

**Final Rule**

The final rule adopts with minor modifications the proposed rule published on August 2, 1995. 60 FR 39273.

**Regulatory Procedures**

*Regulatory Flexibility Act*

The Regulatory Flexibility Act requires the NCUA to prepare an analysis to describe any significant economic impact any regulation may have on a potential number of small credit unions (primarily those under \$1 million in assets). The NCUA Board has determined and certifies under the authority granted in 5 U.S.C. 605(b) that the final rule, if adopted, will not have a significant economic impact on a substantial number of small credit unions. Accordingly, the NCUA Board has determined that a Regulatory Flexibility Analysis is not required.

*Paperwork Reduction Act*

NCUA has determined that the requirement to establish a written participation policy and agreement in connection with loan participations constitutes a collection of information under the Paperwork Reduction Act. The Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget (OMB) require that the public be provided an opportunity to comment on information collection requirements, including an agency's estimate of the burden of the collection of information. 60 FR 44978 (August 29, 1995). The requirement to have a participation agreement exists under the current rule. 12 C.F.R. 701.22(b)(2). NCUA estimates that no more than 1000 federal credit unions will seek to implement a loan participation program. It is NCUA's view that the time spent developing a policy and agreement is not a burden created by this regulation but rather is necessary to establish a safe and sound loan participation program. The paperwork burden created by this rule is the requirement that such policy and agreement be put in writing. NCUA estimates that it should take three hours to prepare the participation policy and one hour to put a participation agreement in written form. Therefore, 4000 total burden hours are required to comply with the collection requirement.

The NCUA Board invites comment on: (1) Whether the collection of information is necessary for the proper performance of the functions of NCUA, including whether the information will have practical utility; (2) the accuracy of NCUA's estimate of the burden of the collection of information; (3) ways to

enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information. Send comments to Suzanne Beauchesne, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428. Comments should be postmarked by January 26, 1996.

After 60 days, NCUA will submit the paperwork requirement to OMB for review under the Paperwork Reduction Act and will publish a notice to that effect in the Federal Register. NCUA will also publish a document in the Federal Register once OMB takes action on the submitted request. Until NCUA receives an OMB control number indicating approval of the requirement that participation policies and agreements be put in writing, a credit union is not required to comply with that requirement.

*Executive Order 12612*

This amendment does not affect state regulation of credit unions. It implements provisions of the Federal Credit Union Act applying only to federal credit unions.

**List of Subjects in 12 CFR Part 701**

Credit, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on November 16, 1995. Becky Baker,

*Secretary of the Board.*

Accordingly, NCUA amends 12 CFR chapter VII as follows:

**PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS**

1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, 1789 and Pub. L. 101-73. Section 701.6 is also authorized by 31 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601, et seq., 42 U.S.C. 1981 and 42 U.S.C. 3601-3610.

Section 701.35 is also authorized by 12 U.S.C. 4311-4312.

2. Section 701.22 is amended by revising paragraphs (a)(1), (b)(2), (c)(4) and (d)(1) to read as follows:

**§ 701.22 Loan participation.**

(a) \* \* \*

(1) *Participation loan* means a loan where one or more eligible organizations participates pursuant to a written agreement with the originating lender.

\* \* \* \* \*

(b) \* \* \*

(2) a written master participation agreement shall be properly executed, acted upon by the Federal credit union's board of directors, or if the board has so delegated in its policy, the investment committee or senior management official(s) and retained in the Federal credit union's office. The master agreement shall include provisions for identifying, either through a document which is incorporated by reference into the master agreement or directly in the master agreement, the participation loan or loans prior to their sale; and

\* \* \* \* \*

(c) \* \* \*

(4) Require the credit committee or loan officer to use the same underwriting standards for participation loans used for loans that are not being sold in a participation agreement unless there is a participation agreement in place prior to the disbursement of the loan. Where a participation agreement is in place prior to disbursement, either the credit union's loan policies or the participation agreement shall address any variance from non-participation loan underwriting standards.

