

approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

**Note 3:** Where there are differences between this AD and the referenced service bulletin, the AD prevails.

**Note 4:** The inspections specified in paragraph (a)(3) of this AD are not defined in the service bulletin.

#### Repetitive Inspections

(b) If no crack is detected during any inspection required by paragraph (a) of this AD, accomplish paragraph (b)(1) or (b)(2) of this AD, as applicable.

(1) For any forward or aft frame (web, inner chord, and outer chord), bear strap, or fuselage skin identified in paragraphs (a)(1) and (a)(2) of this AD: Repeat the detailed visual and HFEC inspections required by paragraph (a) of this AD thereafter at the times specified in paragraphs (b)(1)(i) and (b)(1)(ii) of this AD.

(i) Repeat the detailed visual inspection of the frame web at intervals not to exceed 3,000 flight cycles.

(ii) Repeat the detailed visual and HFEC inspections (as applicable) of the frame web, frame inner and outer chords, bear strap, and fuselage skin thereafter at intervals not to exceed 15,000 flight cycles.

(2) For any bear strap, fuselage skin, or a combination of the frame web and chord (inner or outer) on either the forward or aft frame identified in paragraph (a)(3) of this AD: Repeat the inspections of the repaired bear strap, fuselage skin, or combination of a repaired frame web and chord (inner or outer) thereafter at intervals not to exceed those approved by the Manager, Seattle ACO.

#### Repair

(c) If any crack is detected during any inspection required by paragraph (a) of this AD, prior to further flight, accomplish paragraph (c)(1) or (c)(2) of this AD, as applicable.

(1) For any crack detected in the frame web, inner chord, or outer chord: Repair in accordance with Boeing Service Bulletin 727-53A0219, Revision 1, dated May 8, 1997. Prior to the accumulation of 3,000 flight cycles after accomplishment of the repair, accomplish the detailed visual and HFEC inspections specified in paragraph (a) of this AD. Repeat the detailed visual inspection of the frame web thereafter at intervals not to exceed 3,000 flight cycles. Repeat the detailed visual and HFEC inspections (as applicable) of the frame web, inner chord, and outer chord thereafter at intervals not to exceed 15,000 flight cycles.

(2) For any crack detected in the fuselage skin, bear strap, or a combination of the frame web and chord (inner or outer): Repair and perform repetitive inspections in accordance with both a method and repetitive inspection interval approved by the Manager, Seattle ACO.

**Note 5:** The repairs and inspections specified in paragraph (c)(2) of this AD are not defined in the service bulletin.

#### 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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note 6:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle 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 paragraphs (a)(3), (b)(2), and (c)(2) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 727-53A0219, Revision 1, dated May 8, 1997. 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 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.

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

Issued in Renton, Washington, on November 3, 1999.

**D.L. Riggins,**

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

[FR Doc. 99-29329 Filed 11-10-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-110-AD; Amendment 39-11408; AD 99-23-12]

RIN 2120-AA64

#### Airworthiness Directives; Dornier Model 328-100 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Dornier Model 328-100 series airplanes, that requires repetitive inspections to detect damage and discrepancies of various control cables and certain fairleads/swivel guides for the autopilot, elevator, rudder, aileron,

and engine; and corrective actions, 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 prevent failure of the pilot's control cables for the autopilot, elevator, rudder, aileron, and engine, 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 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) to include an airworthiness directive (AD) that is applicable to all Dornier Model 328-100 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on February 26, 1999 (64 FR 9453). That action proposed to require repetitive inspections for chafing of various control cables, and replacement of any chafed cable with a serviceable cable. That action also proposed to expand the areas to be inspected to detect damage and discrepancies, and provide for corrective action, if necessary; add a requirement for repetitive inspections of certain fairleads/swivel guides to detect damage and other discrepancies, and corrective action, if necessary; and extend the compliance time for the initial inspections.

#### 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.

**Request To Extend Inspection Interval**

One commenter requests that the proposed AD be revised to require repetitive inspections at intervals of 3,000 flight hours rather than 1,500 flight hours. The commenter states that its inspection results normally reveal cable or cable run wear close to limits, but rarely are any cable strands found to be broken. The commenter states that with these results, and with the conservatism that the manufacturer has incorporated into the maintenance manual, a 3,000-flight-hour interval is justified.

The FAA does not concur. The proposed inspection interval is based on the manufacturer's review of in-service data. The manufacturer has advised the FAA that it is assessing the validity of extending the inspection interval to 3,000 flight hours based on laboratory testing and additional in-service experience, but does not yet recommend such an extension. Based on this information, the FAA has determined that the current inspection interval of 1,500 flight hours is appropriate. No change is made to the AD.

**Modifications Available for Extension of Inspection Interval**

One commenter, the manufacturer, advises the FAA that certain technical solutions are in place that would allow the inspection interval in the supplemental NPRM to be extended from 1,500 flight hours to 4,000 flight hours. These technical solutions are provided in four service bulletins, described below.

- Dornier Service Bulletin SB-328-76-152, which describes procedures for modification of the fairleads in the wing/nacelle firewall.
- Dornier Service Bulletin SB-328-76-168, which describes procedures for modification of the mounting brackets of the control cable pulleys in the pulley box.
- Dornier Service Bulletin SB-328-27-253, which describes procedures for installation of improved fairleads at frames 15 and 19.
- Honeywell Service Bulletin 4005842-22-3, which describes procedures for introduction of improved autopilot servo drums.

