

approximately 1 work hour per helicopter to conduct the repetitive inspection regardless of which tail boom is installed, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$140 for helicopters with tail boom, P/N 109-0370-01 and \$280 for helicopters with tail boom, P/N 109-0370-17. Based on these figures, the total cost impact of the proposed AD on U.S. operators during the first year is estimated to be \$5,320 for helicopters with tail boom, P/N 109-0370-01, and \$37,760 for helicopters with tail boom, P/N 109-0370-17, and for each subsequent year, regardless of the type tail boom installed, \$180, assuming that three helicopters are subject to the repetitive inspection each year.

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 a new airworthiness directive to read as follows:

95-13-10 Costruzioni Aeronautiche

Giovanni Agusta S.P.A.: Amendment 39-9290. Docket No. 94-SW-12-AD.

Applicability: Model A109A, A109All, and A109C helicopters, serial number (S/N) 7670 and lower, excluding S/N 7630, 7633, 7645, 7651, 7654, 7663, 7665, 7666, 7667, 7668, and 7669, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters 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 (c) 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 helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously. To prevent failure of the vertical fin attachment caused by cracks in the tail boom vertical fin rear spar attachment area, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS), modify the tail boom vertical fin and perform a visual inspection for cracks in the vertical fin rear spar attachment area in accordance with Part I of the Accomplishment Instructions of Agusta Bollettino Tecnico No. 109-96, dated March 30, 1994.

(1) For helicopters with tail boom, part number (P/N) 109-0370-01, perform the modification using modification kit, P/N 109-0822-38-101, in accordance with steps 5 through 8 of Part I of the Accomplishment Instructions of Agusta Bollettino Tecnico No. 109-96, dated March 30, 1994.

(2) For helicopters with tail boom, P/N 109-0370-17, perform the modification using modification kit, P/N 109-0822-38-103, in accordance with steps 9 through 12 of Part I of the Accomplishment Instructions of Agusta Bollettino Tecnico No. 109-96, dated March 30, 1994.

(b) Thereafter, at intervals not to exceed 300 hours TIS from the last inspection, remove the vertical fin leading edge fairing assembly and visually inspect the vertical fin rear spar attachment area for cracks in accordance with Part II of the Accomplishment Instructions of Agusta Bollettino Tecnico No. 109-96, dated March 30, 1994.

(c) 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, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

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

(d) 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 helicopter to a location where the requirements of this AD can be accomplished.

(e) The inspection and modifications shall be done in accordance with Agusta Bollettino Tecnico No. 109-96, dated March 30, 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 Agusta, Direzione Supporto Prodotto E Servizi, 21019 Somma Lombardo (VA), Via per Tornavento, 15. 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.

(f) This amendment becomes effective on August 9, 1995.

Issued in Fort Worth, Texas, on June 20, 1995.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 95-15516 Filed 7-3-95; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 71

[Airspace Docket No. 95-AWP-5]

Amendment to Class D and E Airspace Areas; Camp Pendleton Marine Corps Air Station (MCAS), CA

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies the Class D and E airspace areas at Camp Pendleton MCAS, CA. This action will provide adequate airspace for instrument flight rules (IFR) operations at Camp Pendleton MCAS, CA.

EFFECTIVE DATE: 0901 UTC, September 14, 1995.

FOR FURTHER INFORMATION CONTACT: Scott Speer, System Management Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale,

California 90261, telephone (310) 297-0010.

SUPPLEMENTARY INFORMATION:

History

On May 9, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR Part 71) by modifying the Class D and E airspace areas at Camp Pendleton MCAS, CA (60 FR 24592). This action will provide additional controlled airspace for instrument flight rules operations at Camp Pendleton MCAS, CA.

Interesting parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class D and E airspace designations are published in paragraphs 5000 and 6004 of FAA Order 7400.9B, dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends the Class D and E airspace areas at Camp Pendleton MCAS, CA, by providing additional controlled airspace for instrument flight rules operations at Camp Pendleton MCAS, CA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 5000 Class D Airspace

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AWP CA D Camp Pendleton MCAS, CA [Revised]

Camp Pendleton MCAS (Munn Field), CA (lat. 33°18'05"N, long. 117°21'18"W)

That airspace extending upward from the surface to and including 2600 feet MSL within a 4-mile radius of Camp Pendleton MCAS (Munn Field) extending clockwise from a point beginning at lat. 33°21'46"N, long. 117°19'26"W, to lat. 33°16'21"N, long. 117°25'38"W, and thence northeast to within a 2.6-Mile radius of Camp Pendleton MCAS (Munn Field) extending clockwise from a point beginning at lat. 33°17'30"N, long. 117°24'21"W, to lat. 33°20'38"N, long. 117°20'38"W, thence northeast to the point of beginning. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Director.

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Paragraph 6004 Class E airspace areas designated as an extension to a Class D surface area

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AWP CA E4 Camp Pendleton MCAS, CA [Revised]

Camp Pendleton MCAS (Munn Field), CA (lat. 33°18'05"N, long. 117°21'18"W)
Oceanside VORTAC (lat. 33°14'26"N, long. 117°25'04"W)

That airspace extending upward from the surface within 1.4 miles each side of the Oceanside VORTAC 042° radial extending from the 4-miles radius of Camp Pendleton MCAS to 11.6 miles northeast of the Oceanside VORTAC. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Director.

* * * * *

Issued in Los Angeles, California, on June 20, 1995.

Richard R. Lien,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 95-16442 Filed 7-3-95; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

23 CFR Part 645

[FHWA Docket No. 94-8]

RIN 2125-AD31

Utilities

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is amending its regulations on utilities. These amendments eliminate the requirement for FHWA preaward review and/or approval of consultant contracts for preliminary engineering and increase the ceiling for lump sum agreements from \$25,000 to \$100,000. They clarify the meaning of the term “approved program” and the methodology to be used to compute indirect or overhead rates. They require utilities to submit final billings within one year following completion of the utility relocation work. They eliminate the requirements for State highway agencies (SHAs) to certify the completion of utility work and to provide evidence of payment prior to reimbursement. They bring the definition of “clear zone” into conformance with the American Association of State Highway and Transportation Officials (AASHTO) “Roadside Design Guide.” Finally, they incorporate an amendment conforming the utilities regulations to the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914. The FHWA is making these changes to conform the utilities regulations to more recent laws, regulations, and guidance; to clarify these regulations; and to give the SHAs more flexibility in implementing them. **EFFECTIVE DATE:** This final rule is effective August 4, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry L. Poston, Office of Engineering, 202-366-0450, or Mr. Wilbert Baccus, Office of the Chief Counsel, 202-366-0780, 400 Seventh Street, SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

Background

The amendments in this final rule are based primarily on the notice of