

maximum take-off gross weight, normal category helicopter. This model helicopter may be equipped with either the Turbomeca Arrius 2B or the United Technologies Pratt & Whitney PW 206B engines. Both of these type engines utilize a FADEC system.

Type Certification Basis

The certification basis established for the Model EC135 includes:

1. 14 Code of Federal Regulations (CFR) 21.29.

2. 14 CFR part 27, Amendment 30, dated October 3, 1994; and the following additional requirements to part 27, Amendment 30:

a. Section 27.65 with the following changes: the introductory portion of § 27.65(b)(2) is changed to read "The steady rate of climb must be determined," and § 27.65(b)(2)(ii) is changed to read "Within the range from sea level up to the maximum altitude for which certification is requested."

b. Section 27.1141 plus a new requirement that "Each control must be able to maintain any set position without (1) Constant attention; or (2) Tendency to creep due to control loads or vibration."

c. Additional requirements for rotor brake controls state that (1) It must be impossible to apply the rotor brake inadvertently in flight, and (2) There must be means to warn the crew if the rotor brake has not been completely released before takeoff."

3. Applicable paragraphs of part 29, Amendment 36, dated January 31, 1996; as follows: 29.861(a), 29.901(c), 29.903(b), (c), (e), 29.908(a), 29.917(b), (c)(1), 29.927(c)(1), 29.953(a), 29.1027(a), 20.1045(a)(1), (b), (c), (d), (f), 29.1047(a), 29.1181(a), 29.1189(c), 29.1191(a)(1), 29.1193(e), 29.1305(a)(6), (b), 29.1309(b)(2)(i), (d), 29.1331(b), 29.1351(d)(2).

4. Noise Requirements of part 36 Noise Standards Appendix J amended by Amendments 36-1 through the latest amendment in effect at the time of certification.

If the Administrator finds that the applicable airworthiness regulations do not contain adequate or appropriate safety standards for the Model EC135 helicopter because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.101(b)(2) establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b) and become a part of the type certification basis, as provided by § 21.101(b)(2). In addition to the

applicable airworthiness regulations and special conditions, the Model EC135 helicopter must comply with the noise certification requirements of part 36 and the engine emission requirements of Special Federal Aviation Regulation (SFAR) 27.

Discussion of Comments

Notice of Proposed Special Condition No. SC-93-SW was published in the Federal Register on January 22, 1993 (58 FR 5666). Two comments were received from the manufacturer. One comment corrected the name of the manufacturer. The other comment stated that the laboratory test option should satisfy this special condition for VFR including operation below 500 feet AGL. The FAA agrees with both comments. The name is corrected in this final special condition, and the other comment does not require a change to the rule as proposed. Therefore, except for the name change, the special condition is adopted as proposed.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Feature

The Eurocopter Deutschland Model EC135 helicopter has been identified as incorporating one and possibly more electrical or electronic systems that will be performing functions critical to the continued safe flight and landing of the helicopter. FADEC is an electronic device that performs the critical functions of engine control. The control of the engines is critical to the continued safe flight and landing of the helicopter during visual flight rules (VFR) and instrument flight rules (IFR) operations.

If it is determined that this helicopter will incorporate other electrical or electronic systems performing critical functions, those systems also will be required to comply with the requirements of this special condition.

As discussed above, these special conditions are applicable initially the Model EC135 helicopter. Should Eurocopter Deutschland apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would

apply to that model as well, under the provisions of § 21.101(a)(1).

Conclusion

This action affects only one unusual or novel design feature on one series of helicopters. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the affected helicopter.

List of Subjects in 14 CFR Parts 21 and 27

Aircraft, Air transportation, Aviation safety, Rotorcraft, Safety.

The authority citation for this special condition is as follows:

Authority: 49 U.S.C.(g), 40113, 44701, 44702, and 44704.

The Special Condition

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special condition is issued as part of the type certification basis for the Eurocopter Deutschland Model EC-135 helicopter.

Protection for Electrical/Electronic Systems From High Intensity Radiated Fields.

Each system that performs critical functions must be designed and installed to ensure that the operation and operational capabilities of these critical functions are not adversely affected when the helicopter is exposed to high intensity radiated fields external to the helicopter.

