eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To ensure proper distribution of the fire extinguisher agent within the nacelle in the event of a fire, accomplish the following:

–(a) Within 6 months after the effective date of this AD, modify the fire extinguishing system in the number two engine strut, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–26A2226, dated June 30, 1994, or Revision 1, dated November 23, 1994.

(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, Seattle Aircraft Certification Office (ACO), 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, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(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.

(d) The modification shall be done in accordance with Boeing Alert Service Bulletin 747–26A2226, dated June 30, 1994, and Boeing Alert Service Bulletin 747–26A2226, Revision 1, dated November 23, 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. 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.

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

Issued in Renton, Washington, on January 24, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–2147 Filed 2–14–95; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 94–NM–113–AD; Amendment 39–9131; AD 95–02–12]

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 series airplanes, that requires modification of the fixed engine cowling at the forward and aft crane beam attachment; and an inspection of the forward and aft crane beam to detect surface damage, and repair, if necessary. This amendment is prompted by several reports of rear cabin noise (engine rumble) during flight and while taxiing, which may have been caused by the interference between the forward and aft crane beams and the fasteners in the fixed engine cowling. The actions specified by this AD are intended to prevent chafing due to normal engine vibration, which could result in structural damage to the engine mount and possible separation of the engine from the airplane.

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: The service information referenced in this AD may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. 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: Tim Dulin, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–1320.

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 Fokker F28 Mark 0100 series airplanes was published in the **Federal Register** on September 30, 1994 (59 FR 49865). That action proposed to require modification of the fixed cowl at the forward and aft crane-beam attachment; and performing a visual inspection of the forward and aft crane beam to detect surface damage, and repair, if necessary.

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

One commenter supports the proposed rule.

One commenter requests that the proposed 3-month ''grace period'' for compliance be extended to at least two years after the effective date of this AD for airplanes that are nearing or have exceeded the threshold of 15,000 flight hours. This commenter states that it would have to special schedule its fleet of airplanes that are approaching or have exceeded 15,000 flight hours in order to accomplish the proposed inspection/modification within the proposed compliance time. This would entail considerable additional expenses and schedule disruptions. Additionally, this commenter states that the engines on these airplanes are changed on an average of every two years and that a two-year compliance time would allow the proposed inspection/modification to be accomplished during a regularly scheduled engine change. The two-year compliance time would eliminate some of the extra down time associated with the modification. The commenter also states that no in-service incident exists to warrant such a limited compliance time.

The FAA concurs with the commenter's request. The 3-month ''grace period'' proposed in the notice was intended to provide additional time for compliance for those airplanes that are approaching or have exceeded 15,000 flight hours, without necessarily requiring immediate compliance (and, thus, grounding of those airplanes). The FAA selected the 3-month interval specifically as an attempt to provide as conservative an interval as possible for compliance by the higher time airplanes; however, it was selected without benefit of any empirical data or other information from the manufacturer or Dutch airworthiness authority. Based on the information provided by the commenter, and the fact that there has been no in-service incident of the subject chafing, the FAA has determined that a longer ''grace period'' for modification is reasonable. The FAA has revised paragraph (a) of the final rule to reflect a ''grace period'' of two years after the effective date of this AD. This would allow the modification to be accomplished during regularly scheduled maintenance at a main base, where special equipment

and trained personnel will be available, if necessary. The FAA does not consider that this extension will adversely affect safety.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been added to this final rule to clarify this requirement.

The FAA has recently reviewed the figures it has used over the past several years in calculating the economic impact of AD activity. In order to account for various inflationary costs in the airline industry, the FAA has determined that it is necessary to increase the labor rate used in these calculations from $55 per work hour to $60 per work hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

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.

The FAA estimates that 83 airplanes of U.S. registry will be affected by this AD, that it will take approximately 90 work hours per airplane to accomplish the required inspection and modification, and that the average labor rate is $60 per work hour. Required parts will cost approximately $75 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $454,425, or $5,475 per airplane.

The total 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 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. 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 the following new airworthiness directive:

95–02–12 Fokker: Amendment 39–9131. Docket 94–NM–113–AD.