(d) \* \* \*

(1) Participate only in loans it is empowered to grant, having a participation policy in place which sets forth the loan underwriting standards prior to entering into a participation agreement;

\* \* \* \* \*

[FR Doc. 95-28704 Filed 11-24-95; 8:45 am]  
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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 33**

[Docket No. 95-ANE-42; Notice No. SC-95-04-NE]

**Special Conditions: Allison Engine Company Model 250-C40 Turboshift Engine**

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

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the Allison Engine Company (AE) Model 250-C40 turboshift engine. This engine will have novel or unique engine ratings that are not defined by the applicable airworthiness regulations. These special conditions contain the additional safety standards which the Administrator considers necessary to establish a level of safety equivalent to that established by the

airworthiness standards of part 33 of the Federal Aviation Regulations (FAR).

**EFFECTIVE DATES:** December 27, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Chung Hsieh, Engine and Propeller Standards Staff, ANE-110, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803-5229; (617) 238-7115; Fax (617) 238-7199.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 11, 1993, Allison Engine Company applied for an amendment to type certificate E1GL to include a new model 250-C40 turboshaft engine. On March 30, 1995, Allison Engine Company applied for 30-Second one engine inoperative (OEI) and 2-Minute OEI ratings for the engine. The AE Model 250-C40 turboshaft engine will be rated at 30-Second OEI, 2-Minute OEI, 30-Minute OEI, Continuous OEI, Takeoff, and Maximum Continuous ratings.

The applicable airworthiness requirements do not contain 30-Second OEI and 2-Minute OEI rating definitions, and do not contain adequate or appropriate safety standards for the type certification of these new and unusual engine ratings.

**Type Certification Basis**

Under the provisions of section 21.101 of the FAR, Allison Engine Company must show that the AE Model 250-C40 turboshaft engine meets the requirements of the applicable regulations in effect on the date of the application. The applicable regulations for this engine are FAR part 33, effective February 1, 1965, as amended by Amendments 33-1 through 33-4.

The Administrator finds that the applicable airworthiness regulations in part 33, as amended, do not contain adequate or appropriate safety standards for the AE Model 250-C40 turboshaft engine because of the new and unique engine ratings. Therefore, the Administrator prescribes special conditions under the provisions of section 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with section 11.49 of the FAR after public notice and opportunity for comment, as required by sections 11.28 and 11.29(b), and become part of the type certification basis in accordance with section 21.101(b)(2).

**Discussion of Comments**

Interested persons have been afforded the opportunity to participate in the making of these special conditions. Two commenters from a domestic company and a foreign airworthiness authority provided the Federal Aviation Administration (FAA) with comments to the special conditions, addressing numerous issues. The comments are grouped according to the applicable special condition paragraphs and are discussed below.

*Section 33.4 Instructions for Continuous Airworthiness*

One commenter states that there is no requirement in the proposed special conditions stating the use of 2-Minute and 30-Second OEI ratings must be followed by mandatory inspections and maintenance actions. The commenter suggests that the proposed addition to section 33.4 be changed by adding a sentence to state those requirements.

The FAA agrees that the requirements for mandatory inspections and maintenance action after the use of 2-Minute and 30-Second OEI ratings need to be addressed in the proposed special conditions. However, it is more appropriate to set such requirements out in section 33.7, Engine Ratings and Operational Limitations, instead of in the instruction for continuous airworthiness section. The rating definition of 2-Minute and 30-Second OEI is thereby modified by adding inspection and maintenance requirements.

*Section 33.27 Turbine, Compressor, Fan, and Turbo-Supercharger Rotors*

One commenter states that the first sentence of the proposed additional test requirement does not clearly state whether the 2-Minute and 30-Second OEI conditions are intended to be treated the same as other ratings, when complying with all or with only some parts of the current section 33.27 for non-failure mode cases. One commenter states that the 2-Minute and 30-Second OEI rating concept was originally initiated by industry as a means of safety utilizing the reserve power inherent in a turbine engine for a brief controlled period of time during a critical flight phase, OEI emergency situation. The commenter recommends that a 5 percent reduction in the test margin be made for the non-failure mode cases when section 33.27(c)(2) (i), (ii), (iii) or (iv) applies. The commenter argues that this recommendation has been adopted by the Aviation Rulemaking Advisory Committee's Harmonization Working Group (ARAC-

HWG) on Rotor Integrity, and therefore, should be included in the proposed special conditions.