Issued in Fort Worth, Texas, on February 9, 1996.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 96-3976 Filed 2-22-96; 8:45 am]

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14 CFR Part 39

[Docket No. 95-NM-20-AD; Amendment 39-9493; AD 96-02-05]

Airworthiness Directives; McDonnell Douglas Model DC-9 and Model DC-9-80 Series Airplanes; Model MD-88 Airplanes; and C-9 (Military) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9 and Model DC-9-80 series airplanes; Model MD-88 airplanes; and C-9 (military) series

airplanes, that currently requires visual and eddy current inspections to detect cracking of the rudder pedals adjuster hub assembly, and replacement of the assembly, if necessary. That amendment was prompted by several occurrences of failure of the rudder pedals adjuster hub assembly due to broken detent lugs. This amendment provides an optional terminating action for the required inspections, and expands the applicability of the existing AD to include additional airplanes. The actions specified by this AD are intended to prevent loss of rudder pedals control and reduction of braking capability.

DATES: Effective March 25, 1996.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of March 25, 1996.

The incorporation by reference of McDonnell Douglas DC-9 Alert Service Bulletin A27-325, Revision 1, dated February 3, 1992, as listed in the regulations, was approved previously by the Director of the Federal Register as of January 22, 1993 (57 FR 60116, December 18, 1992).

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Augusto Coe, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5225; fax (310) 627-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 92-27-07, amendment 39-8441 (57 FR 60116, December 18, 1992), which is applicable to certain McDonnell Douglas Model DC-9 and Model DC-9-80 series airplanes; Model MD-88 airplanes; and C-9 (military) series airplanes, was published in the Federal Register on

April 6, 1995 (60 FR 17489). The action proposed to continue to require visual and eddy current inspections to detect cracking of the rudder pedals adjuster hub assembly, and replacement of the assembly, if necessary. The action also proposed to expand the applicability of the existing AD to include additional airplanes.

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

Two commenters support the proposed rule.

Two other commenters also support the proposed rule, but request that the FAA allow the replacement of the magnesium casting rudder pedal adjuster hub assembly with an aluminum assembly, as described in McDonnell Douglas DC-9 Service Bulletin 27-325, as terminating action for the requirements of this AD.

The FAA concurs. The FAA has reviewed and approved McDonnell Douglas DC-9 Service Bulletin 27-325, Revision 1, dated November 30, 1994, which describes procedures for replacement of the rudder pedal adjustment hub assembly in the rudder pedal mechanism. The FAA has determined that replacement of the existing magnesium casting with a new aluminum part, as specified in the service bulletin, provides optional terminating action for the repetitive inspections required by this AD. Accordingly, the FAA has revised the final rule to add a new paragraph (c) to specify this optional terminating action.

McDonnell Douglas Alert Service Bulletin number "A27-325," Revision 1, was inadvertently omitted in paragraph (a) of the proposed rule and a typographical error in the date of that alert service bulletin also appeared in paragraph (a) of the proposed rule. Additionally, McDonnell Douglas DC-9 Alert Service Bulletin number "A27-325," Revision 2, dated January 27, 1995, was inadvertently omitted in paragraph (b) of the proposed rule. The FAA has revised the final rule to correct these typographical errors.

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 909 Model DC-9 and Model DC-9-80 series airplanes; Model MD-88 airplanes; and

C-9 (military) series airplanes of the affected design in the worldwide fleet. The FAA estimates that 561 airplanes of U.S. registry will be affected by this AD, that it would take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures the cost impact of this AD on U.S. operators is estimated to be \$180 per airplane.

The actions specified in this AD previously were required by AD 92-27-07, which was applicable to approximately 373 airplanes. Based on the figures discussed above, the cost impact of the current requirements of that AD on U.S. operators is estimated to be \$67,140. In consideration of the compliance time and effective date of AD 92-27-07, the FAA assumes that operators of the 373 airplanes subject to that AD have already initiated the required actions. This AD action adds no new costs associated with those airplanes.

This AD action is applicable to approximately 188 additional airplanes. Based on the figures discussed above, the new costs to U.S. operators that are imposed by this AD are estimated to be \$33,840. This figure is based on assumptions that no operator of these additional airplanes has yet accomplished any of the 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 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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8441 (57 FR 60116, December 18, 1992), and by adding a new airworthiness directive (AD), amendment 39-9493, to read as follows:

96-02-05 McDonnell Douglas: Amendment 39-9493. Docket 95-NM-20-AD. Supersedes AD 92-27-07, Amendment 39-8441.

