further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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 a new airworthiness directive to read as follows:

AD 99–17–17 Robinson Helicopter Company: Amendment 39–11331. Docket No. 99–SW–46–AD.

Applicability: Model R44 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters 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 prior to further flight, unless accomplished previously.

To prevent failure of the yoke assembly, which could result in loss of main and tail rotor drive and subsequent loss of control of the helicopter, accomplish the following:

(a) Determine, by inspection, if the yoke assembly, part number (P/N) C908–1C, from Lot No. 36B, 37, or 38 is installed.

Note 2: Yoke assemblies, P/N C908–1C, from Lot Nos. 36B, 37, and 38 were installed as original equipment in R44 helicopters, Serial Numbers (S/N) 0219 and 0535 through 0608 (except S/N's 0565, 0582, and 0592).

(b) Replace any yoke assembly, P/N C908–1C, from Lot No. 36B, 37, or 38, with an airworthy yoke assembly from a lot other than 36B, 37, or 38 in accordance with the compliance procedure, steps 2 through 12, of Robinson Helicopter Company R44 Service Bulletin SB–35, dated July 26, 1999.

(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, Los Angeles Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(d) Special flight permits will not be issued.

(e) The replacement of the yoke assembly shall be done in accordance with the compliance procedure, steps 2 through 12, of Robinson Helicopter Company R44 Service Bulletin SB–35, dated July 26, 1999. 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 Robinson Helicopter Company, 2901 Airport Drive, Torrance, California 90505 telephone (310) 539–0508, fax (310) 539–5198. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on [insert date 15 days after date of publication in the **Federal Register**], to all persons except those persons to whom it was made immediately effective by Emergency Priority Letter AD 99–17–17, issued August 13, 1999, which contained the requirements of this amendment.

Issued in Fort Worth, Texas, on September 13, 1999.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99–24535 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–328–AD; Amendment 39–11329; AD 99–20–01]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and 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 F.28 Mark 0070 and 0100 series airplanes, that requires modification of the electrical wiring of the flight warning computer (FWC), and installation of upgraded computer software into the FWC. 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 certain nuisance alerts generated by the FWC and to ensure annunciation of certain flight alerts by the FWC during initial climb. Such nuisance alerts or failures to annunciate certain alerts could result in an improper response by the flight crew and consequent reduced controllability of the airplane.

DATES: Effective October 27, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 27, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, 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 F.28 Mark 0070 and 0100 series airplanes was published in the **Federal Register** on March 15, 1999 (64 FR 12772). That action proposed to require modification of the electrical wiring of the flight warning computer (FWC), and installation of upgraded computer software into the FWC.

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 for Extension of Compliance Time

Two commenters, both operators, raise a concern regarding the necessity to accomplish other modifications prior to or concurrent with accomplishment of the modification described in Fokker Service Bulletin SBF100–31–051, dated August 15, 1998, which is required by paragraph (b) of the proposed AD. One commenter states that the wiring modification described in Fokker Service Bulletin SBF100–78–014, Revision 2, dated May 1, 1999, is necessary prior to or concurrent with accomplishment of SBF100–31–051. Additionally, Service Bulletin SBF100–78–014 specifies that three other service bulletins must be accomplished either prior to or concurrent with SBF100–78–014, including SBF100–78–012 [which is also required by AD 96–26–03, amendment 39–9866 (62 FR 604, January 6, 1997)].

Both commenters state that the labor and costs associated with these additional modifications will require the actions proposed in this AD to be accomplished in conjunction with scheduled heavy maintenance visits, rather than during scheduled overnight maintenance. One commenter states that the compliance threshold should be extended to preclude the additional operational costs associated with removing an airplane from service out of the normally scheduled sequence. The two commenters request that the compliance threshold of 18 months for accomplishment of SBF100–31–051 be extended (to 24 months or 30 months after the effective date of the AD) to allow sufficient time for scheduling of the additionally required modifications.

The FAA does not concur. After further discussions with the Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, and the manufacturer, the FAA has determined that such extension of the compliance time would not provide an acceptable level of safety necessary to address the identified unsafe condition. Accomplishment of the modifications specified in the proposed AD, as well as the necessary prior modifications to support the final modification, was found to be necessary in the wake of thrust reverser problems related to a 1996 accident in Brazil.

In developing the proposed compliance time of 18 months, the FAA considered the safety implications, the RLD's and the manufacturer's recommendations, and the availability of required parts. The FAA also considered the fact that Fokker Service Bulletin SBF100–31–051 has been available to all affected operators since August 1998.

Therefore, U.S. operators have had time since then to consider initiating those actions, which this AD ultimately mandates. Under the provisions of paragraph (c) of the final rule, however, the FAA may consider requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Relation of Proposed AD to AD 96–26–03

One commenter states that the proposed AD does not address the necessary modifications (as discussed previously) described in Fokker Service Bulletin SBF100–78–014, which specifies prior accomplishment of Fokker Service Bulletin SBF100–78–012. Since SBF100–78–012 is currently required by AD 96–26–03, the commenter notes that the proposed AD does not provide the necessary relief for the interim conditions when an airplane may not be in the configuration specified by AD 96–26–03 or in full compliance with the proposed new AD. If the required relief is not provided, the commenter states that each operator will be forced to petition the FAA for each variance encountered during the fleet modification program, which will add significant workload for both these operators and the FAA.

