

may add comments and then send it to the Manager, Atlanta ACO.

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

(f) 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.

(g) The actions shall be done in accordance with EMBRAER Service Bulletin 145-27-0029, dated November 10, 1997; EMBRAER Service Bulletin 145-27-0013, dated August 20, 1997; and EMBRAER Service Bulletin 145-27-0014, dated August 20, 1997. 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 Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Brazilian airworthiness directive 97-10-04 (undated).

(h) This amendment becomes effective on March 31, 1998.

Issued in Renton, Washington, on March 9, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-6499 Filed 3-13-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-38-AD; Amendment 39-10393; AD 98-06-15]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 series airplanes, that requires replacement of the return filter diaphragm assemblies on hydraulic systems 1 and 2 with modified filter units having new diaphragms. This

amendment is prompted by a report of insufficient running clearance of the brake units due to overpressure in the hydraulic return system; this condition could lead to brake overheating. The actions specified by this AD are intended to prevent too high pressure in the hydraulic return system during the selection of subsystem(s), which could result in inadvertent braking and/or blown tires.

DATES: Effective April 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 20, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, The Netherlands. 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: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 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 0100 series airplanes was published in the **Federal Register** on May 25, 1995 (60 FR 27704). That action proposed to require replacement of the return filter diaphragm assemblies on hydraulic systems 1 and 2 with modified filter units having new diaphragms.

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

Request To Withdraw Proposed AD

The Air Transport Association (ATA) of America, on behalf of one member, requests that the proposed AD be withdrawn because the corrective action specified in the referenced Fokker Service Bulletin SBF100-29-025, dated December 31, 1993, is ineffectual in preventing overpressure of the subject hydraulic return system.

The FAA does not concur with the commenter's request to withdraw the

proposal. The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, has advised the FAA that there have been no additional reports of discrepancies in the system since the service bulletin was issued. In addition, the commenter provides no justification to substantiate the claim that the corrective action is ineffectual. Based on this information, the FAA has determined that the modification specified in Fokker Service Bulletin SBF100-29-025, dated December 31, 1993, adequately addresses the unsafe condition.

Request To Extend Compliance Time

One commenter requests an extension of the proposed compliance time of 6 months, but provides no specific extension time. The commenter's request is based on the number of airplanes in its fleet and the time required to accomplish the action. The commenter expresses concern that it may not be able to modify all airplanes in 6 months.

The FAA does not concur with the request for an extension of the compliance time. In developing the compliance time, the FAA considered the safety implications, parts availability, and normal maintenance schedules. In consideration of all these factors, and the time since the Notice of Proposed Rulemaking (NPRM) was published, the FAA has determined that the compliance time, as proposed, represents an appropriate interval to complete the necessary replacement.

Request to Revise Unsafe Condition

One commenter, the manufacturer, requests that the description of the cause of the addressed unsafe condition that appeared in the proposed AD be clarified. The unsafe condition that appears in the proposal reads as follows: “* * * to prevent overpressure in the hydraulic return system which could result in reduced braking performance and/or blown tires due to brake overheating.” The commenter suggests that a more accurate description would be “* * * to prevent too high pressure in the hydraulic return system during the selection of the subsystem(s), which could result in inadvertent braking and/or blown tires.” The manufacturer states that its service bulletin was issued following an incident in which all four tires blew on touchdown. During a taxi check, following the replacement of several components, inspections revealed a brake problem. It was found that the brakes locked as soon as the flaps moved to a new position and unlocked as soon as the flaps stopped moving.

The FAA concurs. Based on the information provided by the manufacturer following further investigation into the incident, the FAA has revised the unsafe condition in this final rule to reflect the commenter's suggestion.

Request for Inclusion of Operator Modification as Alternative Method of Compliance

One commenter requests that the FAA revise the proposed AD to include its own modification as an acceptable alternative method of compliance for replacing the diaphragms with filter element retaining spacers. The commenter, in collaboration with Fokker and PALL-APME, has developed a new modification, which it believes satisfactorily addresses the safety objective of the proposed AD. The commenter is of the opinion that if an AD is issued, it should include that modification as an acceptable means of compliance. The commenter also states that the applicability of the proposed AD should not include those aircraft on which units having modified part numbers designated by -1 are installed.

The FAA does not concur that the modification suggested by the commenter should be incorporated in this final rule, or that airplanes on which the modified part numbers designated by "-1" are installed should be excluded from the applicability. The FAA does not consider it appropriate to include various provisions in an AD applicable to a single operator's unique modification. However, paragraph (c) of this AD contains a provision for requesting approval of an alternative method of compliance to address these types of individual circumstances.

Request To Revise Cost Impact Information

One commenter, the manufacturer, requests that the cost impact information, below, be revised to reflect that only 79 airplanes of U.S. registry are affected by the proposed AD. The change is requested based on the most current information available to the manufacturer.

The FAA concurs and has revised the cost impact information, below, accordingly.

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 79 Model F28 Mark 0100 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will be provided by the parts manufacturer at no cost to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$9,480, or \$120 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:

98-06-15 Fokker: Amendment 39-10393. Docket 95-NM-38-AD.

Applicability: Model F28 Mark 0100 series airplanes equipped with Aircraft Porous Media Europe (APME) Limited hydraulic return filter assemblies having part numbers (P/N) QA07236 and QA07237, all serial numbers; 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 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 too high pressure in the hydraulic return system during the selection of subsystem(s), which could result in inadvertent braking and/or blown tires, accomplish the following:

(a) Within 6 months after the effective date of this AD, replace the return filters, P/N's QA07236 and QA07237, on hydraulic systems 1 and 2, respectively, with modified return filter units, in accordance with Fokker Service Bulletin SBF100-29-025, dated December 31, 1993.

(b) As of the effective date of this AD, no person shall install on any airplane a return filter unit, P/N QA07236 or QA07237, on hydraulic system 1 or 2, respectively, unless that unit has been modified in accordance with Fokker Service Bulletin SBF100-29-025, dated December 31, 1993.

(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, International Branch, ANM-116, 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, International Branch.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(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 replacement shall be done in accordance with Fokker Service Bulletin SBF100-29-025, dated December 31, 1993. 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 Services B.V., Technical Support Department, P. O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. 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.

Note 3: The subject of this AD is addressed in Dutch airworthiness directive 94-024 (A), dated January 28, 1994.

(f) This amendment becomes effective on April 20, 1998.

Issued in Renton, Washington, on March 9, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-6502 Filed 3-13-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-193-AD; Amendment 39-10395; AD 98-06-17]

RIN 2120-AA64

Airworthiness Directives; Dassault Model Mystere Falcon 900 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dassault Aviation Model Mystere Falcon 900 series airplanes, that requires replacement of the water heater control relays with improved relays having high-power contactors; the addition of a testing and monitoring circuit for each contactor; and installation of improved electrical bonding of the potable water tank. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent overheating of the water heaters for the galley or the washbasin, which could result in damage to the water

heater and nearby electrical wiring, and consequent smoke in the cabin.

DATES: Effective April 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 20, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, New Jersey 07606. 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:

Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 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 Dassault Aviation Model Mystere Falcon 900 series airplanes was published in the **Federal Register** on January 5, 1998 (63 FR 171). That action proposed to require replacement of the water heater control relays with improved relays having high-power contactors; the addition of a testing and monitoring circuit for each contactor; and installation of improved electrical bonding of the potable water tank.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 1 airplane of U.S. registry will be affected by this AD, that it will take approximately 24 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$6,300 per airplane. Based on these figures, the cost impact of the AD on the

single U.S. operator is estimated to be \$7,740.

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:

98-06-17 Dassault Aviation: Amendment 39-10395. Docket 97-NM-193-AD.

Applicability: Model Mystere Falcon 900 airplanes; equipped with l'HOTELLIER water