

That action proposed to require installing a protective mechanical fuel valve switch guard on the fuel valve switch.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed, except for editorial changes.

The FAA estimates that 5,192 helicopters of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per helicopter to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost nothing for these helicopters since the manufacturer is providing full warranty compensation for the parts. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$311,520.

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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

95-09-06 Bell Helicopter Textron, Inc.:
Amendment 39-9209. Docket No. 91-ASW-28.

Applicability: Model 206A, 206B, 206L, 206L-1, and 206L-3 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 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 use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent the fuel valve switch from being inadvertently placed in the "OFF" position, which could result in an engine failure and a subsequent power-off landing, accomplish the following:

(a) Within the next 50 hours time-in-service after the effective date of this airworthiness directive (AD), modify the fuel valve switch to add a protective mechanical fuel valve switch guard as follows:

(1) For the Model 206A, serial numbers (S/N) 1 through 153, modify in accordance with Part I of the Accomplishment Instructions in BHTI Alert Service Bulletin (ASB) No. 206-90-54, dated May 31, 1990.

(2) For the Model 206A, S/N 154 through 660 and 672 through 715, and Model 206B, S/N 661 through 671 and 716 through 913, modify in accordance with Part II of the Accomplishment Instructions in ASB No. 206-90-54, dated May 31, 1990.

(3) For the Model 206B, S/N 914 through 4069 and 4071 through 4074, modify in accordance with Part III of the Accomplishment Instructions in ASB No. 206-90-54, dated May 31, 1990.

(4) For the visual flight rule-equipped Model 206L, S/N 45001 through 45153 and 46601 through 46617, Model 206L-1, S/N 45154 through 45790, and Model 206L-3, S/N 51001 through 51319, modify in accordance with Part I of the

Accomplishment Instructions in BHTI ASB No. 206L-90-67, Revision A, dated August 5, 1991.

(5) For the Model 206L-1, S/N 45154 through 45790, and Model 206L-3, S/N 51001 through 51319, equipped with instrument flight rule kit, part number 206-705-001-101, installed per BHTI Service Instructions No. 206-2030, modify in accordance with Part II of the Accomplishment Instructions in ASB No. 206L-90-67, Revision A, dated August 5, 1991.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Rotorcraft Certification Office, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(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 helicopter to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with Bell Helicopter Textron, Inc. ASB 206-90-54, dated May 31, 1990, and ASB 206L-90-67, Revision A, dated August 5, 1991. 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 Bell Helicopter Textron, Inc., Attention: Customer Support, P.O. Box 482, Fort Worth, Texas 76101. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 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.

(e) This amendment becomes effective on June 8, 1995.

Issued in Fort Worth, Texas, on April 24, 1995.

Eric Bries,

*Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.*

[FR Doc. 95-10589 Filed 5-3-95; 8:45 am]

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14 CFR Part 39

[Docket No. 95-NM-68-AD; Amendment 39-9213; AD 95-09-10]

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.