Thereafter, prior to the accumulation of 4,000 landings, remove the jack pivot assembly and replace it with a new assembly in accordance with the service bulletin.

(c) If no cracks are found and the sidestay assembly has not been overhauled prior to accomplishment of the inspection required by paragraph (a) of this AD: Prior to the accumulation of 4,000 total landings on the jack pivot assembly, or within 300 landings after the effective date of this AD, whichever occurs later, replace the jack pivot assembly with a new assembly in accordance with Raytheon Corporate Jets Service Bulletin SB 32–233, dated June 24, 1994. Thereafter, prior to the accumulation of 4,000 landings on the jack pivot assembly, replace it with a new assembly in accordance with the service bulletin.

(d) If any crack is found that does not exceed the limits specified in Raytheon Corporate Jets Service Bulletin SB 32–233, dated June 24, 1994, accomplish the requirements of paragraphs (d)(1), (d)(2), or (d)(3) of this AD, as applicable, in accordance with the service bulletin.

(1) For sidestay assemblies that have accumulated 4,000 or more total landings since new that have been overhauled prior to accomplishment of the inspection specified in paragraph (a) of this AD: Accomplish paragraphs (d)(1)(i) and (d)(1)(ii) of this AD.

(i) Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 100 landings.

(ii) Prior to the accumulation of 4,000 total landings on the jack pivot assembly since the sidestay assembly was last overhauled, or within 300 landings after the effective date of this AD, whichever occurs later: Replace the jack pivot assembly with a new assembly. Thereafter, prior to the accumulation of 4,000 landings on the jack pivot assembly, replace it with a new assembly in accordance with the service bulletin.

(2) For any sidestay assemblies that have accumulated 4,000 or more total landings since new that have not been overhauled: Accomplish paragraphs (d)(2)(i) and (d)(2)(ii) of this AD.

(i) Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 100 landings.

(ii) Within 300 landings after the effective date of this AD, replace the jack pivot assembly with a new assembly. Thereafter, prior to the accumulation of 4,000 landings on the jack pivot assembly, replace it with a new assembly in accordance with the service bulletin.

(3) For sidestay assemblies that have accumulated less than 4,000 total landings since new: Accomplish paragraphs (d)(3)(i) and (d)(3)(ii) of this AD.

(i) Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 100 landings.

(ii) Prior to the accumulation of 4,000 total landings on the jack pivot assembly, or within 300 landings after the effective date of this AD, whichever occurs later, replace the jack pivot assembly with a new assembly. Thereafter, prior to the accumulation of 4,000 landings on the jack pivot assembly, replace it with a new assembly in accordance with the service bulletin.

(e) If, during any inspection required by this AD, any crack is found that exceeds the limits specified in paragraph 2.B.(6)(c) of the Accomplishment Instructions of Raytheon Corporate Jets Service Bulletin SB 32–233, dated June 24, 1994: Prior to further flight, replace the cracked pivot assembly with a new assembly in accordance with the service bulletin. Thereafter, prior to the accumulation of 4,000 landings on the jack pivot assembly, replace it with a new assembly in accordance with the service bulletin.

(f) 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.

(g) 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.

(h) The inspections and replacements shall be done in accordance with Raytheon Corporate Jets Service Bulletin SB 32–233, dated June 24, 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 Raytheon Corporate Jets, Inc., 3 Bishops Square Street, Albans Road West, Hatfield, Hertfordshire, AL109NE, United Kingdom. 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.

(i) This amendment becomes effective on February 3, 1995.

Issued in Renton, Washington, on December 21, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–50 Filed 1–3–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 93–NM–229–AD; Amendment 39–9103; AD 94–26–08]

Airworthiness Directives; Fokker Model F27 Series Airplanes (Excluding Mark 050 Series Airplanes)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F27 series airplanes, that requires accomplishment of certain structural modifications. This amendment is prompted by reports of incidents involving fatigue cracking and corrosion in transport category airplanes that are approaching or have exceeded their economic design goal. These incidents have jeopardized the airworthiness of the affected airplanes. The actions specified by this AD are intended to prevent degradation in the structural capabilities of the affected airplanes. This action also reflects the FAA's decision that long term continued operational safety should be assured by actual modification of the airframe rather than repetitive inspections.

