

Executive Order 12988, Civil Justice Reform

Executive Order 12988 sets forth guidelines to promote the just and efficient resolution of civil claims and to reduce the risk of litigation to the Federal Government.

The regulation meets the applicable standards of sections 3(a) and 3(b) of Executive Order 12988.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, requires that regulations involving the collection of information receive clearance from OMB. The regulation contains no such collection of information requiring OMB approval under the Paperwork Reduction Act. Consequently, no information has been submitted to OMB for review under the Paperwork Reduction Act.

Regulatory Flexibility Act

The Regulatory Flexibility Act applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b) (see 5 U.S.C. 601(2)). Because this action is limited to the adoption of statutory language, without interpretation, notice and comment on this final rule is unnecessary pursuant to 5 U.S.C.

553(b)(B). Therefore, the Regulatory Flexibility Act does not apply to this final rule.

Unfunded Mandates Act of 1995

OFHEO has determined that this final rule will not result in expenditures by State, local, and tribal governments, or by the private sector of \$100 million or more in any one year. Accordingly, this rulemaking is not subject to the Unfunded Mandates Act of 1995.

List of Subjects in 12 CFR Part 1780

Administrative practice and procedure, Penalties.

Accordingly, for the reasons set forth in the preamble, OFHEO amends chapter XVII of Title 12 of the Code of Federal Regulations by adding Part 1780 to read as follows:

PART 1780—UNIFORM RULES OF PRACTICE AND PROCEDURE

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—Civil Money Penalty Inflation Adjustments

Sec.

1780.70 Inflation adjustments.

1780.71 Applicability.

Authority: 12 U.S.C. 4513, 4636; 28 U.S.C. 2461 note.

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—Civil Money Penalty Inflation Adjustments

§ 1780.70 Inflation adjustments.

The maximum amount of each civil money penalty within OFHEO's jurisdiction is adjusted in accordance with the Debt Collection Improvement Act of 1996 (28 U.S.C. 2461 note) as follows:

U.S. Code citation	Description	Previous maximum penalty	New adjusted maximum penalty
12 U.S.C. 4636(b)(1)	First Tier	\$5,000	\$5,500
12 U.S.C. 4636(b)(2)	Second Tier (Executive Officer or Director)	10,000	11,000
12 U.S.C. 4636(b)(2)	Second Tier (Enterprise)	25,000	27,500
12 U.S.C. 4636(b)(3)	Third Tier (Executive Officer or Director)	100,000	110,000
12 U.S.C. 4636(b)(3)	Third Tier (Enterprise)	1,000,000	1,100,000

§ 1780.71 Applicability.

The inflation adjustments in § 1780.70 apply to civil money penalties assessed in accordance with the provisions of 12 U.S.C. 4636 for violations occurring after October 23, 1996.

Dated: December 22, 1997.

Mark A. Kinsey,

Acting Director, Office of Federal Housing Enterprise Oversight.

[FR Doc. 97-33945 Filed 12-30-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-174-AD; Amendment 39-10266; AD 98-01-02]

RIN 2120-AA64

Airworthiness Directives; Fokker F28 Mark 1000, 2000, 3000, and 4000 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 1000, 2000, 3000, and 4000 series airplanes, that requires a one-time visual inspection of the rear cargo door

and luggage auxiliary structure for corrosion, repetitive borescope inspections of the rear cargo door, and removal and repair of any corrosion found during the inspections. This amendment also requires the drilling of drain holes and application of a corrosion preventive and sealing compound inside the rear cargo door, and modification of the rear cargo door to aid in future routine borescope inspections. This amendment is prompted by reports of corrosion being found in the affected areas on several of the affected airplanes. The actions specified by this AD are intended to prevent such corrosion, which could result in structural failure of the cargo door and loss of the door during flight, and consequent rapid decompression, aerodynamic instability, and/or damage to other fuselage structures.

DATES: Effective February 4, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 4, 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: 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 1000, 2000, 3000, and 4000 series airplanes was published in the **Federal Register** on May 30, 1997 (62 FR 29308). That action proposed to require a one-time visual inspection of the rear cargo door and luggage auxiliary structure for corrosion, repetitive borescope inspections of the rear cargo door, and removal and repair of any corrosion found during the inspections. That action also required the drilling of drain holes and application of a corrosion preventive and sealing compound inside the rear cargo door, and modification of the rear cargo door to aid in future routine borescope inspections.

