revised the economic impact information, below, to add 3 work hours to the cost estimate, as suggested by the commenter, to account for determining if the specific part-numbered valves are installed.

Learjet also asks that the economic impact information be revised to specify that Allied Signal Aerospace is the appliance manufacturer. The FAA concurs, and has revised the information accordingly.

Learjet requests that the final paragraph of the economic impact information also be revised to specify that operators should already have complied with the AFM revision required by AD 94–26–01. The FAA concurs, and has revised the economic impact information accordingly.

Learjet also questions two paragraphs that appear in the preamble of the proposal. The first paragraph indicates that the AD does not warrant preparation of a Federalism Assessment; the second concerns the determination of the rule's economic impact on small entities ("regulatory flexibility"). The commenter suggests that a review of these two paragraphs may be necessary in light of the revised number of airplanes affected by the AD.

The FAA does not concur with the commenter's suggestion. Concerning the paragraph pertaining to the Federalism Assessment, Executive Order 12612 requires that every rule be assessed for its impact on state and local governments. In general, AD's will not have an effect on other government entities because the regulation of aviation is federally preempted by statute. State and local government are not delegated the authority to regulate aviation; therefore, there are no 'parallel' local regulations that could be impacted by an AD. The paragraph concerning the Federalism Assessment is included in this rule merely to explain this required finding.

Regarding regulatory flexibility findings, very few AD's will ever reach the level of having a "significant economic impact, positive or negative, on a substantial number of small entities," since either most aircraft operators do not meet the agency's criteria for small entities, or because the cost of an individual AD usually does not exceed the agency limit for significant impact. A statement concerning the impact, or lack of it (as in the case of this AD), is required to be included in the certification statement of each AD.

Learjet also asks that paragraph (a) of the proposal be revised so that the effective date of the AD is stated as "Within 30 days after the effective date

of this AD (if not previously accomplished per AD 94-26-01, amendment 39-9097)'' The FAA concurs partially. The requirement of paragraph (a) of this AD was required previously by AD 94-26-01 to be accomplished within 30 days after January 3, 1995, which is the effective date of that AD. Paragraph (a) of this AD merely restates the requirements of paragraph (a) of the existing AD. As allowed by the phrase, "unless accomplished previously," which appears in the "Compliance" statement of the AD, if the requirement of paragraph (a) of that AD has already been accomplished, this final rule does not require that those actions be repeated. Therefore, the FAA finds it unnecessary to revise the compliance time specified in paragraph (a) of the final rule. However, to eliminate any confusion that may exist, the FAA has added a note to the final rule to clarify its intent with regard to restating paragraph (a) of AD 94-26-01.

Learjet also indicates that the requirement of paragraph (a) could be accomplished by inserting a copy of Learjet Temporary Flight Manual (TFM) Change 94–14, dated January 9, 1995 (for Model 24 series airplanes), or TFM Change 94–15, dated January 9, 1995 (for all models, including Model 24 series airplanes), into the AFM. The FAA concurs and has included a note after paragraph (a) of the final rule to reflect this information.

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 previously described. The FAA has determined that these changes will neither significantly increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 1,333 Model 24, 25, 28, 29, 31, 35, 36, and 55 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 840 airplanes of U.S. registry will be affected by this proposed AD.

The AFM revision currently required by AD 94–26–01 takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the total cost impact associated with the current AFM revision requirement of AD 94– 26–01 on U.S. operators is estimated to be \$50,400, or \$60 per airplane.

However, based on information provided by the manufacturer, and based on the effective date of AD 94– 26–01, the FAA assumes that the majority of U.S. operators will have already accomplished the AFM revision requirement. Therefore, any future economic impact of this AD can be assumed to be less than the "total cost impact" figure indicated above.

The removal and replacement of parts that are required by this new AD will take approximately 15 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. (This estimate includes 3 work hours that are required to determine the valve serial number.) However, Allied Signal (the appliance manufacturer) advises that it will reimburse operators for the costs of removal and replacement. Therefore, based on this information, the total cost impact associated with determining the valve serial number is estimated to be \$151,200, or \$180 per airplane. (U.S. operators will incur no cost impact for the removal and replacement requirements.) This total cost impact figure is based on assumptions that no operator has yet accomplished these new requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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