The FAA partially concurs. The FAA concurs that AD 96–26–03 currently specifies accomplishment of SBF100–78–012, which is indirectly necessary prior to accomplishment of SBF100–31–051 as required by this proposed AD. However, since issuance of the proposed AD, another proposed AD (reference Rules Docket No. 98–NM–329–AD) has been issued that would supersede AD 96–26–03. That proposed AD would continue to require accomplishment of SBF100–78–012 by March 21, 1997 (the compliance time specified in AD 96–26–03), and would add a requirement for accomplishment of SBF100–78–014 within 18 months after the effective date of that AD.

The FAA does not consider that accomplishment of the requirements of these AD's will pose any configuration problems for operators provided the AD's are issued simultaneously, since the compliance times of 18 months would be identical. The FAA will ensure that the AD's are issued simultaneously to avoid the concern expressed by the commenter.

The FAA has added NOTE 4 to the final rule to provide clarification regarding the accomplishment of other modifications prior to accomplishment of SBF100–31–051, as well as related FAA rulemaking actions specified in AD 96–26–03 and Rules Docket No. 98–NM–329–AD.

Request To Remove Spares Paragraph

One commenter states that paragraph (c) of the proposed AD, which specifies that ''As of the effective date of this AD, no person shall install on any airplane a flight warning computer (FWC), unless it has been modified in accordance with this AD'', is an impossible stipulation. The commenter states that there will be a transition period during which the wiring of some airplanes will not be modified as described in SBF100–78–014. An upgraded FWC cannot be installed in an unmodified airplane, therefore, provisions must be made to allow the installation of an unmodified FWC in an unmodified airplane.

The FAA concurs. The necessary airplane wiring modifications will be accomplished over a period of time and are necessary prior to accomplishment of the FWC modifications required by this AD. Since the modified FWC's cannot be installed in an unmodified airplane, the FAA has deleted the requirement regarding installation of an unmodified FWC by removing this paragraph from the final rule.

Request To Revise Cost Information

One commenter states that the proposed AD does not address the labor and material costs associated with accomplishment of SBF100–78–014. Therefore, the commenter states that an additional 44 work hours and material costs of $7,663 must be added to the projected cost estimates provided in the proposed AD. The FAA does not concur. As stated previously, accomplishment of SBF100–78–014 is proposed as a direct requirement in a separate rulemaking action (reference Rules Docket No. 98–NM–329–AD). Cost estimates associated with that action are provided in that NPRM and therefore are not restated in this AD.

Other Changes Made to the Proposed AD

The FAA has been informed that the manufacturer's address has changed and has revised the AD to provide the correct address for obtaining service information. The FAA also has revised its estimate of the number of affected airplanes from 129 in the proposed AD to 126, and the cost impact information, below, has been revised 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 described previously. 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 126 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per airplane to accomplish the required modification, and that the average labor rate is $60 per work hour. Required parts will cost approximately $93 per airplane. Based on these figures, the cost impact of the modification on U.S. operators is estimated to be $57,078, or $453 per airplane.

It will take approximately 1 work hour per airplane to accomplish the required installation, at an average labor rate of $60 per work hour. Required parts will cost approximately $1,500 per airplane. Based on these figures, the cost impact of the installation on U.S. operators is estimated to be $196,560, or $1,560 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:

99–20–01 Fokker Services B.V.: Amendment 39–11329. Docket 98–NM–328–AD.

Applicability: All Model F.28 Mark 0070 and 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 (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 certain nuisance alerts generated by the flight warning computer (FWC) and to ensure annunciation of certain flight alerts by the FWC during initial climb, which could result in an improper response by the flight crew and consequent reduced controllability of the airplane, accomplish the following:

Modifications

(a) Within 18 months after the effective date of this AD, modify the electrical wiring of the FWC in accordance with Part 1 or 2, as applicable, of the Accomplishment Instructions of Fokker Service Bulletin SBF100–31–047, Revision 1, dated March 21, 1997.

Note 2: It is not necessary to install computer software version V10.40 into the FWC, since a later version is available and is required to be installed by this AD.

(b) Concurrent with the accomplishment of the requirements of paragraph (a) of this AD, install upgraded computer software version V11.45 into the FWC in accordance with Fokker Service Bulletin SBF100–31–051, dated August 15, 1998.

Note 3: AlliedSignal Grimes Aerospace has issued Service Bulletin 80–0610–31–0031, dated May 14, 1998, as an additional source of service information for installation of the upgraded computer software version into the FWC.

Note 4: Operators should note that Fokker Service Bulletin SBF100–31–051, dated August 15, 1998, specifies prior or concurrent accomplishment of Fokker Service Bulletin SBF100–78–014 [which specifies concurrent accomplishment of Fokker Component Service Bulletin (CSB) P41440–78–04, and prior or concurrent accomplishment of Fokker Service Bulletin SBF100–78–012 and CSB P41440–78–05]. Related FAA Rules Docket No. 98–NM–329–AD requires accomplishment of these four other service bulletins.