The commenter states that incorporation of these service bulletins would allow alignment of the inspection intervals imposed by Dornier Alert Service Bulletin ASB-328-00-011, Revision 1, dated June 5, 1996, to each "C" check interval of 4,000 flight hours, in accordance with Dornier's recently revised Maintenance Review Board (MRB) documents. Dornier Alert Service

Bulletin ASB-328-00-011, Revision 1, was cited in this supplemental NPRM as the appropriate source of service information for accomplishing the required actions.

The FAA infers that the commenter is requesting that the AD be revised to allow for an extension of the inspection interval if an operator chooses to accomplish the modifications in the four service bulletins previously described. The FAA does not concur. The commenter did not provide substantiating data to indicate that accomplishment of the modifications constitutes an acceptable method that would allow extension of the inspection interval. Dornier has since advised the FAA that Service Bulletin ASB-328-00-011 is in the process of revision to reference the modifications and provide details of the interval extension. Since the service bulletin revision is not currently available, the FAA does not consider it appropriate to further delay issuance of this final rule while awaiting information regarding the acceptability of the modifications as a means of extending the inspection intervals. However, once such a method is available and approved, operators may request approval of an alternative method of compliance to allow accomplishment of the modifications as a method that would allow extension of the inspection intervals required by this AD.

**Request To Include Terminating Action**

The same commenter advises the FAA of technical solutions currently under development that would provide terminating action to the requirements of the supplemental NPRM. Three new Dornier Service Bulletins, SB-328-27-290, SB-328-27-291, and SB-328-27-292, when issued, will describe procedures for further improvements to prevent autopilot cable chafing. The commenter requests an additional 60 days to submit the related technical data for consideration to be included in the final rule. Including these actions in the AD would provide a terminating action for operators and would eliminate the need for future AD revisions.

The FAA does not concur. At the time the comment was submitted, the commenter expected that these service bulletins would be issued by June 1999. After further discussions with Dornier, the FAA has been advised that the three new service bulletins have not yet been issued. Due to problems with availability of materials, the estimated date of issuance for the service bulletins is now December 1999. In light of this information, the FAA does not consider it appropriate to further delay issuance

of the final rule. Once these service bulletins are available and approved, operators may request approval of an alternative method of compliance to allow accomplishment of the modifications as a terminating action for the repetitive inspection requirements of this AD. No change is made to the final rule.

**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 as proposed.

**Cost Impact**

The FAA estimates that 51 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 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 the AD on U.S. operators is estimated to be \$18,360, or \$360 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:

**99-23-12 Dornier Luftfahrt GmbH:**

Amendment 39-11408. Docket 96-NM-110-AD.

**Applicability:** All Model 328-100 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 (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 failure of the pilot's control cables for the autopilot, elevator, rudder, aileron, and engine, which could result in reduced controllability of the airplane, accomplish the following:

**Inspections and Corrective Actions**

(a) Prior to the accumulation of 3,000 total flight hours, or within 200 flight hours after the effective date of this AD, whichever occurs later: Perform detailed visual inspections to detect damage (extensive wear and broken wires) and discrepancies (incorrect installation and misalignment) of the control cables and fairleads/swivel guides for the autopilot, elevator, rudder, aileron, and engine; as applicable; in accordance with Dornier Alert Service Bulletin ASB-328-00-011, Revision 1, dated June 5, 1996. Repeat the inspections thereafter at intervals not to exceed 1,500 flight hours.

(1) If any damage is found that exceeds the limits specified in the alert service bulletin, prior to further flight, replace the damaged

cable with a new or serviceable cable, in accordance with the alert service bulletin.

(2) If any discrepancy is found, prior to further flight, perform applicable corrective actions, in accordance with the alert service bulletin.

**Tension Adjustment of Control Cables**

(b) Concurrent with the initial inspection required by paragraph (a) of this AD, perform a one-time adjustment of the tension in the autopilot control cables, in accordance with Dornier Alert Service Bulletin ASB-328-00-011, Revision 1, dated June 5, 1996.

**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, International Branch, ANM-116, 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, International Branch, ANM-116.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

**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 Dornier Alert Service Bulletin ASB-328-00-011, Revision 1, dated June 5, 1996. 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 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 3:** The subject of this AD is addressed in German airworthiness directive 96-001/2, dated August 15, 1996.

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

Issued in Renton, Washington, on November 3, 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-328-AD; Amendment 39-11418; AD 99-23-22]

**RIN 2120-AA64**

**Airworthiness Directives; Various Transport Category Airplanes Equipped With Mode "C" Transponder(s) With Single Gillham Code Altitude Input**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to various transport category airplanes equipped With certain Mode "C" transponder(s) with single Gillham code altitude input. This action requires repetitive tests to detect discrepancies of the Mode "C" transponder(s), air data computer, and certain wiring connections; and corrective actions, if necessary. This amendment is prompted by reports that, during level flight, the Traffic Alert Collision Avoidance System (TCAS II) issued false advisories that directed the flightcrew to change course and either climb or descend. The actions specified in this AD are intended to prevent such false advisories due to inaccurate airplane altitude reporting, which could result in the flightcrew deviating the airplane from its assigned flight path and a possible mid-air collision.

**DATES:** Effective November 29, 1999.

Comments for inclusion in the Rules Docket must be received on or before January 11, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-328-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Information pertaining to this amendment may be obtained from or examined at the FAA, Transport Airplane Directorate, 1601 Lind Ave, SW., Renton, Washington 98055-4056.

**FOR FURTHER INFORMATION CONTACT:** Peter Skaves, Aerospace Engineer, Airplane and Flight Crew Interface Branch, ANM-111, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2795; fax (425) 227-1320.