

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

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

**99-23-08 McDonnell Douglas:** Amendment 39-11404. Docket 99-NM-186-AD.

**Applicability:** Model DC-9-10, -20, -30, -40, and -50 series airplanes, and C-9 (military) airplanes; as listed in McDonnell Douglas Service Bulletin DC9-28-077, dated June 8, 1999; 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 excessive electrical energy from entering the fuel tanks through the fuel quantity indicating system (FQIS) wiring, which could result in a potential ignition source in the fuel tanks, accomplish the following:

#### Inspection and Corrective Actions

(a) Within 18 months after the effective date of this AD, perform a one-time general visual inspection to detect discrepancies in the wiring of the FQIS in the area of the forward cargo compartment in accordance with McDonnell Douglas Service Bulletin DC9-28-077, dated June 8, 1999. If any discrepancy is detected, prior to further flight, perform the corrective actions specified in the service bulletin, except as provided in paragraph (b) of this AD.

**Note 2:** For the purposes of this AD, a general visual inspection is defined as "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

#### Reporting Requirement

(b) Where the service bulletin specifies to submit a report of inspection findings to Boeing: Within 10 days after accomplishing the inspection required by paragraph (a) of this AD, submit a report of the inspection results (both positive and negative findings) to the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712-

4137; ATTN: Robert Baitoo; fax (562) 627-5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

**Note 3:** Accomplishment of the inspection, corrective action, and reporting in accordance with McDonnell Douglas All Operator Letter (AOL) 9-2584, dated February 19, 1999; and Interim DC-9 Forward Cargo Compartment FQIS Inspection and Information Procedure, Revision 1, dated February 11, 1999; is acceptable for compliance with the actions required by paragraphs (a) and (b) of this AD.

#### Alternative Methods of Compliance

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

#### Special Flight Permits

(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.

#### Incorporation by Reference

(e) The actions shall be done in accordance with McDonnell Douglas Service

Bulletin DC9-28-077, dated June 8, 1999. This incorporation by reference was 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 Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. 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.

(f) This amendment becomes effective on December 17, 1999.

Issued in Renton, Washington, on October 28, 1999.

**D.L. Riggins,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 99-28744 Filed 11-10-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-335-AD; Amendment 39-11401; AD 99-23-05]

RIN 2120-AA64

#### Airworthiness Directives; Bombardier Model DHC-8-101, -102, -103, -106, -201, -202, -301, -311, and -315 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Bombardier Model DHC-8-101, -102, -103, -106, -201, -202, -301, -311, and -315 series airplanes, that requires repetitive detailed visual inspections and high frequency eddy current inspections to detect cracking of the wing upper skin and ladder plates at over wing access panels between certain stations; and repair, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct fatigue cracking of the wing ladder plates, which, if not corrected, could reduce the structural integrity of the wing.

**DATES:** Effective December 17, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 17, 1999.

**ADDRESSES:** The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. 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, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street,

Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Franco Pieri, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7526; fax (516) 568-2716.

**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 all Bombardier Model DHC-8-101, -102, -103, -106, -201, -202, -301, -311, and -315 series airplanes was published in the Federal Register on September 3, 1999 (64 FR 48333). That action proposed to require repetitive detailed visual inspections and high frequency eddy current inspections to detect cracking of the wing upper skin and ladder plates at over wing access panels between certain stations; and repair, if necessary.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

#### Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

The FAA estimates that 166 airplanes of U.S. registry will be affected by this AD, that it will take approximately 40 work hours per airplane to accomplish the inspections, 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 \$398,400, or \$2,400 per airplane, per inspection cycle.

The cost impact figure discussed above is 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 adding the following new airworthiness directive:

**99-23-05 Bombardier, Inc.** (Formerly de Havilland, Inc.): Amendment 39-11401. Docket 98-NM-335-AD.

**Applicability:** All Model DHC-8-101, -102, -103, -106, -201, -202, -301, -311, and -315 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 request approval for an alternative method of compliance in accordance with paragraph (d) 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 detect and correct fatigue cracking of the wing ladder plates, which if not corrected, could reduce the structural integrity of the wing, accomplish the following:

#### Inspection for DHC-8-100 and -300 Series Airplanes

(a) At the applicable compliance time listed in paragraph (a)(1), (a)(2), or (a)(3) of this AD, perform a detailed visual inspection to detect cracking of the skin and a high frequency eddy current (HFEC) inspection of the ladder plates at over wing access panels between station YW42.00 and YW171.20, in accordance with de Havilland Temporary Revision MTC-15, dated September 18, 1998, of the de Havilland Maintenance Program Manual PSM 1-8-7 TC (for Model DHC-8-100 series airplanes); or de Havilland Temporary Revision MTC 3-14, dated September 18, 1998, of the de Havilland Maintenance Program Manual PSM 1-83-7TC (for Model DHC-8-300 series airplanes); as applicable. Repeat the inspections thereafter at intervals not to exceed 10,000 flight cycles.

(1) For airplanes that have accumulated 5,000 or fewer total flight cycles as of the effective date of this AD, accomplish the inspection prior to the accumulation of 10,000 total flight cycles.

(2) For airplanes that have accumulated more than 5,000 total flight cycles, but fewer than 38,501 total flight cycles as of the effective date of this AD, accomplish the inspection prior to the accumulation of  $[5,522 + (0.8955 \times N \text{ Accumulated})]$  total cycles. "N Accumulated" is defined as the total number of flight cycles as of the effective date of this AD.

(3) For airplanes that have accumulated 38,501 or more total flight cycles as of the effective date of this AD, accomplish the inspection within 1,500 flight cycles after the effective date of this AD.

**Note 2:** For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

#### Inspection for DHC-8-200 Series Airplanes

(b) At the applicable compliance time listed in paragraph (b)(1) or (b)(2) of this AD, perform a detailed visual inspection of the skin and an HFEC inspection to detect cracking of the ladder plates at over wing access panels between station YW42.00 and YW171.20, in accordance with de Havilland Temporary Revision MTC 2-14, dated September 18, 1998, of the de Havilland Maintenance Program Manual PSM 1-82-7TC. Repeat the inspections thereafter at intervals not to exceed 10,000 flight cycles.

(1) For airplanes that have accumulated 5,000 or fewer total flight cycles as of the effective date of this AD, accomplish the inspection prior to the accumulation of 10,000 total flight cycles.

(2) For airplanes that have accumulated more than 5,000 total flight cycles, but fewer than 38,501 total flight cycles as of the effective date of this AD, accomplish the inspection prior to the accumulation of  $[5,522 + (0.8955 \times N \text{ Accumulated})]$  total cycles, where "N Accumulated" is defined as the total number of flight cycles as of the effective date of this AD.

#### Repair

(c) If any crack is detected during any inspection required by this AD, prior to further flight, repair in accordance with a method approved by the Manager, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate; or the Transport Canada Civil Aviation (TCCA) (or its delegated agent). For a repair method to be approved by the Manager, New York ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

#### Alternative Methods of Compliance

(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, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

#### Special Flight Permits

(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.

#### Incorporation by Reference

(f) Except as provided by paragraph (c) of this AD, the actions shall be done in accordance with de Havilland Temporary Revision MTC-15, dated September 18, 1998, of the de Havilland Maintenance Program Manual PSM 1-8-7 TC; de Havilland Temporary Revision MTC 3-14, dated September 18, 1998, of the de Havilland Maintenance Program Manual PSM 1-83-7 TC; or de Havilland Temporary Revision MTC 2-14, dated September 18, 1998, of the de Havilland Maintenance Program Manual PSM 1-82-7 TC; as applicable. This incorporation by reference was 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 Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind

Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 4:** The subject of this AD is addressed in Canadian airworthiness directive CF-98-30, dated August 31, 1998.

(g) This amendment becomes effective on December 17, 1999.

Issued in Renton, Washington, on October 28, 1999.

**D.L. Riggins,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-106-AD; Amendment 39-11405; AD 99-23-09]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A319, A320, and A321 series airplanes, that requires modification of the electro-distributor for the nose wheel steering servo-control. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent uncommanded nose landing gear wheel rotation, due to defective seals in the wheel steering selector valve of the hydraulic control unit for the nose landing gear, which could result in reduced controllability of the airplane.

**DATES:** Effective December 17, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 17, 1999.

**ADDRESSES:** The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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) to include an airworthiness directive (AD) that is applicable to certain Airbus A319, A320, and A321 series airplanes was published in the **Federal Register** on June 28, 1999 (64 FR 34579). That action proposed to require modification of the electro-distributor for the nose wheel steering servo-control.

#### Comments

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

One commenter supports the proposed AD.

One commenter states that it is not affected by the proposed AD and therefore has no comments or objections.

One commenter states that it had previously decided to modify its airplanes in accordance with the proposed AD and is in the process of doing so now.

#### Request To Delete Spare Parts Restriction

One commenter supports the intent of the proposed AD, but has a concern with paragraph (b), which would require that spare parts be immediately subject to the proposed actions. In order to ensure compliance with the immediate deadline of paragraph (b) of the proposed AD, the commenter states it would have two major challenges. The first would be to issue special instructions to all of its maintenance personnel that the A320 nose landing gear (NLG) steering servo-control is a component that cannot be "robbed" from one aircraft to another during the course of the retrofit. The commenter states that its practice is to minimize the "one-off" special instructions to maintenance for human factors reasons. While it considers the likelihood of a robbed NLG steering servo-control from a pre-mod to a post-mod airplane to be remote, the commenter considers the inclusion of paragraph (b) of the