The FAA does not agree. The 5 percent reduction in test margin compared to the current requirements for no-failure cases is still in the drafting stage of the ARAC-HWG deliberations, and has yet to be published for public comment. The FAA has determined that the same test and post-test inspection requirements that appeared in the Supplemental Notice of Proposed Rulemaking (SNPRM) No. 89-27A on the subject of OEI ratings for rotorcraft engines, should be applied to these special conditions for 33.27(c)(2) (i), (ii), (iii) or (iv).

One commenter states that the additional test requirements in this section which impose a demonstration at 100 percent of the rotor speed under failure conditions when operating at 2-Minute and 30-Second OEI ratings are not warranted, and believes that the basis for such demonstration at the OEI conditions should be the probability of occurrence of failures that lead to the use of OEI ratings, in combination with the probability of a rotor failure involving the operating engine.

One commenter states that a five-minute test should be conducted at a combination of the maximum 2-Minute OEI or 30-Second OEI operating temperature, and a speed equal to 105 percent of the highest overspeed that would result from a single failure when operating at 2-Minute OEI or 30-Second OEI conditions. The test results from the overspeed demonstration should be acceptable if the rotor having the minimum material properties and the most adverse dimensional tolerances does not burst.

The FAA does not agree with the use of a probability of occurrence in lieu of a test for compliance of section 33.27 requirements, and does not agree that the test should be at a speed equal to 105 percent of the overspeed resulting from a single failure when operating at the 2-Minute and 30-Second OEI ratings. The FAA bases its determination on the potential severity of failure conditions due to disk burst, the probability of occurrence of the failure condition because of the lower utilization rate of these ratings, and the mandatory post flight inspections and maintenance associated with 2-Minute OEI and 30-Second OEI that actually discourage use of those OEI ratings. In considering the lower combined probability of occurrence of failures that involve the use of 2-Minute OEI or 30-Second OEI rating and a failure occurrence in the operating engine, a 5 percent reduction in test speed, that is

required for the traditional OEI ratings of 2½ minutes or longer, is therefore adopted in this special conditions. In addition, these special conditions require an acceptable growth criteria, in addition to no burst of a minimum strength rotor after it has been subjected to the combined effects of maximum operating temperature and 100 percent of the maximum overspeed resulting from the most critical single failure when operating at 2-Minute OEI or 30-Second OEI operating condition. The conditions imposed by the acceptable growth criteria would minimize the potentially hazardous conditions if the rotor has been operating in an engine. Therefore, the additional rotor test requirements for failure conditions in the final special conditions will remain the same as the proposed special conditions. In summary, the requirements for 2-Minute and 30-Second OEI ratings in the final special condition are appropriate standards for rotor integrity in the context of utilizing the inherent overspeed margin in this engine model without compromising safety. The ARAC's HWG may continue to discuss these issues and propose changes to rules of general applicability, as opposed to dealing with this particular engine design.

One commenter asks the meaning of the term "the structural integrity of the rotor is maintained" for the post rotor test requirements.

The FAA disagrees that these special conditions should provide a definition of that phrase for general application. For this engine model, however, the rotor should not burst and not develop, through damage or disk growth, a condition that would prevent safe operation of the engine. The ARAC-HWG continues to work on a proposal for a rule of general application for the 30-second and 2-minute OEI ratings, and on guidance material that would help future applicants in meeting the certification requirements for those ratings.

#### *Section 33.29 Instrument Connection*

One commenter states that the proposed additional requirements do not match the relevant needs of FAR 29.1305(a) (24) and 25(l), and recommends the following additions to section 33.29: In addition to the requirements of section 33.29, the engine must provide for a means to:

(a) Indicate and alert the pilot when the engine is at the 30-Second and 2-Minute OEI power levels when any such event begins and when the permitted time interval expire;

(b) Determine, in a positive manner after flight that the engine has been

operated at either or both of these power levels; and

(c) Determine, after flight, the elapsed time of operation at each of these power levels.

The FAA agrees that the section should be modified to clarify the additional requirements to section 33.29. While not adopting the commenters recommendations word-for-word, the FAA has changed section 33.29 of these special conditions to reflect the commenters' changes.

#### *Section 33.67 Fuel System*

One commenter states the engine test runs must be performed to demonstrate the means for automatic control of 30-Second OEI ratings in addition to the automatic availability of those ratings.

The FAA agrees. This section is modified as recommended.

#### *Section 33.83 Vibration Test*

One commenter states that the last sentence of these proposed additional requirements is not satisfactory because the vibration survey is required to cover the 2-Minute OEI operation for speeds beyond the maximum permitted within the OEI flight envelope. The last sentence states that the survey may need to be extended to even higher speeds if there is any indication of a stress peak arising at the upper end of the survey speed, that conflicts with compliance with section 33.63 which would not require the survey to cover maximum rotational speeds beyond the operating range. The commenter suggests that the last sentence of the proposed addition to section 33.83 be changed to read: "If there is any indication of a stress peak arising at the highest of those physical and corrected rotational speeds, the surveys shall be extended sufficiently to reveal the maximum stress values present except that the extension need not cover more than a further 2 percent point beyond those speeds."

One commenter states that vibration survey be tested to 100 percent of the 30-Second OEI and 2-Minute OEI rotor speeds and any further speed margin requirements beyond the test speeds be addressed based upon requirements to further evaluate any stress peak arising at the maximum rotor speed.

The FAA does not agree with the test speed of 100 percent for the 2-Minute OEI rating, but agrees with the recommended 2 percentage point extension beyond the required test speeds. The purpose of survey speed extension is intended to cover inherent variations in vibratory response due to engine manufacturing and build tolerances that can result in peak stresses occurring at slightly different

rotor speeds between engines and engine parts. This section is therefore changed as recommended.

#### *Section 33.85 Calibration Test*

One commenter states that the proposed additional requirement is not clear regarding the "applicable endurance test" definition under the proposed special conditions and recommends the following changes to read as: "In addition to the requirements of section 33.85, tests performed at \* \* \* during the applicable additional endurance test prescribed in section 33.87 as amended by these special conditions may be used. \* \* \*"

The FAA agrees. For clarification, this section is changed as recommended.

#### *Section 33.88 Engine Overtemperature Test*

One commenter questions the logic for allowing shorter test duration of four minutes instead of five minutes for engines that incorporate a means for temperature limiting, but not for the engines without such a device. The commenter recommends that the overtemperature test duration should be four minutes for all engine models having the 30-Second OEI and 2-Minute OEI ratings.

The FAA does not agree. Since this engine has the added protection of a temperature limiter, an overtemperature condition of 75 degrees Fahrenheit and five-minute duration cannot reasonably be expected, and an overtemperature test at that level is considered excessively severe. However, the engines equipped and qualified to the 35 degrees Fahrenheit (19 degrees Celsius) and 4-minute test conditions will need provisions for predispatch operational status checking of the temperature limiters. The rationale for 5 minutes and 75 degrees Fahrenheit overtemperature test conditions to engines not equipped with a temperature limiter is to apply the existing rule requirements.

#### *Section 33.93 Teardown Inspection*

One commenter states that the proposed additional requirements lack a requirement equivalent to the proposed section 33.93(b)(1) of SNPRM 89-27A, and suggests that the second sentence of the proposed additions to section 33.93 be changed to read: "The engine must comply with section 33.93(a), but it may exhibit deterioration in excess of that permitted in section 33.93(b) and may \* \* \*".

The FAA agrees. The proposed change is an implied requirement of the additional requirements in this section,

and the recommendation is adopted accordingly.

After careful review of the available data and the comments noted above; the FAA determined that air safety and the public interest require the adoption of the special conditions with the changes described previously.

#### Conclusion

This action affects only certain novel or unusual design features on one model engine. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the engine.

#### List of Subjects in 14 CFR Part 33

Air Transportation, Aircraft, Aviation safety, Safety.

The authority citations for these special conditions continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704, 14 CFR 21.16, 14 CFR 11.49.

#### The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Allison Engine Company (AE) Model 250-C40 turboshaft engine:

#### § 33.4 Instructions for Continued Airworthiness.

In addition to the requirements of section 33.4, the mandatory inspection and maintenance actions required following the use of the 30-Second or 2-Minute OEI rating must be included in the airworthiness limitations section of the appropriate engine manuals.

#### § 35.7 Engine Ratings and Operating Limitations.

In addition to the requirements of section 33.7, the following ratings are defined as:

(a) Rated 30-Second one engine inoperative (OEI) power: The approved brake horsepower developed under static conditions at specified altitudes and temperatures within the operating limitations established for the engine under part 33 and this special conditions, for continued one-flight operation after the failure of one engine in multi-engine rotorcraft, limited to three periods of use, no longer than 30 seconds each, in any one flight, and followed by mandatory inspection and prescribed maintenance action.

