

accomplished, no further action is required by this paragraph. Or

(2) Blend out corrosion in accordance with the service bulletin.

(i) If blend out of corrosion is beyond 10 percent of original thickness, or if any crack common to the support angles is found during accomplishment of the blend out procedures, install the new angles with new fasteners, and reinstall the threshold assembly with new corrosion-resistant fasteners, in accordance with the service bulletin. After these actions are accomplished, no further action is required by this paragraph.

(ii) If blend out of corrosion does not exceed 10 percent of original material thickness, install the repaired angles with new fasteners, and reinstall the threshold assembly with new corrosion-resistant fasteners, in accordance with the service bulletin. After these actions are accomplished, no further action is required by this paragraph.

(m) Installation of a girt bar support fitting in accordance with Boeing Service Bulletin 747-25A2831, dated August 29, 1991, is considered acceptable for compliance with the requirements of this AD for each affected fitting location.

(n) 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, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(o) 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.

(p) The actions shall be done in accordance with Boeing Service Bulletin 747-53A2378, Revision 1, dated March 10, 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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.

(q) This amendment becomes effective on December 16, 1996.

Issued in Renton, Washington, on October 31, 1996.

Darrell M. Pederson,  
*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 96-28688 Filed 11-13-96; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 96-NM-53-AD; Amendment 39-9812; AD 96-23-07]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes, that requires visual/dye penetrant and ultrasonic inspections to detect cracks in the vertical leg of the rear spar lower cap of the wings, and various follow-on actions. This amendment is prompted by reports indicating that, due to improper torque tightening of the attach studs of the flap hinge fitting, fatigue cracks were found in the vertical leg of the rear spar lower cap of the wing. The actions specified by this AD are intended to prevent such fatigue cracking, which, if not detected and corrected in a timely manner, could result in loss of the spar cap, and consequent damage to the spar cap web and adjacent wing skin structure; this condition could lead to reduced structural integrity of the wing.

**DATES:** Effective December 19, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 19, 1996.

**ADDRESSES:** The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). 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 FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Brent Bandle, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5237; fax (310) 627-5210.

**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 McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes series airplanes was published as a notice of proposed rulemaking (NPRM) in the Federal Register on August 27, 1996 (61 FR 44002). That action proposed to require visual/dye penetrant and ultrasonic inspections to detect cracks in the vertical leg of the rear spar lower cap of the wings, and various follow-on actions.

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 supports the proposed AD.

#### Discussion of Other Comments Received

During the development of the proposal for this AD action, the FAA sought input on the technical and economic aspects from the manufacturer, as well as from affected major U.S. operators through the Air Transport Association (ATA) of America. In the process of responding to these initial data-gathering inquiries, the ATA submitted input to the FAA that had come from its member operators. Some of this input was in the form of what appeared to be comments on what the operators presumed would be the proposed AD; these comments went beyond the technical data-gathering aspects of FAA's inquiries. Since it is not the FAA's policy to request that type of input prior to the issuance of a proposed rule, the FAA did not take those comments into consideration when it issued the NPRM for this AD action.

When the NPRM was published in the Federal Register on August 27, 1996, it contained specific language indicating that the FAA was requesting comments from the public on all aspects of the proposed AD. However, neither the ATA nor its member operators resubmitted their earlier (non-technical) comments in response to this request in the NPRM. In such a situation, commenters are advised to resubmit their comments to indicate to the FAA that their previous comments are still relevant to the rule as it actually was proposed. Regardless of the fact that these comments were not submitted to the FAA as part of the formal rulemaking process, the FAA has

decided to respond to them in this final rule, since the comments raise issues that may have continuing interest among other members of the affected public.

The following discussion presents the FAA's disposition of each of those comments:

#### Request To Increase Initial Threshold for Inspections

One U.S. operator requests that the threshold for conducting the initial inspection of airplanes that have accumulated more than 15,000 total landings be specified as "6,000 cycles or 3 years," whichever is later. For these airplanes, the proposal specified a threshold of 1,800 landings after the effective date of the AD. The operator states that a later threshold will allow it to schedule the inspections of its affected fleet during regular maintenance intervals. Doing so will minimize the economic burden that this operator would face in terms of consequent downtime and flight schedule interruptions.

The FAA does not concur. The operator provided no technical justification for revising this threshold as requested. Failure of a spar cap is a significant safety issue, and the FAA has determined that the inspection thresholds, as proposed, are warranted, based on the effectiveness of the inspection procedure to detect cracks, and the rate of crack growth in the spar cap at the subject area.

Additionally, the FAA points out that the relevant service information has been available to operators since 1989 (the year that the original version of McDonnell Douglas MD-80 Service Bulletin 57-184 was issued). Operators have had since that time to become aware of the inspection and modification now required by this AD and to add those actions to their individual maintenance plans. In fact, the FAA has been advised that several operators have already done just that.

Further, the FAA does not consider it appropriate to include provisions in an AD that are applicable to a single operator's unique situation. However, paragraph (e) of the final rule does provide affected operators the opportunity to apply for an adjustment of the compliance time if sufficient data are presented to justify such an adjustment.

#### Request for "Credit" if Actions Performed According to Earlier Service Bulletin

Another operator requests that "credit" be given to operators who have performed the inspection and/or

modification in accordance with the original version of McDonnell Douglas MD-80 Service Bulletin 57-184, dated March 16, 1989. This operator previously accomplished the now-required actions before Revision 1 of that service bulletin was issued on December 22, 1994.

The FAA concurs. Although the proposal cited only Revision 1 of the service bulletin as the appropriate source for service instructions, the FAA finds that the instructions specified in the original version of the service bulletin are equivalent. Therefore, use of either service document is acceptable for compliance with the requirements of this AD. The final rule has been revised to specify this.

#### Request To "Justify" Mandating the Service Bulletin

One operator questions the FAA's actions in mandating the requirements of McDonnell Douglas MD-80 Service Bulletin 57-184. This operator points out that the service bulletin was the subject of review by the Service Action Requirements (SAR) committee meeting in August 1995. [NOTE: The SAR committee was formed as part of the actions that were originally initiated by the Airworthiness Assurance Working Group (AAWG), Model DC-9/MD-80 Task Group. This committee, comprised of representatives from operators, the manufacturer, and the FAA, conducts reviews of inspection and modification service bulletins that are applicable to aging Model DC-9/MD-80 series airplanes; subsequent to each review, the committee recommends to the FAA which of these service bulletins should be made mandatory in order to reduce the potential for major structural failure of the airplanes.] By a vote of 10 to 1, the committee rejected the need to mandate the bulletin. This operator is not aware of any change in airline experience that would warrant reversing the committee decision and making the service bulletin mandatory via an AD action.

The FAA responds to this comment by stating that, regardless of the outcome of the SAR committee meeting, the FAA is responsible for issuing AD actions at any time in order to correct unsafe conditions that have been identified in airplanes. The FAA considers the potential loss of a rear spar cap to be a significant safety issue warranting AD action. As for additional recent and relevant service experience to further justify this action, the FAA points out that, subsequent to the issuance of the NPRM, one affected operator found an additional crack in the same area that this AD requires to

be inspected. In light of this, the FAA maintains that this AD is not only appropriate, but warranted.

#### 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 change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

#### Cost Impact

There are approximately 489 Model McDonnell Douglas Model DC-9-80 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 306 airplanes of U.S. registry will be affected by this AD, that it will take approximately 26 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 \$477,360, or \$1,560 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:

96-23-07 McDonnell Douglas: Amendment 39-9812. Docket 96-NM-53-AD.