Alternative Methods of Compliance

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

Special Flight Permits

(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.

Incorporation by Reference

(e) The actions shall be done in accordance with Fokker Service Bulletin SBF100–31–047, Revision 1, dated March 21, 1997, and Fokker Service Bulletin SBF100–31–051, dated August 15, 1998. 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., P.O. Box 231, 2150 AE Nieuw-Vennep, 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 6: The subject of this AD is addressed in Dutch airworthiness directive BLA 1998–110, dated August 31, 1998.

(f) This amendment becomes effective on October 27, 1999.

Issued in Renton, Washington, on September 13, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–24278 Filed 9–21–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–329–AD; Amendment 39–11330; AD 99–20–02]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Fokker Model F.28 Mark 0070 and 0100 series airplanes, that currently requires Airplane Flight Manual (AFM) and maintenance program revisions, modifications, and repetitive checks associated with ensuring the integrity of the thrust reverser system. This amendment continues to require the modifications and repetitive checks, and adds an AFM revision, repetitive operational tests, and other modifications related to the thrust reverser system. The new modifications terminate the repetitive operational checks and tests. This amendment is prompted by results of a review, which indicated that a potential latent failure of the secondary lock actuator switch 1 of the thrust reverser system in the open position may occur, in addition to the potential failure of the secondary lock relay 1 in the energized position. The actions specified by this AD are intended to ensure protection against inadvertent deployment of the thrust reversers during flight, which could result in reduced controllability of the airplane.

DATES: Effective October 27, 1999.

The incorporation by reference of Fokker Service Bulletin SBF100–78–014, Revision 2, dated May 1, 1999, including Attachment 1 (undated); Fokker Component Service Bulletin P41440–78–04, dated August 15, 1998; and Fokker Component Service Bulletin P41440–78–05, dated August 15, 1998; as listed in the regulations; is approved by the Director of the Federal Register as of October 27, 1999.

The incorporation by reference of Fokker Service Bulletin SBF100–78–012, dated November 22, 1996; Fokker Service Bulletin SBF100–24–034, Revision 1, dated September 12, 1996; and Fokker Service Bulletin SBF100–78–013, dated November 22, 1996; was approved previously by the Director of the Federal Register as of January 21, 1997 (62 FR 604, January 6, 1997).

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, 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) by superseding AD 96–26–03, amendment 39–9866 (62 FR 604, January 6, 1997), which is applicable to all Fokker Model F.28 Mark 0070 and 0100 series airplanes, was published in the **Federal Register** on May 20, 1999 (64 FR 27480). The action proposed to continue to require Airplane Flight Manual (AFM) and maintenance program revisions, modifications, and repetitive checks associated with ensuring the integrity of the thrust reverser system, and to add an AFM revision, repetitive operational tests, and other modifications related to the thrust reverser system. The new modifications would terminate the repetitive operational checks and tests.

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 Withdraw Proposed AD

One commenter requests that this proposed AD and another related proposed AD (reference Rules Docket No. 98–NM–328–AD) be withdrawn, reviewed, coordinated, and reissued as a single proposal, to allow each of the requirements to be clearly stated and coordinated. The commenter states that this proposed AD adds a new repair requirement and also duplicates changes indirectly mandated by the previously issued and still active notice of proposed rulemaking (NPRM). The wiring modification described in Fokker Service Bulletin SBF100–78–014, as required by paragraph (f)(1) of this proposed AD, is necessary prior to or concurrent with accomplishment of SBF100–31–051, which is required by the other proposed AD. Additionally, paragraph (f)(2) of this proposed AD requires accomplishment of Fokker Component Service Bulletins (CSB) P41440–78–04 and CSB P41440–78–05, and SBF100–78–014 specifies that such accomplishment is also necessary. The commenter states that the other NPRM (by requiring accomplishment of SBF100–31–051) therefore includes, by a roundabout means, everything contained in this proposed AD.

The FAA does not concur with the request to withdraw the proposed AD. The FAA does not consider that withdrawing both proposals and combining the requirement into a single rulemaking action is necessary in order to provide a clear statement of these requirements. Additionally, the FAA does not consider it appropriate to delay issuance of this final rule by such action, which would necessitate (under the provisions of the Administrative Procedure Act) reissuing the notice, reopening the period for public comment, considering additional comments received, and eventually issuing a final rule.

The FAA also notes that this AD requires various corrective actions intended to ensure protection against inadvertent deployment of the thrust reversers in flight. However, the requirements of the other proposed AD were separately issued to allow specific information to be provided regarding the unsafe condition of certain alerts generated by the flight warning computer (FWC), and the required modifications of the FWC intended to prevent that unsafe condition.

While the FAA acknowledges the relationship between the requirements of the AD's, the FAA does not consider that accomplishment of the requirements of these AD's will pose any difficulty for operators provided the