Issued in Renton, Washington, on March 11, 1998.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 98–6950 Filed 3–19–98; 8:45 am]

**BILLING CODE 4910–13–U**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. 94–NM–117–AD; Amendment 39–10405; AD 98–06–27]**

**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 installation of additional ''EXIT'' signs at the overwing emergency exits. This amendment is prompted by a report indicating that the ''EXIT'' signs for the overwing emergency exits, as currently installed, would not be visible to passengers during an emergency evacuation when the emergency exit doors are open. The actions specified by this AD are intended to ensure the ''EXIT'' signs for overwing emergency exits are clearly visible during an evacuation.

**DATES:** Effective April 24, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 24, 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 as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on February 28, 1997 (62 FR 9113). That action proposed to require installation of additional ''EXIT'' signs at the overwing emergency exits, and proposed to expand the applicability of the original NPRM to include additional airplanes.

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

### Supportive Comments

Two commenters support the proposed rule.

One commenter states that the proposed rule, if adopted, would not affect its fleet of airplanes.

### Requests To Extend the Compliance Time

The Air Transport Association (ATA) of America, on behalf of one of its members, requests that the proposed compliance time be extended from 8 months to 14 months. The commenter states that, in order to accomplish the modification within the proposed 8-month compliance schedule, approximately 2 of the 40 affected airplanes in its fleet would require special visits in addition to the normal heavy check scheduled. The commenter notes that the additional aircraft downtime and manpower for the special visit would result in a significant additional cost. The commenter points out that an additional 6 months will allow all of its affected aircraft to be modified during heavy maintenance visits.

The FAA does not concur with the commenter's request. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the manufacturer's and foreign airworthiness authority's recommendations as to an appropriate compliance time, the availability of required parts, and the practical aspect of installing the required modification within an interval of time that parallels the normal scheduled maintenance for the majority of affected operators. The FAA has determined that the compliance time, as proposed, represents the maximum interval of time allowable for the affected airplanes to continue to operate prior to accomplishing the required modification without compromising safety. Additionally, the commenter has not provided any data to substantiate why an extension of the compliance time would not compromise safety.

In consideration of all of these factors, and in consideration of the amount of time that has already elapsed since issuance of the supplemental NPRM, the FAA has determined that further delay of this AD is not appropriate. However, under the provisions of paragraph (b) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

### Request To Resolve Method of Compliance

The ATA, in response to the original NPRM and on behalf of one of its members, requests that the AD either be reworded to mandate compliance with the applicable certification requirements for the emergency exit signs rather than requiring accomplishment of the service bulletin, or that issuance of the AD be deferred until an understanding between Fokker and the ATA member is reached as to how the certification requirements should be satisfied. The commenter states that, since it appears that none of its 40 affected airplanes are in compliance, there is no advantage to meeting the applicable certification requirements for the emergency exit signs by accomplishing the service bulletin referenced in the NPRM. The commenter notes that it should be allowed to meet the applicable certification requirements by the most labor and cost effective way possible. The commenter also notes that it may want to design and install one exit sign rather than two exit signs, and that its design would meet the applicable certification requirements. The ATA adds that it is not productive to adopt a rule that does not reflect the actual installation that is ultimately approved. The ATA also suggests that the FAA contact Fokker before any rule is adopted to ensure that the referenced service bulletin is not in the process of being revised.

The FAA does not concur. The FAA has determined that accomplishment of the actions specified in the service bulletin referenced in this AD adequately addresses the identified unsafe condition. In response to comments to the original NPRM, the FAA noted that the 20 airplanes that were inadvertently omitted from the applicability were delivered from the

factory with provisions for the service bulletin modification. (The supplemental NPRM revised the applicability of the original NPRM to include the 20 additional airplanes.) In addition, the FAA has contacted Fokker and determined that Fokker has not and does not plan to revise the referenced service bulletin to change the method of compliance. Therefore, the FAA has determined that no change to the final rule is necessary. However, under the provisions of paragraph (b) of the final rule, the FAA may approve requests for alternate methods of compliance if data are submitted to substantiate that such an alternate method of compliance would provide an acceptable level of safety.

