150E, 150F, 150G, 150H, 150J, 150K, 150L, 150M, A150M, 152, and A152; Champion Models 7ACA, 7ECA, and 7FC; Christian Industries Model Husky A–1; Luscombe Models 8, 8A, 8B, 8C, 8D, 8E, 8F, and T–8F; and Piper Models PA–22, PA–22–135, PA–22–150, PA–22–160, PA–22–180, PA–20–115, PA–20–135, PA–38, J–3, J3C–65, J3C–65's, PA–11, PA–11's, J4A, J4AS, J4E, J5A, J5A–80, PA–12, PA–12's, PA–16, PA–17, PA–18, PA–18A, PA–18's, PA–18–"125", PA–18AS–"125", PA–18's–"125", PA–18–"135", PA–18A–"135", PA–18AS–"135", and 8S–135 Airplanes. |
| BA–4210 | Grumman American Aviation Corporation Models AA–1, AA–1A, AA–1B, AA–1C, and AA–5 Airplanes. |
| BA–5110 | Cessna 170, 170A, 170B, 172, 172A, 172B, 172C, 172D, 172E, 172F, 172G, 172H, 172I, 172K, 172L, and 172M; and Mooney Mite Aircraft Corporation Model M–18C Airplanes. |
| BA–5110A | Cessna Models 172N and 172P Airplanes. |
| BA–6110 | Mooney Models M20, M20A, M20B, M20C, M20D, and M20G; and Maule Models M4, M4C, M4S, M4T, M–4–220, M–4–220C, M–4–220S, M–4–220T, M–4–180C, M–4–180S, M–4–180T, M–5–220C, M–5–235C, M–5–180C, M–5–210TC, M–6–180, M–6–235, and M–7–235 Airplanes. |
| BA–8910 | Aero Commander Models 100 and 100A Airplanes. |

*Compliance:* Required within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 100 hours TIS.

To prevent gasket particles from entering the carburetor because of air filter gasket failure, which could result in partial or complete loss of engine power, accomplish the following:

(a) Visually inspect the inside and outside of the air filter frame for gasket looseness, movement, or deterioration in accordance with Brackett Air Filter Document I–194, dated March 16, 1994. If any gasket looseness, movement, or deterioration is found, prior to further flight, accomplish the following:

(1) Remove the air filter frame by removing the screws, nuts, and washers on the air filter frame (3 to 4 each) or the airlocks, as applicable. Note that the screws securing the grill to the frame need not be removed.

(2) Remove and replace the neoprene gasket in accordance with Brackett Air Filter Document 1–194. Inspect the carburetor in accordance with the applicable maintenance manual for gasket material ingestion. Remove any material ingested.

(3) Reinstall the filter frame to the carburetor heat box with the screws, nuts, and washers (3 to 4 each) or the airlocks, as applicable, that were earlier removed. Torque each nut to where the neoprene gasket is compressed to one-half its original thickness.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, 3960 Paramount Boulevard, Lakewood, California 90712. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

(d) The inspections required by this AD shall be done in accordance with Brackett Air Filter Document I–194, dated March 16, 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 Brackett Aircraft Company, Inc., 7045 Flightline Drive, Kingman, Arizona 86401. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39–9139) becomes effective on March 17, 1995.

Issued in Kansas City, Missouri, on January 31, 1995.

**Barry D. Clements,**

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

[FR Doc. 95–2786 Filed 2–13–95; 8:45 am]

BILLING CODE 4910–13–U

**14 CFR Part 39**

**[Docket No. 94–SW–05–AD; Amendment 39–9149; AD 95–03–13]**

## Airworthiness Directives; McDonnell Douglas Helicopter Systems and Hughes Helicopters, Inc. Model 369 and OH–6A Series Helicopters

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD),