proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95–NM–05–AD." The postcard will be date stamped and returned to the commenter.

## Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–05–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

## Discussion

On June 29, 1992, the FAA issued AD 92-15-08, amendment 39-8302 (57 FR 34216, August 8, 1992), applicable to certain Fokker Model F28 Mark 0100 series airplanes, to require removing the normal maximum (second) detent of the reverse thrust control and installing an improved unit. That action was prompted by reports indicating that the override force for the normal maximum detent of the reverse thrust control is too low. The actions required by that AD are intended to prevent fatigue damage and subsequent reduced structural capability of the horizontal stabilizer attachment.

The normal maximum detents that were installed in accordance with AD 92–15–08 (reference Fokker Service Bulletin SBF100–76–008, dated May 8, 1991) were intended to be functional only with certain pulleys. Since the issuance of that AD, however, the Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, has notified the FAA that certain earlier production airplanes affected by AD 92–15–08 are not fitted with those specific pulleys. As a result, compliance with AD 92–15–08 may have produced an inadequate level of clearance between the normal maximum detent and the surrounding moving parts on these airplanes. This condition, if not corrected, could result in the inability to select reverse thrust levels above the normal maximum detent.

Fokker has issued Service Bulletin SBF100–76–010, dated October 31, 1993, which describes procedures for:

1. Performing a one-time inspection of certain airplanes to determine the adequacy of clearance between the normal maximum detent for the reverse thrust control and the surrounding moving parts and to detect chafing or damage of the detent and/or surrounding moving parts; and

2. Replacing the normal maximum detent for reverse thrust control with an improved detent.

The RLD classified this service bulletin as mandatory and issued Dutch airworthiness directive BLA 93–151(A), dated November 1, 1993, in order to assure the continued airworthiness of these airplanes in the Netherlands.

The FÅA is considering further rulemaking action to revise AD 92–15– 08 to change the applicability of that AD to remove certain earlier production Model F28 Mark 0100 series airplanes that could have a potential thrust reverser detent interference problem.

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 21.29) 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.

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, the proposed AD would require a one-time inspection to determine the adequacy of clearance between the normal maximum detent for the reverse thrust control and the surrounding moving parts, and to detect chafing or damage of the normal maximum detent; and replacement of the normal maximum detent with a new normal maximum detent. The actions would be required to be accomplished in accordance with the service bulletin described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

The FAA estimates that 5 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 10 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$400 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$5,000, or \$1,000 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 draft regulatory evaluation prepared for this