(b) Rated 2-Minute OEI power: The approved brake horsepower, developed under static conditions at specified altitudes and temperatures, within the

operating limitations established for the engine under part 33 and this special conditions, for continued one-flight operation after the failure of one engine in multi-engine rotorcraft, limited to three periods of use, of no longer than 2 minutes each in any one flight, and followed by mandatory inspection and prescribed maintenance action.

#### § 33.27 Turbine, Compressor, Fan, and Turbo-supercharger Rotors.

In addition to the requirements of section 33.27(a) and (b), the following tests must be conducted for the most critically stressed rotor component of each turbine and compressor including integral drum rotors and centrifugal compressor, as determined by analysis or other acceptable means for 2-Minute and 30-Second OEI conditions:

(a) Test for a period of two and one-half minutes—

(1) At the maximum operating temperature except as provided in paragraph (c)(2)(iv) of this section; and

(2) At the highest speed determined, in accordance with section 33.27(c)(2)(i) through (iv).

(3) This test may be performed using a separate test vehicle as desired.

(b) The following additional test requirements must be considered under 33.27(e)(2)(v) and (vi):

(1) Test for a period of 5 minutes—

(i) At 100 percent of the highest speed that would result from failure of the most critical component of each turbine and compressor or system in a representative installation of the engine when operating at 30-Second and 2-Minute OEI rating conditions.

(ii) The test speed must take into account minimum material properties, maximum operating temperature, and the most adverse dimensional tolerances.

(c) Following the test, rotor growth and distress beyond dimensional limits for an overspeed condition is permitted for 30-Second and 2-Minute OEI rating only, provided the structural integrity of the rotor is maintained, as shown by a procedure acceptable to the Administrator.

#### § 33.29 Instrument Connection.

In addition to the requirements of section 33.29, the engine must have a provision for a means to:

(a) Alert the pilot when the engine is at the 30-Second OEI and a 2-Minute OEI power levels;

(b) Determine, in a positive manner, that the engine has been operated at each rating; and

(c) Determine the elapsed time of operation of each rating.

#### § 33.67 Fuel System.

In addition to the requirements of section 33.67, the engine must provide for a means for automatic availability and automatic control of the 30-Second OEI power; and engine test runs must be performed to demonstrate automatic functioning of both of these means.

#### § 33.83 Vibration Test.

In addition to the requirements of section 33.83, the following additional test requirements must be considered under 33.83(a):

For 30-Second and 2-Minute OEI rating conditions, the vibration survey shall cover the ranges of power, and both the physical and corrected rotational speeds for each rotor system, corresponding to operations throughout the range of ambient conditions in the declared flight envelope, from the minimum rotor speed up to 103 percent of the maximum rotor speed permitted for 2-Minute OEI rating, and up to 100 percent of the maximum rotor speed permitted for 30-Second OEI rating speed. If there is any indication of a stress peak arising at the highest physical or corrected rotational speeds, the surveys shall be extended sufficiently to reveal the maximum stress values present except that the extension needs not cover more than a further 2 percent beyond those speeds.

#### § 33.85 Calibration Test.

In addition to the requirements of section 33.85, tests performed at the 30-Second and 2-Minute OEI ratings, during the applicable additional endurance test prescribed in section 33.87 as amended by these special conditions, may be used to show compliance with the requirements of section 33.85.

#### § 33.87 Endurance Test.

In addition to the requirements of section 33.87, an engine test must be conducted four times, using the following test sequence, for a total of not less than 120 minutes:

(a) Takeoff Power—three minutes at rated takeoff power.

(b) 30-Second OEI power—thirty seconds at rated 30-Second OEI power.

(c) 2-Minute OEI Power—two minutes at rated 2-Minutes OEI Power.

(d) 30-Minute OEI, Continuous OEI, or Maximum Continuous power—five minutes at rated 30-Minute OEI power, or rated Continuous OEI power, or rated Maximum Continuous power, whichever is greatest, except that during the first test sequence this period shall be 65 minutes.

(e) 50 Percent takeoff power—one minute at 50 percent takeoff power.

(f) 30-Second OEI power—thirty seconds at rated 30-Second OEI power.

(g) 2-Minute OEI power—two minutes at rated 2-Minute OEI power.