**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 as proposed.

**Cost Impact**

The FAA estimates that 40 Fokker Model F28 Mark 0100 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 71 work hours per airplane to accomplish the installation, and that the average labor rate is $60 per work hour. Required parts will cost approximately $1,600 per airplane. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be $234,400, or $5,860 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:

**98–06–27 Fokker:** Amendment 39–10405. Docket 94–NM–117–AD.

*Applicability:* Model F28 Mark 0100 series airplanes, having the following serial numbers, certificated in any category:

*Serial Numbers*

11244,
11245,
11248 through 11256 inclusive,
11261,
11268 through 11283 inclusive,
11286,
11289,
11290,
11291,
11293,
11295 through 11297 inclusive,
11300,
11303,
11306 through 11308 inclusive,
11310 through 11315 inclusive,
11331,
11333,
11334,
11337,
11338,
11345,
11346,
11349,
11357,
11358,
11365,
11366,
11372,
11373,
11379,
11380,
11391,
11392,
11398, and
11399.

**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 (b) 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 ensure that the ''EXIT'' signs for the overwing emergency exits are clearly visible during an evacuation, accomplish the following:

(a) Within 8 months after the effective date of this AD, install two additional ''EXIT'' signs, one above and between the left-hand overwing emergency exits, and one above and between the right-hand overwing emergency exits, in accordance with Fokker Service Bulletin SBF100–33–015, Revision 1, dated March 21, 1994.

(b) 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, ANM–116.

**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.

(c) 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.

(d) The installation shall be done in accordance with Fokker Service Bulletin SBF100–33–015, Revision 1, dated March 21, 1994, which contains the following list of effective pages:

| Page No. | Revision level shown on page | Date shown on page |
|---|---|---|
| 1–4, 10–12 | 1 | March 21, 1994. |
| 5–9, 13–20 | Original | October 7, 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 BLA 93–147/2 (A), dated April 29, 1994.

(e) This amendment becomes effective on April 24, 1998.

Issued in Renton, Washington, on March 11, 1998.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 98–6949 Filed 3–19–98; 8:45 am]

BILLING CODE 4910–13–U

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. 93–NM–193–AD; Amendment 39–10404; AD 98–06–26]**

**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 repetitive inspections to detect corrosion in the wheel axles of the main landing gear (MLG) sliding members; and rework of any corroded areas, an inspection to detect cracks in the wheel axles, and replacement of any cracked sliding member. This AD provides for interim actions that may be accomplished in lieu of the repetitive inspections. This AD also requires eventual modifications of the main wheel brake units and the MLG sliding members; when accomplished, these modifications terminate the repetitive inspections and interim actions. This amendment is prompted by a report of failure of an MLG wheel axle during push back of an in-service airplane from the terminal. The actions specified by this AD are intended to prevent failure of the MLG wheel axle due to problems associated with corrosion and cracking.

**DATES:** Effective April 24, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 24, 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.

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**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 as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on September 9, 1996 (61 FR 47462). That supplemental NPRM proposed to require repetitive inspections to detect corrosion in the wheel axles of the main landing gear (MLG) sliding members; and rework of any corroded areas, an inspection to detect cracks in the wheel axles, and replacement of any cracked sliding member. That supplemental NPRM proposed to provide for interim actions that may be accomplished in lieu of the repetitive inspections. That supplemental NPRM also proposed to require eventual modifications of the main wheel brake units and the MLG sliding members; when accomplished, these modifications terminate the repetitive inspections and interim actions.

### Consideration of 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.

### Request To Allow Terminating Action To Be Optional Rather Than Mandated

The Air Transport Association (ATA) of America, representing a member airline, requests that the terminating action of this AD be allowed as an option to the repetitive inspections rather than be mandated. This commenter states that the Dutch airworthiness directive does not mandate the modification as terminating action.

The FAA does not concur with this request and, as cited in the supplemental NPRM, the FAA has determined that long-term continued operational safety will be better assured by design changes to remove the source of the problem, rather than by repetitive inspections. However, under the provisions of paragraph (g) of the final rule, the FAA may consider requests for approval of an alternative method of compliance if sufficient data are submitted to substantiate that such an alternative method would provide an acceptable level of safety.

### Request To Use Long-Term Inspections To Ensure Level of Safety

The ATA, on behalf of one member, states that the member does not agree with the FAA's statement (in the preamble of the NPRM) that ''Long-term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet.'' This commenter also states that the concept that inspections do not provide the degree of safety required runs contrary to established industry principles and FAA advisory material. In addition, the commenter states that the Certification Maintenance Requirements (CMR's) are an example whereby repetitive tasks are defined as operating limitations in order to detect latent failures that could lead to hazardous or catastrophic failure conditions. Further, the commenter states that damage tolerance concepts for structural elements similarly rely on a well-defined inspection program to maintain safety by ensuring that fatigue