*Applicability:* Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87) series airplanes and Model MD-88 airplanes, as listed in McDonnell Douglas MD-80 Service Bulletin 57-184, Revision 1, dated December 22, 1994; 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 (e) 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 fatigue cracking in the vertical leg of the rear spar lower cap of the wing, which could lead to reduced structural integrity of the wing, accomplish the following:

Note 2: Actions specified in this AD that have been performed prior to the effective date in accordance with McDonnell Douglas MD-80 Service Bulletin 57-184, dated March 16, 1989, are considered acceptable for compliance with the applicable requirement of this AD.

(a) Visual/Dye Penetrant Inspection and Ultrasonic Inspection. Perform visual/dye penetrant and ultrasonic inspections to detect cracks in the vertical leg of the rear spar lower cap of the wings below and in the adjacent area of the two lower attaching stud holes for the inboard hinge fitting of the outboard flap at station Xrs=164.000, in

accordance with McDonnell Douglas MD-80 Service Bulletin 57-184, Revision 1, dated December 22, 1994; at the time specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD, as applicable.

(1) For airplanes that have accumulated less than 8,000 total landings as of the effective date of this AD: Perform the inspection prior to the accumulation of 10,000 landings or within 3,000 landings after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated 8,000 or more total landings but less than 10,000 total landings as of the effective date of this AD: Perform the inspection within 3,000 landings after the effective date of this AD.

(3) For airplanes that have accumulated 10,000 or more total landings but less than 15,000 total landings as of the effective date of this AD: Perform the inspection within 2,400 landings after the effective date of this AD.

(4) For airplanes that have accumulated 15,000 or more total landings as of the effective date of this AD: Perform the inspection within 1,800 landings after the effective date of this AD.

(b) Condition 1 (No Cracks). If no crack is detected during any inspection required by paragraph (a) of this AD, accomplish the requirements of either paragraph (b)(1) or (b)(2) of this AD, in accordance with McDonnell Douglas MD-80 Service Bulletin 57-184, Revision 1, dated December 22, 1994.

(1) *Condition 1, Option 1 (Terminating Action)*. Prior to further flight, tighten the four mounting studs of the flap hinge fitting in the rear spar caps (2 studs in the upper cap and 2 studs in the lower cap) to the applicable torque value, in accordance with the service bulletin. Accomplishment of this tightening of the mounting studs of the flap hinge fitting constitutes terminating action for the repetitive inspection requirements of paragraph (b)(2) of this AD.

(2) *Condition 1, Option 2 (Repetitive Inspection)*. Repeat the visual/dye penetrant and ultrasonic inspections required by paragraph (a) of this AD thereafter at intervals not to exceed 3,000 landings until paragraph (b)(1) of this AD is accomplished.

(c) Condition 2 (Cracks). If any crack is detected during any inspection required by paragraph (a) or (b)(2) of this AD, prior to further flight, perform a high frequency eddy current inspection to confirm the existence of cracking, in accordance with McDonnell Douglas MD-80 Service Bulletin 57-184, Revision 1, dated December 22, 1994. After this inspection, accomplish the requirements of either paragraph (c)(1), (c)(2), or (c)(3) of this AD, as applicable.

(1) *No Cracking Confirmed*. If no cracking is confirmed, accomplish the requirements of either paragraph (b)(1) ["Condition 1, Option 1 (Terminating Action)"] or (b)(2) ["Condition 1, Option 2 (Repetitive Inspection)"] of this AD.

(2) *Condition 2, Option 1 (Permanent Repair)*. If any cracking is confirmed, prior to further flight, replace the entire spar cap or accomplish the permanent splice repair of the spar cap, and tighten the four mounting

studs of the flap hinge fitting in the rear spar caps (2 studs in the upper cap and 2 studs in the lower cap) to the applicable torque value, in accordance with the service bulletin. Accomplishment of this tightening of the mounting studs constitutes terminating action for the repetitive inspection requirements of paragraph (c)(3) of this AD.

(3) *Condition 2, Option 2 (Temporary Repair)*. If cracking is confirmed and it does not extend beyond the location limits and does not exceed the maximum permissible crack length of 2 inches, prior to further flight, accomplish the temporary repair modification of the spar cap in accordance with the service bulletin. Thereafter, repeat the eddy current inspection at intervals not to exceed 3,000 landings until paragraph (c)(2) of this AD is accomplished.