Applicability: Model DC-9-10, -20, -30, -40, and -50 series airplanes; Model DC-9-81 (MD-81), -82 (MD-82) -83 (MD-83), and -87 (MD-87) series airplanes; Model MD-88 airplanes; and Model C-9 (military) series airplanes; as listed in McDonnell Douglas DC-9 Alert Service Bulletin A27-325, Revision 2, dated January 27, 1995; 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 loss of rudder pedals control and reduction of braking capability, accomplish the following:

(a) For airplanes listed in McDonnell Douglas Alert Service Bulletin A27-325, Revision 1, dated February 3, 1992: Prior to the accumulation of 15,000 landings or within 270 days after January 22, 1993 (the effective date of AD 92-27-07, amendment

39-8441), whichever occurs later, conduct a visual and eddy current inspection to detect cracks of the rudder pedals adjuster hub assembly, part number 4616066, in accordance with McDonnell Douglas DC-9 Alert Service Bulletin A27-325, Revision 1, dated February 3, 1992, or Revision 2, dated January 27, 1995.

(1) If no cracks are detected as a result of the inspections required by this paragraph, repeat the inspections at intervals not to exceed 3,500 landings.

(2) If cracks are detected as a result of the inspections required by this paragraph, prior to further flight, replace the rudder pedals adjuster hub assembly, part number 4616066, with a new assembly having the same part number, in accordance with McDonnell Douglas DC-9 Alert Service Bulletin A27-325, Revision 2, dated January 27, 1995. Thereafter, conduct visual and eddy current inspections of the replacement rudder pedals adjuster hub assembly in accordance with this paragraph.

(b) For airplanes listed in McDonnell Douglas DC-9 Alert Service Bulletin A27-325, Revision 2, dated January 27, 1995, and not subject to paragraph (a) of this AD: Prior to the accumulation of 15,000 landings or within 270 days after the effective date of this AD, whichever occurs later, conduct a visual and eddy current inspection to detect cracks of the rudder pedals adjuster hub assembly, part number 4616066, in accordance with McDonnell Douglas DC-9 Alert Service Bulletin A27-325, Revision 1, dated February 3, 1992, or Revision 2, dated January 27, 1995.

(1) If no cracks are detected as a result of the inspections required by this paragraph, repeat the inspections at intervals not to exceed 3,500 landings.

(2) If cracks are detected as a result of the inspections required by this paragraph, prior to further flight, replace the rudder pedals adjuster hub assembly, part number 4616066, with a new assembly having the same part number, in accordance with McDonnell Douglas DC-9 Alert Service Bulletin A27-325, Revision 2, dated January 27, 1995. Thereafter, conduct visual and eddy current inspections of the replacement rudder pedals adjuster hub assembly in accordance with this paragraph.

(c) Installation of the aluminum rudder pedal adjustment hub assembly in the rudder pedal mechanism between stations X=69 and X=120.000 in the flight compartment, in accordance with McDonnell Douglas DC-9 Service Bulletin 27-325, Revision 1, dated November 30, 1994, constitutes terminating action for the requirements of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Alternative methods of compliance previously granted for AD 92-27-07, Amendment 39-8441, continue to be considered as acceptable alternative methods of compliance with this amendment.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The actions shall be done in accordance with McDonnell Douglas DC-9 Alert Service Bulletin A27-325, Revision 2, dated January 27, 1995; McDonnell Douglas DC-9 Service Bulletin 27-325, Revision 1, dated November 30, 1994; and McDonnell Douglas DC-9 Alert Service Bulletin A27-325, Revision 1, dated February 3, 1992. Revision 2 of McDonnell Douglas DC-9 Alert Service Bulletin A27-325 contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1-22	2	Jan. 27, 1995.
23-30	1	Feb. 3, 1992.

Revision 1 of McDonnell Douglas DC-9 Service Bulletin 27-325 contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1-22	1	Nov. 30, 1994.
23-28	Original	Sept. 13, 1993.

The incorporation by reference of McDonnell Douglas DC-9 Alert Service Bulletin A27-325, Revision 1, dated February 3, 1992, was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of January 22, 1993 (57 FR 60116, December 18, 1992). The incorporation by reference of the remainder of service documents is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on March 25, 1996.

Issued in Renton, Washington, on January 17, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-844 Filed 2-22-96; 8:45 am]

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