DATES: Effective February 3, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 3, 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: Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2145; 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 Model F27 series airplanes was published in the **Federal Register** on March 14, 1994 (59 FR 11737). That action proposed to require certain structural modifications of certain Fokker Model F27 series airplanes prior to their economic design goal. –

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 a revision to the applicability statement to specify the series of Fokker Model F27 airplanes

affected by the proposal. The commenter states that listing the series of the affected airplane model in the proposal would avoid confusion. The commenter notes that attempting to list all exclusions, as in the proposal, would require listing all future series and derivatives of future models, which would be impossible. The FAA concurs. The final rule has been revised to specify that the rule is applicable to Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 airplanes.–

This commenter also requests that the proposal be revised to specify the service bulletins referenced in Fokker Report Number SE–278, ''F27 Aging Aircraft Project—Final Document,'' Issue 3, dated February 1, 1993 (hereinafter referred to as the ''Fokker Report''), rather than merely referencing Part II of the Fokker Report, as was done in the proposal. The commenter requests this change because Fokker Service Bulletin F27/57–68, which was referenced in Part II of the Fokker Report, has been revised since issuance of the Fokker Report. Thus, this commenter contends that referring to the Fokker Report will not reflect this latest revision to that service bulletin. One commenter notes that the Rijksluchtvaartdienst (RLD), which is the airworthiness authority of the Netherlands, has issued a correction to Netherlands Airworthiness Directive (BLA) 91–058/5 (A), dated July 16, 1993, to reference Revision 1 of Fokker Service Bulletin F27/57–58, dated May 17, 1993.

The FAA concurs in part. Fokker Service Bulletin F27/57–68, Revision 1, dated May 17, 1993, was revised to correct the reference to the Netherlands airworthiness directive number, to add further explanatory information in the Description section of the service bulletin, and to make minor editorial changes to the Accomplishment Instructions. The FAA finds that none of these changes are substantive in nature; therefore, these changes do not warrant a revision to the specific service information referenced in the final rule. However, the FAA recognizes that operators may choose to comply with Revision 1 of that service bulletin. For those operators, a new NOTE 2 has been added to paragraph (a) of the final rule stating that compliance with Revision 1 of that service bulletin would constitute compliance with the requirements of Fokker Service Bulletin F27/57–68, dated July 17, 1992, which is referenced in the Fokker Report. Further, when the Fokker Report is revised to incorporate substantive revisions of service bulletins referenced in it, the FAA may consider further rulemaking to incorporate those changes. –

Several commenters request that the proposal be revised to include the modification of certain lower stringers in the outer wing of the airplane described in Fokker Service Bulletin F27/57–70. These commenters contend that the threshold, resource requirements, and modification procedures specified in Fokker Service Bulletin 57–70 are identical to those described in Fokker Service Bulletin 57–68; the only difference is that Fokker Service Bulletin 57–68 specifies modification of certain upper stringers in the outer wing of the airplane. Fokker Service Bulletin 57–68 is referenced in the Fokker Report. These commenters assert that the modifications specified in both of these service bulletins should be included in the requirements of the proposed rule. Further, these commenters note that the RLD has classified Fokker Service Bulletin F27/57–70 as mandatory and has issued Netherlands Airworthiness Directive (BLA) 93–094 in order to ensure that the modification is accomplished on airplanes in the Netherlands. –

The FAA does not concur that a revision to the rule to include a requirement for the additional modification should be made at this time. To do so would necessitate, under the provisions of the Administrative Procedure Act, reissuing the notice, reopening the period for public comment, considering additional comments received, and eventually issuing a final rule. The FAA does not consider it appropriate to delay issuance of this final rule further in order to undertake those procedures. However, the FAA may consider further rulemaking action to require modification of the lower stringers in which cracking was detected coincidentally while accomplishing the modification described in Fokker Service Bulletin F27/57–68.–

Several commenters request an extension of the proposed compliance date of January 1, 1995, to accomplish the modification described in Fokker Service Bulletin F27/57–68, which is one of the service bulletins referenced in the Fokker Report. For airplanes that have accumulated more than 30,000 total landings, that Fokker service bulletin recommends accomplishment of the modification of certain upper stringers of the outer wing prior to January 1, 1995. These commenters state that such a compliance time would impose a tremendous economic burden, since a majority of the airplanes in their fleet have already accumulated more than 30,000 total landings; therefore, some of these commenters suggest a compliance date of January 1, 1996, instead. One of these commenters requests that the compliance time be revised to an interval that coincides with the operator's regularly scheduled maintenance.–

The FAA concurs that the compliance time for accomplishing the modification described in Fokker Service Bulletin F27/57–68, Revision 1, dated May 17, 1993, may be extended to January 1, 1996, for airplanes that have accumulated more than 30,000 total landings. However, the FAA finds that in order to ensure safety in the interim, an additional x-ray inspection must be performed until such time that the airplane is modified, or prior to January 1, 1996. This extension to the compliance time should allow operators to accomplish the modification coincidentally with regularly scheduled maintenance. Accordingly, the final rule has been revised to add a new paragraph (b) to specify this provision. –

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. –

Additionally, 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 58 airplanes of U.S. registry will be affected by this AD, within the initial threshold. Since not all affected airplanes will be required to accomplish every modification referenced in each of the service bulletins, the cost impact of the modifications required by this AD is estimated in the following table. This cost includes the price of modification kits, and the estimated labor rate is $60 per work hour. It does not include the cost of downtime, planning, set up, familiarization, or tool acquisition.

