

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 17, 1995.

ADDRESSES: Service information that applies to this AD may be obtained from the Brackett Aircraft Company, Inc., 7045 Flightline Drive, Kingman, Arizona 86401. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Elizabeth Bumann, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5265; facsimile (310) 627-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to airplanes that have a Brackett air filter neoprene gasket installed in accordance with Supplemental Type Certificate (STC) SA71GL was published in the **Federal Register** on August 25, 1994 (59 FR 43784). The action proposed to require repetitively inspecting (visually) the air filter frame for a loose or deteriorated gasket, and replacing any gasket found loose or deteriorated.

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

The first commenter, the Brackett Aircraft Co., Inc. (Brackett), states that no full model designation was given of the Cessna 172 airplane referenced in the incident specified by the NPRM. Some Cessna 172's use the Model BA-5110A filter (which uses airlocks in the air filter frame assembly) and others use the Model BA-5110 filter (which uses screws and nuts in the air filter frame assembly). This commenter feels that some reference to this difference should be made in the proposal.

The FAA concurs. Paragraphs (a)(1) and (a)(3) of the proposal have been changed to specify removing or installing airlocks or screws, nuts, and washers, as applicable.

Brackett also states that the proposal is an economic burden to the public and the proposal does not take into account the cost of the repetitive inspections.

The FAA does not concur that this proposal would be an economic burden upon the public. Under the criteria of the Regulatory Flexibility Act of 1980 (RFA), this AD action would not unnecessarily or disproportionately burden any small entities. FAA Order 2100.14A sets the size threshold for small entities operating aircraft for hire at nine aircraft owned and the annualized cost threshold at \$69,000 for scheduled operators and \$5,000 for unscheduled operators. In order for these cost thresholds to be met (based on the inspection taking 1 workhour at \$60 per hour), an owner in scheduled service would have to own 1,150 airplanes and an owner in unscheduled service would have to own 83 airplanes. With this information in mind and based on the above-referenced criteria from FAA Order 2100.14A, no small entities would meet the annualized cost threshold. The FAA has determined that the safety aspect of the proposal outweighs the economic cost upon the public. The FAA does concur that the cost figure does not reflect the cost of repetitive inspections. As specified in the proposal, the FAA has no available means of determining the number of repetitive inspections each owner/operator would incur. The proposal is unchanged as a result of this comment.

In addition, Brackett and the other commenter suggest that the proposal is unnecessary because part 43, appendix D, of the Federal Aviation Regulations (14 CFR part 43, appendix D) already addresses the proposed inspection. Brackett states that 14 CFR part 43, appendix D, specifies inspecting the engine accessories and systems for improper installation, poor general condition, defects, and insecure attachments during each 100-hour or annual inspection. The other commenter states that this proposal specifies a maintenance action as required by 14 CFR part 43, appendix D.

The FAA acknowledges that 14 CFR part 43, appendix D, does address the area of the proposed inspection, but does not specify procedures required to properly inspect Brackett air filter neoprene gaskets installed in accordance with STC SA71GL. Prior to March 16, 1994, procedures for repetitively inspecting the air filter frame were not available to owners/operators of airplanes with the affected air filter assemblies installed. On that date, Brackett Aircraft Company, Inc., issued Brackett Air Filter Document I-194, which specifies inspection procedures for these air filter assemblies. Since there is no way of knowing what type of inspection procedures were utilized prior to the

issuance of this document and based on the accident information that prompted the proposal, the FAA has determined that AD action should be taken to ensure proper inspections of Brackett air filter assemblies installed on aircraft. The proposal is unchanged as a result of these comments.

After careful review of all available information, including the comments referenced above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 50,000 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to accomplish the initial inspection, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$3,000,000 or \$60 per owner/operator. This figure represents the cost of the initial inspection, and does not reflect costs for repetitive inspections or possible replacements. The FAA has no way of determining how many gaskets may need replacement or how many repetitive inspections each owner/operator may incur.

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 copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.