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 added to this final rule to clarify this long-standing requirement.

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 increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 186 Lockheed Model L–1011–385–1 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 100 airplanes of U.S. registry and 5 U.S. operators will be affected by this AD.

Incorporation of the SID into an operator's maintenance program will take approximately 550 work hours, and the average labor rate is \$60 per work hour. Based on these figures, the total cost impact to incorporate the SID into an operator's maintenance program is estimated to be \$165,000, or \$33,000 per operator.

Initially, the FAA estimated that it would take 293 work hours to accomplish the 28 inspections specified in the SID, at an average labor rate of \$60 per work hour. Based on these figures, the total cost impact of the AD for the first year was initially estimated to be \$1,758,000, or \$17,580 per airplane.

However, the FAA has been advised that the terminating modification for the inspections of SSD 53–2–1, which is described in the Lockheed Document, has been accomplished on the entire U.S. fleet of Model L–1011–385–1 series airplanes. Therefore, the inspections associated with SSD 53–2–1, which would have required 48 work hours per airplane to accomplish, will not need to be performed. In light of this, the cost impact for the initial inspections required by this AD is now only \$1,470,000, or \$14,700 per airplane.

The recurring (inspection) cost impact on the affected operators is estimated to be 52 work hours per airplane at an average labor cost of \$60 per work hour. Based on these figures, the annual recurring cost of this AD is estimated to not exceed \$312,000 for the affected U.S. fleet, or \$3,120 per airplane.

The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but

sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent operators would accomplish the required actions even if they were not required to do so by the AD.

A full cost-benefit analysis has not been accomplished for this AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is costbeneficial. When the FAA, as in this AD, makes a finding of an unsafe condition, this means that the original cost-beneficial level of safety is no longer being achieved and that the required actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this AD would be redundant and unnecessary.

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 USC 106(g), 40101, 40113, 44701.

## § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

95–20–04 Lockheed: Amendment 39–9382. Docket 93–NM–219–AD.

*Applicability:* All Model L-1011-385-1, L-1011-385-1-14, and L-1011-385-1-15 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane 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 airplanes 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 (d) of this AD 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 airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously. To prevent fatigue cracking that could compromise the structural integrity of these airplanes, accomplish the following:

- (a) Within 12 months after the effective date of this AD, incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection(s) of the structurally significant details (SSD) defined in Lockheed Document Number LG92ER0060, "L-1011-385 Series Supplemental Inspection Document," revised January 1994.
- (1) The initial inspection for each SSD must be performed within one repeat interval after the effective date of this AD, or prior to the threshold specified in the Lockheed Document for that SSD, whichever occurs later.