Service bulletin number	No. of affected airplanes	No. of work hours	Cost of parts per airplane	Cost per airplane	Total cost for affected airplanes
55–33 (B–77)	5	40	$314	$2,714.00	$13,570.00
55–12 (B–67)	5	20	121	1,321.00	6,605.00
55–12 (Part II)	5	30	168	1,968.00	9,840.00
55–61 Revision 2	13	45	2,235	4,935.00–	64,155.00
57–68 Revision 1	58	556	1,279	34,639.00	2,009,062.00
53–19 (B–45) Issue 3	5	22	0	1,320.00	6,600.00
53–58 (B–149)	5	16	0	960.00	4,800.00
53–76 (B–211)	13	0.25	0	15.00	195.00
57–7 Issue 1	5	32	400	2,320.00	11,600.00–

Based on the above figures, the total cost impact of the proposed AD on U.S. operators is estimated to be 2,126,427.–

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 FAA recognizes that the modifications will require a large number of work hours to accomplish. However, the threshold specified in each of the service bulletins referenced by the Fokker Report should allow ample time for the accomplishment of the modifications coincidentally with scheduled major airplane inspection and maintenance activities, thereby minimizing the costs associated with special airplane scheduling.–

The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, most prudent operators would accomplish the required actions even if they were not required to do so by the AD. –

A full cost-benefit analysis has not been accomplished for this AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this AD, makes a finding of an unsafe condition, this means that the original cost-beneficial level of safety is no longer being achieved and that the required actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this AD would be redundant and unnecessary.–

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:

94–26–08 Fokker: Amendment 39–9103. Docket 93–NM–229–AD.

Applicability: Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 airplanes, as listed in Fokker Report Number SE–278, ''F27 Aging Aircraft Project—Final Document,'' Issue 3, dated February 1, 1993; 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 (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 airplane from the applicability of this AD. –

Compliance: Required as indicated, unless accomplished previously. –

To prevent structural failure, accomplish the following: –

(a) Except as provided for by paragraph (b) of this AD, prior to reaching the incorporation thresholds listed in Part II of Fokker Report Number SE–278, ''F27 Aging Aircraft Project—Final Document,'' Issue 3, dated February 1, 1993 (hereinafter referred to as the ''Fokker Report''), accomplish the structural modifications listed in Part II of the Fokker Report.

Note 2: Compliance in accordance with Fokker Service Bulletin F27/57–68, Revision 1, dated May 17, 1993, constitutes compliance with Fokker Service Bulletin F27/57–68, dated July 17, 1992, which is referenced in the Fokker Report.–

Note 3: The modifications required by this paragraph do not terminate the inspection requirements of any other AD unless that AD specifies that any such modification constitutes terminating action for that inspection requirement.

(b) For airplanes that have accumulated 30,000 total landings or more as of the threshold specified in Fokker Service Bulletin F27/57–68, Revision 1, dated May 17, 1993, referenced in the Fokker Report: The incorporation threshold for accomplishing the structural modification may be extended to January 1, 1996, if an x-ray inspection of the stringers at stations 11260, 12660, and 13460 is performed in accordance with Part 2 of Fokker Service Bulletin F27/57–68, Revision 1, dated May 17, 1993, at the time specified in either paragraph (b)(1) or (b)(2) of this AD, as applicable. If cracking is detected, prior to further flight, repair in accordance with paragraph 1.D.(1)(c) of the service bulletin.–

(1) For airplanes on which the inspections of the top skin of stringers 4 through 7 are currently being performed in accordance with Part 2 of Fokker Service Bulletin F27/57–68, Revision 1, dated May 17, 1993: Within 4,000 landings from the immediately preceding inspection.–

(2) For airplanes on which the inspections of the top skin of stringers 4 through 7 are not currently being performed in accordance with Part 2 of Fokker Service Bulletin F27/57–68, Revision 1, dated May 17, 1993: Within 2 months after the effective date of this AD, –

(c) 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 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

(e) The structural modifications shall be done in accordance with Fokker Report Number SE–278, ''F27 Aging Aircraft Project—Final Document,'' Issue 3, dated February 1, 1993, which contains the following list of effective pages:–

Page number–	Revision level shown on page–	Date shown on page
1–3, II.3	3	February 1, 1993.
4–7, I.2–I.14	2	February 1, 1993.
I.1, I.15, I.16, II.1, II.2, II.4, III.1, III.2	1	May 3, 1991.
APPENDIX A		
APP. A–1	2	February 1, 1993.
APPENDIX B		
1–13	2	February 1, 1993.
APPENDIX C		
1	Original (These pages are not dated)	September 27, 1990.
2–5–		
APPENDIX D		
1–5–	Original	February 1, 1993.
APPENDIX E		
''Structural Maintenance Program Guidelines. . .''		May 22, 1991.–
''Structural Maintenance Program Task. . .''		May 22, 1991.
Table of Contents		May 22, 1991.
1–17	Original	May 22, 1991.

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.–

(f) This amendment becomes effective on February 3, 1995.

Issued in Renton, Washington, on December 19, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–51 Filed 1–3–95; 8:45 am]

BILLING CODE 4910–13–U