

that is applicable to certain Dornier Model 328-100 series airplanes was published in the **Federal Register** on May 20, 1998 (63 FR 27690). That action proposed to require replacing the existing roll spoiler control rods with improved parts.

#### 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 50 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required replacement, and that the average labor rate is \$60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be \$9,000, or \$180 per airplane.

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:

##### 98-15-11 Dornier Luftfahrt GMBH:

Amendment 39-10662. Docket 98-NM-133-AD.

**Applicability:** Model 328-100 series airplanes, serial numbers 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 (b) 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 bending stress to the fork end of the roll spoiler, which could result in failure of the roll spoiler and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 4 months after the effective date of this AD, replace the existing roll spoiler control rods on the right and left sides of the airplane with improved parts, in accordance with Dornier Service Bulletin SB-328-27-247, Revision 1, dated February 19, 1998.

(b) 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 request 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.

(c) 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.

(d) The replacement shall be done in accordance with Dornier Service Bulletin SB-328-27-247, Revision 1, dated February 19, 1998. 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 1998-042, dated January 29, 1998.

(e) This amendment becomes effective on August 21, 1998.

Issued in Renton, Washington, on July 8, 1998.

**S.R. Miller,**

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

[FR Doc. 98-18773 Filed 7-16-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-209-AD; Amendment 39-10665; AD 98-15-14]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

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

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

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD-11 series airplanes, that currently requires a revision of the Airplane Flight Manual (AFM) to alert the flightcrew that both flight management computers (FMC's) must be installed and operational. That AD also requires an inspection to determine the serial number of the FMC's; and

follow-on corrective actions, if necessary, which terminate the AFM revision. That amendment was prompted by a report indicating that, due to incorrect multiplexers that were installed in the FMC's during production, certain data busses failed simultaneously during a ground test. This amendment removes the terminating action from the existing AD. The actions specified in this AD are intended to prevent loss of airspeed and altitude indications on both primary flight displays in the cockpit, and/or loss or degradation of the autopilot functionality due to installation of incorrect multiplexers, and consequent failure of the data busses.

**DATES:** Effective August 3, 1998.

Comments for inclusion in the Rules Docket must be received on or before September 15, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-209-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Information pertaining to this rulemaking action may be examined 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.

**FOR FURTHER INFORMATION CONTACT:** Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** On April 28, 1998, the FAA issued AD 98-10-01, amendment 39-10512 (63 FR 24742, May 5, 1998), applicable to certain McDonnell Douglas Model MD-11 series airplanes. That AD requires a revision of the Airplane Flight Manual (AFM) to alert the flightcrew that both flight management computers (FMC's) must be installed and operational. That AD also requires an inspection to determine the serial number of the FMC's, and follow-on corrective actions, if necessary; which terminate the AFM revision. That action was prompted by a report indicating that, due to incorrect multiplexers that were installed in the FMC's during production, certain data busses failed simultaneously during a ground test. The actions required by that AD are intended to prevent loss of

airspeed and altitude indications on both primary flight displays in the cockpit, and/or loss or degradation of the autopilot functionality due to installation of incorrect multiplexers, and consequent failure of the data busses.

#### **Actions Since Issuance of Previous Rule**

The existing AD requires terminating action for only a small subgroup of affected airplanes (those with FMC multiplexers having certain part numbers). However, since the issuance of that AD, additional defective multiplexers (not previously identified) have been found.

Airplanes having affected FMC's that have been purged of suspected defective multiplexers, in compliance with AD 98-10-01, would be considered airworthy. However, FMC's or multiplexes may have been exchanged or replaced during routine maintenance subsequent to compliance with AD 98-10-01, and it would be impossible to determine whether units inspected in accordance with that AD may now contain suspected defective multiplexers. Therefore, the AFM revision will continue to be required until the entire fleet can be systematically inspected for suspected defective multiplexers. The AFM revision requirement will ensure the continued safe operation of the entire fleet during this interim period.