(i) If any crack progression is found during any repetitive eddy current inspection following accomplishment of the temporary repair, prior to further flight, contact the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, telephone (310) 627-5237, fax (310) 627-5210, to establish the appropriate repair or replacement interval.

Note 3: Operators should note that, unlike the recommended compliance time of "within 3,000 landings after discovery of cracking," which is specified in the service bulletin as the time for accomplishing the permanent splice repair or replacement of the spar cap, this AD requires that operators contact the FAA prior to further flight. The FAA finds that the repair/replacement interval should be established based on the crack progression. Where there are differences between the AD and the service bulletin in this regard, the AD prevails.

(ii) If any new crack is found during any repetitive eddy current inspection following accomplishment of the temporary repair, prior to further flight, accomplish the permanent repair in accordance with the service bulletin.

(d) Reporting Requirement. Within 10 days after accomplishing the initial visual/dye penetrant and ultrasonic inspections required by paragraph (a) of this AD, submit a report of the inspection results (both positive and negative findings) to the Manager, Los Angeles ACO, 3229 East Spring Street, Long Beach California 90806-2425; telephone (310) 627-5237; fax (310) 627-5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(e) 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, Los Angeles Aircraft Certification Office (ACO), 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, Los Angeles ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles 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 McDonnell Douglas MD-80 Service Bulletin 57-184, Revision 1, dated December 22, 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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on December 19, 1996.

Issued in Renton, Washington, on November 5, 1996.

Darrell M. Pederson,

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

[FR Doc. 96-28870 Filed 11-13-96; 8:45 am]

BILLING CODE 4910-13-P

## 14 CFR Part 39

[Docket No. 96-NM-40-AD; Amendment 39-9813; AD 96-23-08]

RIN 2120-AA64

### **Airworthiness Directives; British Aerospace Model BAe 146 Series Airplanes and Model Avro 146-RJ Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146 and Model Avro 146-RJ series airplanes, that requires repetitive tests of the integrity of the electrical circuit between the windshear computer and the flap position sensor, and repair of the electrical wiring, if necessary. This amendment also requires replacement of certain windshear computers with new computers, which, when accomplished, terminates the repetitive tests. This amendment is prompted by a report indicating that the existing windshear computer is not capable of detecting a signal indicating loss of flap position; this could result in the flightcrew following erroneous computer-generated guidance. The actions specified by this

AD are intended to prevent the incapability of the windshear computer to detect the true flap position, which, if not corrected, could result in the inability of the flightcrew to avoid a windshear encounter, and consequent reduced controllability of the airplane.

**DATES:** Effective December 19, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 19, 1996.

**ADDRESSES:** The service information referenced in this AD may be obtained from British Aerospace Regional Aircraft Limited, Avro International Aerospace Division, Customer Support, Woodford Aerodrome, Woodford, Cheshire SK7 1QR, England. 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 Backman, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2797; 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 British Aerospace Model BAe 146 and Model Avro 146-RJ series airplanes was published in the Federal Register on August 26, 1996 (61 FR 43692). That action proposed to require repetitive tests of the integrity of the electrical circuit between the windshear computer and the flap position sensor, and repair of the electrical wiring, if necessary. That action also proposed to require replacement of existing windshear computers with new safe flight windshear computers.

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

The commenter supports the proposed rule.

#### **Conclusion**

After careful review of the available data, including the comment 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 41 British Aerospace Model BAe 146 series airplanes and Model Avro 146-RJ series airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour 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 \$2,460, or \$60 per airplane, per test cycle.

The FAA estimates that it will take approximately 4 work hours per airplane to accomplish the proposed replacement, at an average labor rate of \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to operators. Based on these figures, the cost impact of the replacement on U.S. operators is estimated to be \$9,840, or \$240 per airplane.

The cost impact figures discussed above are 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.