(h) Idle power—one minute at idle power.

#### § 33.88 Engine Overtemperature Test.

In addition to the requirements of section 33.88, the following must be performed:

(a) For engines that do not provide a means for temperature limiting; conduct a test for a period of five minutes at the maximum permissible power-on RMP, with the gas temperature at least 75 degrees fahrenheit higher than the 30-Second OEI rating operating temperature limit.

(b) For engines that provide a means for temperature limiting; conduct a test for a period of four minutes at the maximum permissible power-on RPM, with the gas temperature at least 35 degrees fahrenheit higher than the 30-Second OEI rating operating temperature limit.

(c) A separate test engine may be used for each test.

(d) Following the test, rotor assembly growth and distress beyond serviceable limits for an overtemperature condition is permitted, provided the structural integrity of the rotor assembly is maintained, as shown by a procedure that is acceptable to the Administrator.

#### § 33.93 Teardown Inspection.

In addition to the requirements of section 33.93, this special condition requires that the engine be completely disassembled after completing the additional testing of section 33.87. The engine must comply with section 33.93(a), but it may exhibit deterioration in excess of that permitted in section 33.93(b), and may include some engine parts and components that may be unsuitable for further use. It must be shown by procedures approved by the Administrator that the structural integrity of the engine, including mounts, cases, bearing supports, shafts and rotors, is maintained.

Issued in Burlington, Massachusetts, on November 16, 1995.

Jay J. Pardee,

*Manager, Engine & Propeller Directorate,  
Aircraft Certification Service.*

[FR Doc. 95-28842 Filed 11-24-95; 8:45 am]

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#### 14 CFR Part 39

[Docket No. 95-CE-01-AD; Amendment 39-9441; AD 95-24-11]

#### Airworthiness Directives; Fairchild Aircraft SA226 and SA227 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to certain Fairchild Aircraft SA226 and SA227 series airplanes. This action requires installing foreign object damage (FOD) barriers in the floorboards of the cockpit between the pedestal and floor from Fuselage Station (FS) 79.38 to FS 88.06 and on the outboard forward edge of the left-hand and right-hand cockpit forward floorboards at FS 79.38. Two incidents of objects falling through openings in the cockpit floor and jamming the elevator controls and the yoke prompted this action. The actions specified by this AD are intended to prevent airplane flight control jammings caused by objects falling through the cockpit floor openings.

**DATES:** Effective January 3, 1996. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 3, 1996.

**ADDRESSES:** Service information that applies to this AD may be obtained from Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490; telephone (210) 824-9421. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-01-AD, 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:** Mr. Werner Koch, Aerospace Engineer, FAA, Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone (817) 222-5133; facsimile (817) 222-5960.

**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 certain Fairchild Aircraft SA226 and SA227 series airplanes was published in the Federal Register on June 15, 1995 (60 FR 14235). The action proposed to require installing foreign object damage (FOD) barriers in the floorboards of the cockpit between the pedestal and floor

from Fuselage Station (FS) 79.38 to FS 88.06 and on the outboard forward edge of the left-hand and right-hand cockpit forward floorboards at FS 79.38.

Accomplishment of the proposed action would be in accordance with Fairchild Service Bulletin (SB) 226-53-012, Fairchild SB 227-53-005, or Fairchild SB CC7-53-002, all issued: September 22, 1994, as applicable.

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

The commenter is in favor of the substance of the proposed rule, but feels that the FAA should have issued a final rule; request for comments, instead of a notice of proposed rulemaking (NPRM). Under current regulations, the FAA must issue an NPRM prior to issuing a final rule to allow the public the opportunity to comment, unless the FAA demonstrates that the unsafe condition is an urgent safety of flight condition. After reviewing all information related to this subject, the FAA made the determination prior to issuing the NPRM that the unsafe condition was not an urgent safety of flight condition, and thus did not require final rule; request for comments, AD action. The AD is unchanged as a result of this comment.

No comments were received on the FAA's determination of the cost to the public.

After careful review of all available information related to the subject presented 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 and will not add any additional burden upon the public than was already proposed.

The FAA estimates that 855 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 4 workhours per airplane to accomplish the required action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$50 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$247,950. This figure is based on the assumption that no affected airplane owner/operator has incorporated the required modification and that parts have not been distributed to any owner/operator of the affected airplanes.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the