The AFM revision currently required by the existing AD, and retained in this new action, requires that both FMC's be installed and operational. The identified unsafe condition could not occur unless both FMC's fail. Therefore, the FAA finds that the AFM limitation adequately addresses the identified unsafe condition.

#### **Interim Action**

This is considered to be interim action. The FAA may consider further rulemaking to require inspection of all MD-11 FMC's to detect defective multiplexers. However, the compliance time under consideration for these actions is sufficiently long so that notice and opportunity for prior public comment will be practicable.

#### **Explanation of Requirements of Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, this AD supersedes AD 98-10-01 to continue to require an AFM revision to alert the flightcrew that both FMC's must be installed and operational. In addition, this AD removes the terminating action required by AD 98-10-01.

#### **Determination of Rule's Effective Date**

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### **Comments Invited**

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-209-AD." The postcard will be date stamped and returned to the commenter.

#### **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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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, 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 39-10512 (63 FR 24742, May 5, 1998), and by adding a new airworthiness directive (AD), amendment 39-10665, to read as follows:

**98-15-14 McDonnell Douglas:** Amendment 39-10665. Docket 98-NM-209-AD. Supersedes AD 98-10-01, amendment 39-10512.

**Applicability:** Model MD-11 series airplanes, manufacturer's fuselage numbers 0447 through 0552 inclusive, and 0554 through 0621 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 (b) 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 loss of airspeed and altitude indications on both primary flight displays in the cockpit, and/or loss or degradation of the autopilot functionality due to installation of incorrect multiplexers, and consequent failure of the data busses, accomplish the following:

(a) Within 5 days after May 20, 1998 (the effective date of AD 98-10-01, amendment 39-10512), revise Section 1, page 5-1, of the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD into the AFM.

"Prior to dispatch of the airplane, both Flight Management Computer 1 (FMC-1) and FMC-2 must be installed and operational."

(b) 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 Operations 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.

(c) 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.

(d) This amendment becomes effective on August 3, 1998.

Issued in Renton, Washington, on July 10, 1998.

**Darrell M. Pederson,**

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

[FR Doc. 98-19044 Filed 7-16-98; 8:45 am]

BILLING CODE 4910-13-U

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 98-AWP-14]

#### Revision of Class D and Establishment of Class E Airspace; Yuma MCAS-Yuma International Airport, AZ; Correction

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; confirmation of effective date and correction.

**SUMMARY:** This document confirms the effective date of a direct final rule which amends the Class D airspace area

operating times and establishes a Class E airspace surface area at Yuma MCAS-Yuma International Airport, AZ; and corrects the Class E airspace legal description, as published in the direct final rule.

**DATES:** The direct final rule published in 63 FR 30125 is effective on 0901 UTC, August 13, 1998. This correction is effective on August 13, 1998.

#### FOR FURTHER INFORMATION CONTACT:

Debra Trindle, Air Traffic Division, Airspace Branch, AWP-520.10, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (310) 725-6613.

**SUPPLEMENTARY INFORMATION:** On June 3, 1998, the FAA published in the **Federal Register** a direct final rule; request for comments which amended the operating times of the Class D airspace area and established a Class E airspace surface area at Yuma MCAS-Yuma International Airport, Yuma, AZ. (FR Document 98-14757, 63 FR 30125, Airspace Docket No. 98-AWP-14). An error was subsequently discovered in the legal description of the Class E airspace surface area. The Class E surface area description specifies an altitude stratum from the surface up to and including 2,700 feet MSL. Defined altitudes are not a required or appropriate definition for Class E airspace surface areas in accordance with FAA Order 7400.2D, Procedures for Handling Airspace Matters and FAA Order 7400.9E, Airspace Designations and Reporting Points. After careful review of all available information related to the subject present above, the FAA has determined that air safety and the public interest require adoption of the rule. The FAA has determined that this correction will not change the meaning of the action nor add any additional burden on the public beyond that already published. This action corrects the error and confirms the effective date of the direct final rule.

The FAA uses the direct final rulemaking procedure for a noncontroversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on August 13, 1998. No adverse comments were received, and thus this document confirms that this direct final rule will become effective on that date.