and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on May 7, 1998.

Issued in Renton, Washington, on March 25, 1998.

Darrell M. Pederson,

Acting Manager,

Transport Airplane Directorate,

Aircraft Certification Service.

[FR Doc. 98–8352 Filed 4–1–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–119–AD; Amendment 39–10432; AD 98–07–12]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Dornier Model 328–100 series airplanes, that currently requires repetitive tightening of the screws and quick-release fasteners on the wing/body fairing panels. This action will continue to require the repetitive tightening of these parts on certain airplanes. This amendment requires the installation of new fastener systems for those panels on certain airplanes and the application of new torque values. Accomplishment of these actions will terminate the requirement for repetitive tightening of the screws and fasteners of those airplanes. In addition, the AD will limit the applicability of the existing AD by removing certain airplanes. This amendment is prompted by the manufacturer's development of new fastener systems that will not vibrate and loosen. The actions specified by this AD are intended to prevent separation of loosened wing/body fairing panels from the airplane, which, if not corrected, could lead to structural damage to the horizontal or vertical stabilizer, and potential injury to persons on the ground.

DATES: Effective May 7, 1998.

The incorporation by reference of Dornier Service Bulletin SB–328–53–144, evision 2, dated September 18, 1996, as listed in the regulations, is approved by the Director of the Federal Register as of May 7, 1998.

The incorporation by reference of Dornier Alert Service Bulletin ASB–328–53–004, dated August 2, 1994, including Figures 1 and 2 of Annex 1, as listed in the regulations, was approved previously by the Director of the Federal Register as of October 26, 1994 (59 FR 51361, October 11, 1994).

ADDRESSES: The service information referenced in this AD may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. 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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94–21–02, amendment 39–9043 (59 FR 51361, October 11, 1994), which is applicable to all Dornier Model 328–100 series airplanes, was published in the **Federal Register** on June 17, 1997 (62 FR 32699). The action proposed to supersede AD 94–21–02 to continue to require repetitive tightening of the screws and quick-release fasteners on the wing/body fairing panels. For certain airplanes, the proposed AD also would require the installation of new fastener systems for those panels, and the application of new torque values. Accomplishment of these actions would terminate the requirement for repetitive tightening of the screws and fasteners of those airplanes. In addition, the proposed AD would limit the applicability of the existing AD by removing certain airplanes.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. One commenter, an organization representing regional airlines, responded to the invitation for comments extended in the proposal to amend part 39. Due consideration has been given to the comments received from that commenter.

As noted above, the proposed AD would require, for certain airplanes, the installation of new fastener systems and application of new torque values for the affected panels. Upon completion of those modifications, the requirement presently contained in AD 94–21–02 for repetitive tightening of the screws and fasteners would be terminated. Instead of this required terminating action, the commenter requests that those modifications be approved as an optional terminating action. Operators could then choose to complete those modifications or continue performing the inspections presently required by AD 94–21–02. The commenter contends that the inspections currently mandated by AD 94–21–02 have been shown to be highly effective in responding to the airworthiness concern addressed in this AD. The commenter adds that the subject fasteners are highly visible. In addition, the mandated inspection also is supplemented by general daily inspection of the panels. Although the commenter indicates that accomplishment of the modification is critical for continued airworthiness, the ability to accomplish the required inspections, as well as a lack of in-service findings, support the contention that inspections should be allowed to continue.

The FAA does not concur with the commenter's request. The FAA has determined that long term continued operational safety will be better assured by modifications or design changes to remove the source of the problem rather than by repetitive inspections. Long term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous repetitive inspections has led the FAA to consider placing less emphasis on special procedures and more emphasis on design considerations. The FAA, therefore, does not concur that continued reliance on the inspections presently required by AD 94–21–02, as suggested by the commenter, would provide an adequate level of safety.

The commenter also requests that if continued reliance on the inspections presently required by AD 94–21–02 is not permitted, the compliance period for the required modifications should be extended to 24 months after the effective date of the AD. In that regard, the commenter presents economic data provided by an operator of affected aircraft.

The commenter states that the cost impact information contained in the proposed rule only identifies eight affected airplanes. However, the commenter indicates that one operator alone operates 13 affected airplanes, and estimates that, if a 12-month compliance time is adopted, the cost of retrofit for that operator will be over $200,000, including disruption to its airline schedule.

The FAA concurs with the commenter's request to extend the compliance time for accomplishment of the modification. The cost impact of the proposed AD was based on the assumption that eight airplanes would be affected. As the commenter notes, there are now considerably more affected airplanes in service. In light of this, the FAA has revised the cost impact information, below, to specify that 29 airplanes of U.S. registry will be affected by this AD.

The FAA's intent was that the modification be accomplished during a regularly scheduled maintenance visit for the majority of the affected fleet, when the airplanes would be located at a base where special equipment and trained personnel would be readily available, if necessary. Based on the information supplied by the commenter, the FAA now recognizes that 24 months will allow the majority of affected operators to accomplish the modification within regularly scheduled maintenance visits. The FAA has revised paragraph (b) of this final accordingly. The FAA does not consider that this extension will adversely affect safety.

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 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.

Cost Impact

There are approximately 29 Dornier Model 328–100 series airplanes of U.S. registry that will be affected by this AD.

The actions that are currently required by AD 94–21–02 take approximately 3 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the previously required actions on U.S. operators is estimated to be $5,220, or $180 per airplane.

The new actions that are required by this new AD will take approximately 120 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operator. Based on these figures, the cost impact of the new requirements of this AD on U.S. operators is estimated to be $208,800, or $7,200 per airplane.

The cost impact figures discussed above are based on assumptions that no operator 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.

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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9043 (59 FR 51361, ctober 11, 1994), and by adding a new airworthiness directive (AD), amendment 39–10432, to read as follows:

98–07–12 Dornier: Amendment 39–10432. Docket 96–NM–119–AD. Supersedes AD 94–21–02, Amendment 39–9043.

Applicability: All Model 328–100 airplanes having serial number 3005 through 3047 inclusive; 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 request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent structural damage to the horizontal or vertical stabilizer, and potential injury to persons on the ground due to loosened wing/body fairing panels that may separate from the airplane, accomplish the following:

Restatement of the Requirements of AD 94–21–02

(a) Within 25 hours time-in-service after October 26, 1994 (the effective date of AD 94–21–02, amendment 39–9043), tighten the screws and quick-release fasteners on the wing/body fairing panels, in accordance with Dornier Alert Service Bulletin ASB–328–53–004, dated August 2, 1994. Repeat these procedures thereafter at intervals not to exceed 100 hours time-in-service.

Note 2: The proper torque values are specified in the alert service bulletin.

New Requirements of this AD

(b) Within 24 months after the effective date of this AD, modify the left and right top fairing attachments by installing new fastener systems and increasing the torque values applied to these fasteners, in accordance with Dornier Service Bulletin SB–328–53–144, Revision 2, dated September 18, 1996. Accomplishment of this modification constitutes terminating action for the repetitive tightening actions required by paragraph (a) of this AD.

Note 3: Installation of the new fastener systems and the application of new torque values accomplished prior to the effective date of this AD in accordance with Dornier Service Bulletin SB–328–53–144, dated December 14, 1995, or Revision 1, dated January 18, 1996, is considered acceptable for compliance with the requirements of paragraph (b) of this AD.

(c) 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, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(d) 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.

(e) The actions shall be done in accordance with Dornier Service Bulletin SB–328–53–144, Revision 2, dated September 18, 1996, and Dornier Alert Service Bulletin ASB–328–53–004, dated August 4, 1994.

(1) The incorporation by reference of Dornier Service Bulletin SB–328–53–144, Revision 2, dated September 18, 1996, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of a Dornier Alert Service Bulletin ASB–328–53–004, dated August 2, 1994, including Figures 1 and 2 of Annex 1, as listed in the regulations, was approved previously by the Director of the Federal Register as of October 26, 1994 (59 FR 51361, October 11, 1994).

(3) Copies may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in German airworthiness directive 94–009/4, dated February 1, 1996.

(f) This amendment becomes effective on May 7, 1998.

Issued in Renton, Washington, on March 25, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–8351 Filed 4–1–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–50–AD; Amendment 39–10433; AD 98–07–13]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–200 and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767–200 and –300 series airplanes, that requires a one-time inspection for worn or broken wire bundles in the ceiling above the main passenger door and repair, if necessary; and relocation of the wire bundles to prevent chafing. This amendment is prompted by a report indicating that the opening of the main passenger door caused the door liner and a ceiling panel to chafe and ultimately break wires installed in this area. The actions specified by this AD are intended to prevent these wires from becoming worn or breaking, which could lead to the failure of several systems, such as the fuel shutoff valves, and may contribute to the inability of the flight crew to stop the flow of fuel to the engines in the event of an engine fire.

DATES: Effective May 7, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 7, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. 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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stephen S. Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2793; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 767–200 and –300 series airplanes was published in the **Federal Register** on June 6, 1997 (62 FR 31021). That action proposed to require a one-time inspection for worn or broken wire bundles in the ceiling above the main passenger door and repair, if necessary; and relocation of the wire bundles to prevent chafing.

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

Support for the Proposal

Two commenters support the proposed rule.

Request To Add New Service Information

One commenter requests including the phrase ''as amended by Notice of Status Change 767–33–0052 NSC 01, dated May 9, 1996'' in the final rule after each reference to Boeing Service Bulletin 767–33–0052, Revision 1, dated December 8, 1994. This commenter states that the Notice of Status Change (NSC) specifies that a larger wire clamp is required than was specified in Revision 1 of the service bulletin.

The FAA concurs. The FAA has determined that the wire bundle clamp specified in the previously referenced service bulletin may be too small for two of the wire bundles on Model 767–200 and –300 series airplanes. For this reason, the FAA considers that the larger wire clamp specified in the previously referenced NSC will provide operators with the proper size clamp, and has changed the final rule accordingly.

Request To Change Discussion Section of Proposal

One commenter requests two changes to the wording in the Discussion section of the proposal:

1. In the first sentence of the second paragraph, which reads ''Because these wires are connected to such safety systems as the fuel shutoff valves for the engines * * *,'' the commenter requests deleting the word ''safety'' from ''safety system.'' The commenter states that it is incorrect to identify these systems as ''safety systems'' because if any of the systems fail, a second failure would be required to cause a safety problem.

The FAA concurs partially. The FAA does not agree that these systems are unrelated to safety. When evaluating the loss of functions that protect the airplane from hazardous events, the FAA assumes the existence of the