

At least the following systems should be turned off: windshield heating, propeller de-ice, gasper fans, recirculation fans, logo-type lights, and taxi lights.

- AFTER TAKEOFF
- If APU is available
 - APU AS REQUIRED
 - If APU is not available
 - Electrical load RESTORE
 - Windshield heating AS REQUIRED
 - Emergency lights switch OFF, then ARM
- APPROACH
- If APU is available
 - APU Generator ON
- Approach and landing must be carried out with APU generator connected to the central DC bus.
- BEFORE LANDING
- If APU is not available
 - Electrical Load REDUCE TO BELOW 400 AMPS
- At least the following systems should be turned off: windshield heating, propeller de-ice, gasper fans, recirculation fans, logo-type lights, and taxi lights.
- CAUTION: Do not set electrical emergency switch to emergency position during approach or landing."

(3) Revise the Limitations section (Section II) of the FAA-approved AFM to include the following. This may be accomplished by inserting a copy of this AD into the AFM.

"Both starter/generators must operate normally prior to flight. The APU generator must operate normally prior to flight in known or forecast icing conditions. [Note: This supersedes any relief provided by the Master Minimum Equipment List (M MEL).]"

(c) Within 12 months after the effective date of this AD, accomplish paragraphs (c)(1) and (c)(2) of this AD, as applicable.

(1) For all airplanes except serial numbers 120004, 120006 through 120024 inclusive, 120026 through 120030 inclusive, 120033 through 120035 inclusive, 120037, and 120040; on which Part I, II, or III of EMBRAER Service Bulletin 120-24-0008, Change 03, dated August 19, 1994, or Change

04, dated October 3, 1995; has not been accomplished: Modify the electrical system in accordance with Part IV of EMBRAER Service Bulletin 120-24-0008, Change 04, dated October 3, 1995. After this modification is accomplished, the modification required by paragraph (a) of this AD may be removed and the affected circuit breakers reactivated.

(2) For all airplanes: Modify the electrical system in accordance with EMBRAER Service Bulletin 120-24-0051, Change 04, dated March 8, 1995. After this modification is accomplished, the AFM revisions required by paragraph (b) of this AD may be removed from the AFM.

(d) 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, Atlanta

Aircraft Certification Office (ACO), FAA, Small 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, 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.

(e) 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.

(f) The actions shall be done in accordance with the following EMBRAER service bulletins, which contain the specified effective pages:

Service bulletin referenced and date	Page No.	Revision level shown on page	Date shown on page
120-24-0008, Change 04, October 3, 1995	1-4	04	Oct. 3, 1995.
	5-64	03	Aug. 19, 1994.
120-24-0051, Change 04, March 8, 1995	1-4, 41-46, 59, 60, 89-92	04	Mar. 8, 1995.
	5-40, 47-58, 61-88, 93-103	03	Nov. 3, 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 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 directives (DAE) 93-24-01, dated December 31, 1993; 94-03-

01R1, dated December 10, 1994, and 93-12-01R1, dated December 12, 1994.

(g) This amendment becomes effective on March 18, 1998.

Issued in Renton, Washington, on January 30, 1998.

Darrell M. Pederson,
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 98-2826 Filed 2-10-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-264-AD; Amendment 39-10322; AD 98-04-09]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Fokker Model F28 Mark 0070 and Mark 0100 series airplanes, that requires a one-time visual inspection to detect cracking of the brake torque tube lever, and corrective action, if necessary. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the brake torque tube lever, which could result in a disconnection between the brake pedal and brake system, and consequent reduced directional controllability of the airplane during landing.

DATES: Effective March 18, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 18, 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 all Fokker Model F28 Mark 0070 and Mark 0100 series airplanes was published in the **Federal Register** on November 28, 1997 (62 FR 63294). That action proposed to require a one-time visual inspection to detect cracking of the brake torque tube lever, and corrective action, if necessary.

Comments

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

Two commenters support the proposed rule. One commenter states that it has already accomplished the proposed inspection.

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 131 Fokker Model F28 Mark 0070 and Mark 0100 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be \$23,580, or \$180 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:

98-04-09 Fokker: Amendment 39-10322. Docket 97-NM-264-AD.

Applicability: All Model F28 Mark 0070 and Mark 0100 series airplanes, 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 (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 prevent failure of the captain's left-hand brake torque tube lever, which could result in a disconnection between the captain's left-hand brake pedal and left-hand brake system, and consequent reduced directional controllability of the airplane during landing, accomplish the following:

(a) Perform a one-time visual inspection using a mirror or borescope to detect cracking of the brake torque tube lever having part number (P/N) D75669-001, in accordance with Fokker Service Bulletin SBF100-32-108, dated February 7, 1997, at the time specified in paragraph (a)(1) or (a)(2), as applicable, of this AD. If any crack is detected, prior to further flight, replace either the lever or the entire assembly with a new or serviceable component, in accordance with the Accomplishment Instructions of the service bulletin.

(1) For airplanes that have accumulated 15,000 or more total flight cycles as of the effective date of this AD: Inspect within 30 days after the effective date of this AD.

(2) For airplanes that have accumulated fewer than 15,000 total flight cycles as of the effective date of this AD: Inspect prior to the accumulation of 10,000 total flight cycles, or within 2 months after the effective date of this AD, whichever occurs later.

(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 actions shall be done in accordance with Fokker Service Bulletin SBF100-32-108, dated February 7, 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 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 1997-025(A), dated February 28, 1997.

(e) This amendment becomes effective on March 18, 1998.

Issued in Renton, Washington, on February 4, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 98-3261 Filed 2-10-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 990

Natural Resource Damage Assessments

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Reconsideration of final rule; request for comments.

SUMMARY: On January 5, 1996, the National Oceanic and Atmospheric Administration (NOAA) promulgated final regulations for the assessment of natural resource damages pursuant to section 1006(e) of the Oil Pollution Act of 1990. These final regulations, codified at 15 CFR Part 990, were published at 61 FR 440. The final regulations were challenged, pursuant to section 1017(a) of OPA, and, on

November 18, 1997, a ruling on the final regulations was issued by the U.S. Court of Appeals for the District of Columbia Circuit (*General Electric Co. v. Commerce*, No. 96-1096 (D.C. Cir., Nov. 18, 1997)). Two issues were remanded to NOAA for further agency decisionmaking—the scope of authorization for recovery of legal costs and authorization for the removal of residual oil by trustees as part of a natural resource restoration action. This request seeks public comment on the issue involved in the authorization for the removal of residual oil by trustees as part of a natural resource restoration action. The issue of the scope of authorization for recovery of legal costs may be sought through publication of a future request for comments.

DATES: Written comments should be received no later than March 30, 1998.

ADDRESSES: Written comments are to be submitted to: Eli Reinharz, c/o Office of General Counsel/Natural Resources, 1315 East-West Highway, Room #15132, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Eli Reinharz, 301-713-3038, ext. 193; (FAX: 301-713-4387; e-mail: ereinharz@exchange.nos.noaa.gov) or Linda Burlington, 301-713-1217 (FAX: 301-713-1229; e-mail: Linda.B.Burlington@noaa.gov).

SUPPLEMENTARY INFORMATION: In the event of a discharge or substantial threat of a discharge of oil (incident), the Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701 *et seq.*, provides that federal, state, Indian tribal and/or foreign natural resource trustees may determine natural resource injuries, assess natural resource damages, present a claim, recover damages, and develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources and services under their trusteeship. The National Oceanic and Atmospheric Administration (NOAA) was directed by Congress to promulgate regulations for the assessment of natural resource damages resulting from an incident.

NOAA promulgated final regulations on January 5, 1996 (see 61 FR 440), codified at 15 CFR Part 990. The regulations are for the use of authorized federal, state, Indian tribe, and foreign natural resource trustees. A major goal of OPA is to make the environment and public whole for harm to natural resources and services as a result of an incident. The regulations provide a framework for conducting natural resource damage assessments that achieve this OPA goal. Under the regulations, assessments are conducted

in the open, with responsible parties and the public involved in the planning process to ensure that restoration will be achieved more quickly, transaction costs will decrease, and litigation will be avoided. Restoration plans developed with input from the public and responsible parties are the basis of a claim for natural resource damages, with final restoration plans presented to responsible parties for funding or implementation.

The final regulations were challenged, pursuant to section 1017(a) of OPA. On November 18, 1997, a ruling on the final regulations was issued by the U.S. Court of Appeals for the District of Columbia Circuit (*General Electric Co. v. Commerce*, No. 96-1096 (D.C. Cir., Nov. 18, 1997)). Two issues were remanded to NOAA for further agency decisionmaking—the scope of authorization for recovery of legal costs and authorization for the removal of residual oil. This Notice requests comments to address the authorization for the removal of residual oil by trustees.

Section 990.53(b)(3)(i) of the final OPA rule authorizes trustees to “[r]emove conditions that would prevent or limit the effectiveness of any restoration action (e.g., residual sources of contamination)” and to consider these actions primary restoration. NOAA’s rationale for this provision was that there may be circumstances where trustees need to remove residual oil beyond response actions taken by the lead response agency as part of a restoration action. For example, following the August 1993 Tampa Bay, Florida, oil spill, the trustees initiated an action to remove oil from oyster reefs to further minimize and eliminate injury to the reefs, including erosion that could have affected adjoining mangroves, and other biological resources.

In its ruling, the Court directed NOAA to reconsider the final rule language, posing a series of questions about the standards and circumstances under which removal actions may be taken by trustees. To address these questions, NOAA is inviting the submission of information on both case-specific and other consultation experiences, with the United States Coast Guard, the Environmental Protection Agency, or State response agencies relating to removal actions taken both during and after response. NOAA is also interested in reviewing information regarding the standards, circumstances, and outcomes of incidents where trustees considered additional removal actions beyond those proposed by the lead response agency as part of a natural resource restoration action, as well as the issues and results