Applicability: Model F28 Mark 0100 series airplanes, serial numbers 11244 through 11438 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 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 use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously. –To prevent structural damage to the engine mount and possible separation of the engine from the airplane, accomplish the following:

(a) Prior to the accumulation of 15,000 total flight hours, or within 2 years after the effective date of this AD, whichever occurs later, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD in accordance with Fokker Service Bulletin SBF100–71–016, dated February 18, 1994.

(1) Modify the fixed engine cowling at the forward and aft crane-beam attachment in accordance with the service bulletin.

(2) Perform a visual inspection of the forward and aft crane beam to detect surface damage, in accordance with the service bulletin.

(i) If no surface damage is found, no further action is required by paragraph (a)(2) of this AD.

(ii) If any surface damage is found, prior to further flight, repair the crane beam in accordance with the service bulletin.

(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, 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.–

(c) 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 airplane to a location where the requirements of this AD can be accomplished.

(d) The modification, inspection, and repair shall be done in accordance with Fokker Service Bulletin SBF100–71–016, dated February 18, 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 Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. 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.

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

Issued in Renton, Washington, on January 24, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–2175 Filed 2–14–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–144–AD; Amendment 39–9133; AD 95–02–14]

Airworthiness Directives; McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 Series Airplanes, and Model C–9 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 series airplanes, and Model C–9 (military) airplanes, that requires replacement of the engine nose cowl attaching bolts and the installation of bearing plates on the nose cowl attach ring. This amendment is prompted by incidents in which the nose cowl separated from the airplane due to the elongation and/or breakout of the nose cowl's attachment ring holes, and failure of the attaching bolts. The actions specified by this AD are intended to prevent separation of the engine nose cowl from the airplane, which could result in damage to the airplane structure or could present a hazard to persons or property on the ground.

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: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801–1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2–98. 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 FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert Baitoo, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (310) 627–5245; fax (310) 627–5210.

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 McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 series airplanes, and Model C–9 (military) airplanes, was published in the **Federal Register** on October 18, 1994 (59 FR 52483). That action proposed to require replacement of the engine nose cowl attaching bolts and the installation of bearing plates on the nose cowl attach ring.

Discussion of Comments

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

One commenter supports the proposal.

Two commenters request that the proposed compliance time of 12 months for replacement be extended so that the required action can be accomplished during regularly scheduled maintenance activities. One commenter suggests a compliance time of 18 months; the other commenter suggest a compliance time of 3,000 hours time-in-service. The FAA concurs that the compliance time can be extended somewhat. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the availability of required parts and the practical aspect of accomplishing the required replacement on the affected fleet in a timely manner. The FAA's intent was that the replacement be conducted during a regularly scheduled maintenance visit for the majority of the affected fleet, when the airplanes would be located at a base where special equipment and trained personnel would be readily available, if necessary. Based on the information supplied by the commenters, the FAA now recognizes that 18 months corresponds more closely to the interval representative of most of the affected operators' normal maintenance schedules. Paragraph (a) of the final rule has been revised to reflect a compliance time of 18 months. The FAA does not consider that this extension will adversely affect safety.

One commenter questions the FAA's estimate of the cost of required replacement parts. The commenter states that the $1,200 per airplane figure, presented in the cost impact information in the preamble to the notice, is too low. This commenter suggests that parts costs will be approximately $15,700 per airplane. Upon further review, the FAA concurs that the cost of required parts may be more than what was previously estimated. The manufacturer has provided updated cost figures for replacement bearing plates and bolts. If these items are purchased directly from the manufacturer, the cost of replacement bearing plates may be as much as $13,284 (36 plates at $369 each), and the cost of replacement bolts may be as much as $1,900 (38 bolts at $50 each). However, the FAA points out that bearing plates can be fabricated locally at a nominal cost, and bolts can be procured from the operator's current stock, thereby reducing parts costs considerably. The FAA has revised the cost impact information, below, to include this updated information on the cost of required parts.

Discussion of Additional Changes to the Rule

Since issuance of the notice, the FAA has reviewed and approved Revision 1 to McDonnell Douglas DC–9 Service Bulletin A71–63, dated December 15, 1994. This revision is essentially identical to the originally issued service bulletin, which was referenced in the notice as the appropriate source of service information; however, it contains certain editorial revisions and additional nose cowl part numbers. The FAA has revised the final rule to include this revision of the service bulletin as an additional source of service information.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been added to this final rule to clarify this requirement.