

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 95-NM-87-AD; Amendment 39-9706; AD 96-16-05]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes, and 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 1000, 2000, 3000, and 4000 series airplanes, and Model F28 Mark 0100 series airplanes, that requires repetitive pre-load adjustments of the main landing gear (MLG) downlock-actuator. This AD also provides optional terminating action for the repetitive adjustments. This amendment is prompted by a report that, upon landing, the MLG of an airplane collapsed as a result of the lock toggle-links being pulled out of the over-center position by the downlock-actuator, which was due to the relative movement of the upper and lower side-stay members. The actions specified by this AD are intended to prevent collapse of the MLG, which could adversely affect the controllability of the airplane during landing.

DATES: Effective September 9, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 9, 1996.

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) 227-1149.

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 F28 Mark 1000, 2000, 3000, and 4000 series airplanes, and Model F28 Mark 0100 series airplanes was published in the Federal Register on October 16, 1996 (60 FR 53552). That action proposed to require repetitive pre-load adjustments of the main landing gear (MLG) downlock-actuator.

Comments Received

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

Support for the Proposal

One commenter concurs with the proposed rule.

Request to Clarify the Description of Cause of the Unsafe Condition

One commenter, the airframe manufacturer, requests that the description of the unsafe condition be clarified. This commenter states that collapse of the MLG has only occurred under extreme inward side-load conditions, which are beyond the design ultimate load for landing conditions. The commenter asserts that the proposed wording of the unsafe condition suggests that the downlock-actuator itself removed the over-center position. The commenter further states that the investigation of the collapse of the MLG showed that the bottomed downlock-actuator was only an intermediate which transferred the relative movement between the upper and lower side stay to the lock toggle links. The commenter suggests that the wording of the unsafe condition [that appears prior to paragraph (a) of the AD] be revised as follows: To prevent the collapse of the main landing gear (MLG) under extreme inward side-load conditions (such as touching down at large "crab" angles), due to a lock toggle-link being pulled out of its over-center position by a bottomed MLG downlock-actuator, as a result of the relative movement of the upper and lower side stay members * * *."

The FAA concurs that clarification is necessary and has revised the final rule accordingly.

Request to Extend the Compliance Time

One commenter requests that the compliance time be extended to allow the inspection within 12 months after the effective date of the AD, rather than 8 months as proposed. This will allow the inspection to be accomplished during regularly scheduled

maintenance. The commenter states that the adoption of the proposed compliance time of 8 months would require operators to schedule special times for the accomplishment of this inspection at considerable expense beyond what was estimated in the cost impact of the proposed rule.

The FAA does not concur. In establishing the compliance times, the FAA considered not only the degree of urgency associated with the unsafe condition, but the manufacturer's recommended compliance time specified in the applicable service bulletins, and the foreign airworthiness authority's recommended compliance time of 8 months. In light of these factors, the FAA finds that a compliance time of 8 months is appropriate and should fall during a time of scheduled maintenance for the majority of affected operators. Paragraph (c) of the final rule, however, does provide affected operators with the opportunity to apply for an adjustment of the compliance time if data are presented to the FAA to justify such an adjustment.

Request to Delete Requirements for Repetitive Adjustments

One commenter points out that, since paragraph (a) of the proposed rule does not allow for a terminating action, the proposed rule would require operators to continue to record accomplishment of the AD requirements each time the adjustment is performed. This commenter contends that repetitive requirements in the AD are not necessary, since operators will revise their maintenance programs to include these repetitive pre-load adjustment requirements.

The FAA does not concur that the repetitive adjustment requirements should be deleted from the AD. However, the FAA has determined that incorporation of the repetitive adjustments into the FAA-approved maintenance program is an acceptable alternative method of compliance with this requirement. This alternative procedure will allow operators the option to choose either to conduct the repetitive adjustments in accordance with the AD, or to incorporate the requirement for repetitive adjustments into the their FAA-approved maintenance programs. The FAA has added a new paragraph (b) to the final rule to provide for this alternative.

Request to Revise Wording of Requirement for Repetitive Adjustments

One commenter requests that the last sentence of paragraph (a) of the proposed rule be either clarified or

deleted. That sentence would require repetitive pre-load adjustment of the MLG downlock-actuator at each scheduled maintenance, installation, or replacement of the MLG downlock-actuator. The commenter states that the term "scheduled maintenance" could include maintenance (such as for lubrication only) when a pre-load adjustment is not required. Additionally, this commenter points out that use of the word "scheduled" in this context also is incorrect, since the adjustment procedure is necessary any time an actuator is installed, regardless of whether the action is scheduled or unscheduled.

The FAA concurs and has deleted the words "scheduled maintenance" from paragraph (a) of the final rule.

Conclusion

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.

Cost Impact

The FAA estimates that 162 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8

work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$77,760, or \$480 per airplane.

The 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.

Regulatory Impact

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. 106(g), 40113, 44701.

39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96-16-05 Fokker: Amendment 39-9706.
Docket 95-NM-87-AD.

Applicability: Applies to the airplanes specified in Table 1 of this AD (equipped as specified), certificated in any category:

TABLE 1

| Airplane model | Equipped with |
|---|---|
| F28 Mark 1000, 2000, 3000, and 4000 series airplanes. | Dowty Aerospace main landing gear (MLG) downlock-actuators, part number (P/N) 200497-004 or P/N 200498-004 (on which Dowty Service Bulletin 32-17 <i>has not</i> been accomplished) or Dowty Aerospace main landing gear (MLG) downlock-actuators, P/N 200497-005 or 200498-005 (on which Dowty Service Bulletin 32-17 <i>has been</i> accomplished); |
| F28 Mark 0100 series airplanes | Dowty Aerospace MLG downlock-actuators, P/N 201218-005, -006, -007, or -008. |

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the collapse of the main landing gear (MLG) under extreme inward side-load conditions (such as touching down at large "crab" angles) due to a lock toggle-link being pulled out of its over-center position by a bottomed MLG downlock-actuator (as a result of the relative movement of the upper and lower side stay members), accomplish the following:

(a) Within 8 months after the effective date of this AD, perform a pre-load adjustment of the MLG downlock-actuator, in accordance with Fokker Service Bulletin SBF100-32-094, dated November 10, 1994, or Revision 1, dated March 15, 1995 (for Model F28 Mark 0100 series airplanes); or Fokker Service Bulletin F28/32-153, dated November 10, 1994 (for Model F28 Mark 1000, 2000, 3000, and 4000 series airplanes); as applicable. Except as provided by paragraph (b) of this

AD, repeat the adjustment thereafter at each installation or replacement of the MLG downlock-actuator.

(b) As an alternative to the repetitive adjustment requirements of paragraph (a) of this AD: Following the accomplishment of the initial pre-load adjustment of the MLG downlock-actuator required by paragraph (a) of this AD, incorporate into the FAA-approved maintenance program provisions for pre-load adjustment procedures of the MLG downlock-actuator, as described in the F28 Airplane Maintenance Manual (AMM), Temporary Revision dated November 1994, or F100 AMM Revision, dated September 1994.

(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 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.

(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 adjustment shall be done in accordance with Fokker Service Bulletin SBF100-32-094, dated November 10, 1994; or Fokker Service Bulletin SBF100-32-094, Revision 1, dated March 15, 1995; or Fokker Service Bulletin F28/32-153, dated November 10, 1994; as applicable. 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 September 9, 1996.

Issued in Renton, Washington, on July 25, 1996.

Darrell M. Pederson,
*Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.*
[FR Doc. 96-19523 Filed 8-2-96; 8:45 am]
BILLING CODE 4910-23-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 136, 137, and 139

[Docket No. 91N-100S]

RIN 0910-AA19

Food Standards: Amendment of Standards of Identity for Enriched Grain Products to Require Addition of Folic Acid; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the Federal Register of March 5, 1996 (61 FR 8781). The final rule amended the standards of identity for several enriched cereal-grain

products and by cross-reference, the standards of identity for enriched bromated flour, enriched vegetable macaroni, and enriched vegetable noodle products, to require fortification of those cereal grain products with folic acid. The document was published with some errors. This document corrects those errors.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Felicia B. Satchell, Center for Food Safety and Applied Nutrition (HFS-158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-5099.

In FR Doc. No. 96-5014, appearing on page 8781 in the Federal Register of Tuesday, March 5, 1996, the following corrections are made:

1. On page 8781, in the third column, under the "SUPPLEMENTARY INFORMATION" caption, in the second paragraph, in the eighth line, "consideration" is corrected to read "considerable".

2. On page 8782, in the first column, in the fourteenth line, "Health Claims" is corrected to read "folic acid health claims"; and beginning on the same line "58 FR 23254 at 23256" is corrected to read "58 FR 53254 at 53256"; and in the nineteenth line, "the claims" is corrected to read "the folic acid health claims".

3. On page 8783, in the first column, in the first full paragraph, in the second line from the bottom, "folate" is corrected to read "folic acid".

4. On page 8786, in the first column, in the first full paragraph, in the seventh line, the word "direct" is inserted after the word "include", and in the same page, in the third full paragraph, the last sentence in parenthesis is deleted.

5. On page 8788, in the third column, in the second full paragraph, in the fifth line, the word "raises" is removed and is reinserted in the sixth line, after the word "request".

6. On page 8794, in the third column, in the fifth full paragraph, in the ninth line, the last sentence is corrected to read:

The cost of the required label changes will vary with the compliance period. The estimated cost of the required label changes in the proposed rule was based on a compliance period of 1 year. However, this final rule changes the compliance period from 1 year to 2 years. This increase in the compliance period reduces the estimated cost of required label changes to \$11 million. The cost of adding the required folic acid and the cost of testing are recurring costs that are not significantly affected by the change in the compliance period. Thus, the total one-time cost of relabeling these products is estimated to be \$11 million and the recurring costs are estimated to be \$6.5 million. These costs are

extremely small relative to the estimated health benefits of this final rule.

7. On page 8795, in the first column, before "B. Benefits", the following paragraph is added:

"Total Costs. If fortification were to be at 70 µ/100 g, quantified costs for allowing 2 years for compliance are now estimated to be \$16 million. If fortification were to be at 350 µg/100 g, quantified costs for allowing 2 years for compliance are now estimated to be \$23.5 million. Again, FDA has declined to quantify the costs of neurologic effects due to masking of anemia of vitamin B₁₂ deficiency."

8. On page 8795, in the second column, under section 2.a, in the sixth line "10 to 50 percent of" is removed; on the same page, in the third column, under "C. Conclusion", in the second paragraph, in the third line "\$27 million" is corrected to read "\$17.5 million"; in the same paragraph, beginning in the thirteenth line, "should be approximately 25 percent of the first year cost" is corrected to read "is estimated to be approximately \$7 million"; and in the third paragraph, in the second line, "\$27 million" is corrected to read "\$17.5 million".

Dated: July 25, 1996.

William K. Hubbard,

*Associate Commissioner for Policy
Coordination.*

[FR Doc. 96-19803 Filed 8-2-96; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07-96-045]

RIN 2115-AE46

Special Local Regulations; City of Palm Beach, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Temporary special local regulations are being established for the Palm Beach Offshore Grand Prix. The event will be held on August 10-11, 1996, from 9 a.m. to 4 p.m. EDT (Eastern Daylight Time). The race will take place in the Atlantic Ocean from Singer Island out to two and a half nautical miles offshore. During the event, race boats will be competing at high speeds with numerous spectator craft in the area, creating an extra or unusual hazard in the navigable waterways. Therefore, these regulations are needed to provide for the safety of life on navigable waters during the event.