Comments

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 indicates that the proposed rule would have limited impact on its operations since it intends to retire the remainder of its fleet of affected airplanes.

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 37 airplanes of U.S. registry will be affected by this AD. It will take approximately 13 work hours per airplane to accomplish the required initial inspection, at an average labor rate of \$60 per work hour. The FAA has no way of determining how many repetitive inspections the owners/operators will incur over the life of the affected airplanes. Based on these figures, the cost impact of the initial inspection required by this AD on U.S. operators is estimated to be \$28,860, or \$780 per airplane.

It will take approximately 27 work hours per airplane to accomplish the required modification, at an average labor rate of \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be \$59,940, or \$1,620 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.

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:

98-01-02 Fokker: Amendment 39-10266. Docket 96-NM-174-AD.

Applicability: All F28 Mark 1000, 2000, 3000, and 4000 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 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 corrosion in the rear cargo door, which could result in structural failure of the cargo door and loss of the door during flight, and consequent rapid decompression, aerodynamic instability, and/or damage to other fuselage structures, accomplish the following:

(a) Within 2 years after the effective date of this AD, accomplish the requirements of paragraphs (a)(1), (a)(2), and (a)(3) of this AD, in accordance with Fokker Service Bulletin F28-52-111, dated March 12, 1994.

(1) Perform a one-time visual inspection of the rear cargo door and luggage auxiliary structure for corrosion. If any corrosion is found, prior to further flight, remove and repair it.

(2) Drill drain holes and apply a corrosion preventive and sealing compound inside the rear cargo door.

(3) Modify the rear cargo door to provide inspection holes for borescope inspections.

(b) Within 6,000 hours time-in-service (TIS) or 3 years after accomplishing the visual inspection required by paragraph (a)(1) of this AD, whichever occurs first; and thereafter at intervals not to exceed 6,000 hours TIS or 3 years, whichever occurs first: Perform a borescope inspection of the rear cargo door for corrosion in accordance with

Chapter 52-30-2 of the F28 Maintenance Manual. If any corrosion is detected, prior to further flight, remove and repair it in accordance with the maintenance manual.

(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, 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.

(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) Except as provided by paragraph (b) of this AD, the actions shall be done in accordance with Fokker Service Bulletin F28-52-111, dated March 12, 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 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 No. 1995-126 (A), dated November 30, 1995.

(f) This amendment becomes effective on February 4, 1998.

Issued in Renton, Washington, on December 22, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-281-AD; Amendment 39-10268; AD 98-01-04]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Fokker Model F27 Mark 050 series airplanes. This action requires a one-time inspection of the main landing gear (MLG) locklinks to determine if the lockwire that secures both platform bolts is in one piece and in position; 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 in this AD are intended to prevent collapse of the MLG due to failure of the locklinks to lock in the down position.

DATES: Effective January 15, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 15, 1998.

Comments for inclusion in the Rules Docket must be received on or before January 30, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-281-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

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 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.

FOR FURTHER INFORMATION CONTACT: 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: The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on all Fokker Model F27 Mark 050 series airplanes. The RLD advises that an operator of a Model F27 Mark 050 series airplane reported an incident in which the left main landing gear (MLG) had failed to lock in the down position and subsequently collapsed during roll-out after landing. Subsequent investigation revealed that, of the two bolts required to secure the downlock platform of the MLG locklink, one bolt was missing. Because the downlock platform was secured with only a single bolt, the

platform rotated and the MLG was prevented from reaching its overcentered and locked position. The reason for the missing bolt is being investigated and may be attributed to a problem that occurred during manufacture or maintenance. Additionally, another operator reported finding a broken and partly missing lockwire and a loose affected bolt. Such loose bolts or damaged/missing lockwire, if not corrected, could result in failure of the MLG to lock in the down position, which could cause the MLG to collapse.

Explanation of Relevant Service Information

Fokker has issued Service Bulletin SBF50-32-033, dated December 20, 1996, which describes procedures for a one-time inspection of the MLG locklinks to determine if the lockwire that secures both platform bolts is in one piece and in position; the service bulletin also describes procedures for correction of any discrepancy. The RLD classified this service bulletin as mandatory and issued Dutch airworthiness directive BLA 1996-146 (A), dated December 23, 1996, in order to assure the continued airworthiness of these airplanes in the Netherlands.

FAA's Conclusions

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD requires accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

None of the airplanes affected by this action is on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign