policy is a positive feature that may contribute to safety, it is not meant to be a substitute for required equipment.

Additionally, the FAA does not concur with the commenter's request to consider ashtrays as "passenger convenience items" that can be dispositioned under the MEL. As explained above, ashtrays do serve a safety function and, therefore, must be considered required equipment.

Request To Revise Estimated Cost of Compliance

One commenter requests that the FAA revise its economic impact estimate relative to the cost of compliance with the AD. This commenter states that FAA's analysis of the cost may be reasonably representative of the recurring inspections currently required, but it does not consider the cost of research and recordkeeping involved when determining whether or not an airplane is fitted with lavatories or receptacles subject to the AD. The commenter contends that research and recordkeeping needed just to confirm that an airplane is not subject to the AD results in costs approximating the 1.5 work hours that the FAA indicates is the time required to accomplish the inspections.

The FAA does not concur with the commenter's request. The applicability statement of the AD clearly limits the AD to those transport category airplanes that have one or more lavatories equipped with paper or linen waste receptacles. If an operator is not certain whether its airplane has lavatories so equipped, it may simply review the type design (drawings) of the airplane to determine this. A one-time check of a drawing to determine whether or not the AD is applicable should not create an undue burden on any operator.

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 as proposed.

Economic Impact

Since this action only provides for an alternative method of complying with an existing rule, it does not add any new additional economic burden on affected operators. The current costs associated with this AD are reiterated below for the convenience of affected operators:

The costs associated with the currently required placard installations entail approximately 1 work hour per airplane, at an average labor rate of \$60 per work hour. The cost of required parts is negligible. Based on these

figures, the total cost impact of the installation requirements of the AD on U.S. operators is estimated to be \$60 per airplane.

The costs associated with the currently required inspections entail approximately 1.5 work hours per airplane per inspection, at an average labor rate of \$60 per work hour. Based on these figures, the total cost impact of the inspection requirements of this AD on U.S. operators is estimated to be \$90 per airplane per inspection.

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. 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 removing amendment 39-1917, and by

adding a new airworthiness directive (AD), amendment 39–9214, to read as follows:

74-08-09 R1 Transport Category Aircraft:

Amendment 39-9214. Docket 94-NM-44-AD. Revises AD 74-08-09, Amendment 39-1917.

Applicability: All transport category airplanes, certificated in any category, that have one or more lavatories equipped with paper or linen waste receptacles.

Note: The following is a partial list of aircraft, some or all models of which are type certificated in the transport category and have lavatories equipped with paper or linen waste receptacles:

Aerospatiale Models ATR42 and ATR72 series airplanes;

Airbus Models A300, A310, A300-600, A320, A330, and A340 series airplanes; Boeing Models 707, 720, 727, 737, 747, 757, and 767 series airplanes;

Boeing Model B-377 airplanes; British Aircraft Models BAC 1-11 series,

BAe-146 series, and ATP airplanes; CASA Model C-212 series airplanes;

Convair Models CV-580, 600, 640, 880 and 990 series airplanes;

Convair Models 240, 340, and 440 series airplanes;

Curtiss-Wright Model CW 46;

de Havilland Models DHC-7 and DHC-8 series airplanes:

Fairchild Models F-27 and C-82 series airplanes:

Fairchild-Hiller Model FH-227 series airplanes;

Fokker Models F27 and F28 series

Grumman Model G-159 series airplanes; Gulfstream Model 1159 series airplanes; Hawker Siddeley Model HS-748; Jetstream Model 4101 series airplanes; Lockheed Models L-1011, L-188, L-1049, and 382 series airplanes;

Martin Model M-404 airplanes; McDonnell Douglas Models DC-3, -4, -6, -7, -8, -9, and -10 series airplanes;

Model MD-88 airplanes; and Model MD-11 series airplanes;

Nihon Model YS-11:

Saab Models SF340A and SAAB 340B series airplanes;

Short Brothers and Harlin Model SC-7 series airplanes;

Short Brothers Models SD3-30 and SD3-60 series airplanes:

Compliance: Required as indicated, unless accomplished previously.

To prevent possible fires that could result from smoking materials being dropped into lavatory paper or linen waste receptacles, accomplish the following:

(a) Within 60 days after August 6, 1974 (the effective date of amendment 39-1917, AD 74-08-09), or before the accumulation of any time in service on a new production aircraft after delivery, whichever occurs later, except that new production aircraft may be flown in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to a base where compliance may be accomplished, accomplish the requirements of paragraphs (a)(1) and (a)(2)

of this AD: