

(iii) If a flush/fill ball valve, Kaiser Electroprecision P/N series 0062-0009, is installed on the flush/fill line of the subject lavatory, replace the seals in the flush/fill ball valve and the toilet tank anti-siphon valve with new or serviceable seals and valves. Perform a leak test of the toilet tank anti-siphon valve with a minimum of 3 PSID across the valve, in accordance with paragraph (a)(9)(ii)(A) of this AD.

(b) If leakage is discovered during any leak test or inspection required by paragraph (a) of this AD, or if evidence of leakage is found at any other time, accomplish the requirements of paragraph (a)(10)(i), (a)(10)(ii), (a)(10)(iii), or (a)(10)(iv) of this AD, as applicable.

(1) If leakage is discovered, prior to further flight, repair the leak. Prior to further flight after repair, perform the appropriate leak test as specified in paragraph (a) of this AD, as applicable. Additionally, prior to returning the airplane to service, clean the surfaces adjacent to where the leakage occurred to clear them of any horizontal fluid residue streaks; such cleaning must be to the extent that any future appearance of a horizontal fluid residue streak will be taken to mean that the system is leaking again.

**Note 3:** For purposes of this AD, "leakage" is defined as any visible leakage, if observed during a leak test. At any other time (than during a leak test), "leakage" is defined as the presence of ice in the service panel, or horizontal fluid residue streaks/ice trails originating at the service panel. The fluid residue is usually, but not necessarily, blue in color.

(2) If any worn or damaged seal is found, or if any damaged seal mating surface is found, prior to further flight, repair or replace it with a new or serviceable seal, in accordance with the valve manufacturer's maintenance manual.

(3) In lieu of performing the requirements of paragraph (b)(1) or (b)(2) of this AD: Prior to further flight, drain the affected lavatory system and placard the affected lavatory inoperative until repairs can be accomplished.

(4) In lieu of performing the requirements of paragraph (b)(1), (b)(2) or (b)(3) of this AD: Prior to further flight, install an FAA-approved "donut" plug; perform the leak test required by paragraph (a)(3) or (9) of this AD, as applicable; and repeat that leak test each time the "donut" valve is removed for tank servicing. Within 10 days after the installation of the FAA-approved "donut" plug, accomplish either paragraph (b)(4)(i) or (b)(4)(ii) of this AD:

(i) Accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD. Or

(ii) Accomplish the requirements of paragraph (b)(3) of this AD.

(c) For all airplanes: Unless accomplished previously, within 5,000 flight hours after the effective date of this AD, perform the actions specified in either paragraph (c)(1), (c)(2), or (c)(3) of this AD.

(1) Install an FAA-approved lever lock cap on the flush/fill lines for all lavatories. Or

(2) Install a vacuum break, Monogram P/N series 3765-190 or Shaw Aero Devices P/N series 301-0009-01, in the flush/fill lines for all lavatories. Or

(3) Install a flush/fill ball valve, Kaiser Electroprecision P/N series 0062-0009 on the flush/fill lines for all lavatories.

(d) For any affected airplane acquired after the effective date of this AD: Before any operator places into service any airplane subject to the requirements of this AD, a schedule for the accomplishment of the leak tests required by this AD shall be established in accordance with either paragraph (d)(1) or (d)(2) of this AD, as applicable. After each leak test has been performed once, each subsequent leak test must be performed in accordance with the new operator's schedule, in accordance with paragraph (a) of this AD.

(1) For airplanes that have been maintained previously in accordance with this AD, the first leak test to be performed by the new operator must be accomplished in accordance with the previous operator's schedule or with the new operator's schedule, whichever results in the earlier accomplishment date for that leak test.

(2) For airplanes that have not been previously maintained in accordance with this AD, the first leak test to be performed by the new operator must be accomplished prior to further flight, or in accordance with a schedule approved by the FAA Principal Maintenance Inspector (PMI), but within a period not to exceed 200 flight hours.

(e) 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, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA PMI, who may add comments and then send it to the Manager, Atlanta ACO.

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

(f) 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.

Issued in Renton, Washington, on August 28, 1998.

**Vi L. Lipski,**

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

[FR Doc. 98-23741 Filed 9-2-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-233-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB-120 series airplanes. This proposal would require replacement of the fairlead support assemblies of the aileron control cable located in the nacelle outboard fittings with new, improved assemblies; and replacement of certain attachment screws with new screws. This proposal is prompted by reports of aileron cable wear due to chafing found between the aileron control cables and nylon grommets. The actions specified by the proposed AD are intended to prevent such chafing, which could result in failure of the aileron cables, and consequent reduced controllability of the airplane.

**DATES:** Comments must be received by October 5, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-233-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

**FOR FURTHER INFORMATION CONTACT:** Rob Capezutto, Aerospace Engineer, Systems and Flight Test Branch, ACE-116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6071; fax (770) 703-6097.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-233-AD." The postcard will be date stamped and returned to the commenter.

#### **Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-233-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### **Discussion**

The FAA has received numerous reports indicating that, during inspections conducted at the manufacturer's facility, aileron cable wear was found on Model EMB-120 series airplanes. Investigation revealed that the wear was caused by chafing between aileron control cables and nylon grommets in the passage points of the nacelle outboard fitting, due to the position of the cable while the airplane is in flight. This condition, if not corrected, could result in failure of the aileron cables and consequent reduced controllability of the airplane.

#### **Explanation of Relevant Service Information**

EMBRAER has issued Service Bulletin 120-27-0068, Change 02, dated March 20, 1998, which describes procedures for either replacement of the fairlead support assemblies of the aileron control cable with new, improved assemblies, or replacement of the screws attaching the Teflon fairlead of the aileron control fairlead support assemblies with new screws, if applicable. Accomplishment of the actions specified in the service bulletin is intended to adequately address the

identified unsafe condition. The Departamento de Aviação Civil (DAC), which is the airworthiness authority for Brazil, has approved this service bulletin in order to assure the continued airworthiness of these airplanes in Brazil.

#### **U.S. Type Certification of Airplane**

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

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

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

#### **Differences Between Proposed Rule and Service Bulletin**

Operators should note that, although EMBRAER Service Bulletin 120-27-0068, Change 02, dated March 20, 1998 (Parts I, II, and IV) allows a compliance time which specifies that corrective actions may be accomplished at the operator's discretion, and Part III of the service bulletin allows a compliance time of 800 hours time-in-service, the FAA has determined that these compliance times would not address the identified unsafe condition in a timely manner. The FAA has considered the safety implications associated with replacement of the fairlead support assemblies of the aileron control cable or attachment screws, and finds that a compliance time of 400 hours time-in-service for performing the replacement is warranted for all affected airplanes, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

#### **Cost Impact**

The FAA estimates that 227 airplanes of U.S. registry would be affected by this proposed AD.

For airplanes identified in Part I of EMBRAER Service Bulletin 120-27-0068, Change 02, it would take approximately 4 work hours per airplane to accomplish the proposed replacement of the fairlead support assemblies of the aileron control cable, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$1,464 per airplane.

Based on these figures, the cost impact of this replacement proposed by this AD on U.S. operators is estimated to be \$386,808, or \$1,704 per airplane.

For airplanes identified in Part II of EMBRAER Service Bulletin 120-27-0068, Change 02, it would take approximately 1 work hour per airplane to accomplish the proposed replacement of the fairlead support assemblies of the aileron control cable, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$1,292 per airplane. Based on these figures, the cost impact of this replacement proposed by this AD on U.S. operators is estimated to be \$306,904, or \$1,352 per airplane.

For airplanes identified in Part III of EMBRAER Service Bulletin 120-27-0068, Change 02, it would take approximately 1 work hour per airplane to accomplish the proposed replacement of the fairlead support assemblies of the aileron control cable, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$501 per airplane. Based on these figures, the cost impact of this replacement proposed by this AD on U.S. operators is estimated to be \$127,347, or \$561 per airplane.

For airplanes identified in Part IV of EMBRAER Service Bulletin 120-27-0068, Change 02, it would take approximately 1 work hour per airplane to accomplish the proposed replacement of the attachment screws, at an average labor rate of \$60 per work hour. Required parts cost would be minimal. Based on these figures, the cost impact of this replacement proposed by this AD on U.S. operators is estimated to be \$13,620, or \$60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed 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 proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not

a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting 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.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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:

#### **Empresa Brasileira De Aeronautica S.A. (EMBRAER):** Docket 98–NM–233–AD.

**Applicability:** Model EMB–120 series airplanes, as listed in EMBRAER Service Bulletin 120–27–0068, Change 02, dated March 20, 1998; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 chafing between the aileron control cables and nylon grommets, which could result in failure of the aileron cables, and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 400 hours time-in-service after the effective date of this AD, accomplish the requirements of paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD, as applicable, in

accordance with EMBRAER Service Bulletin 120–27–0068, Change 02, dated March 20, 1998.

(1) For airplanes having serial numbers 120003, 120004, and 120006 through 120217 inclusive, on which the modification specified in EMBRAER Service Bulletin 120–27–0068, dated February 28, 1991, has not been accomplished: Replace the fairlead support assemblies of the aileron control cable (provided with fairleads in both teflon and nylon) located in the nacelle outboard fittings with new, improved assemblies (Part I), in accordance with the service bulletin.

(2) For airplanes having serial numbers 120003, 120004, and 120006 through 120217 inclusive, on which the modification specified in EMBRAER Service Bulletin 120–27–0068, dated February 28, 1991, has been accomplished; and airplanes having serial numbers 120218 through 120331 inclusive: Replace the fairlead support assemblies of the aileron control cable (provided with fairleads in Teflon) located in the nacelle outboard fittings with new, improved assemblies (Part II), in accordance with the service bulletin.

(3) For airplanes having serial numbers 120003, 120004, and 120006 through 120331 inclusive, on which the modification specified in EMBRAER Service Bulletin 120–27–0068, dated February 28, 1991, or Change 01, dated August 1, 1997, has been accomplished; and airplanes having serial numbers 120332 and 120333: Replace the attachment screws and the fairlead support assemblies of the aileron control cable with new, improved assemblies (Part III), in accordance with the service bulletin.

(4) For airplanes having serial numbers 120334, 120335, and 120336: Replace the attachment screws of the fairlead support assemblies of the aileron control cable (Part IV), in accordance with the service bulletin.

(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, Atlanta Aircraft Certification Office (ACO), FAA, Small 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, Atlanta ACO.

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

Issued in Renton, Washington, on August 28, 1998.

**Vi L. Lipski,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 98–23740 Filed 9–2–98; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98–NM–71–AD]

RIN 2120–AA64

#### **Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain MD–11 series airplanes. This proposal would require a one-time visual inspection to detect discrepancies of the seat tracks and adjacent structure underneath lavatories, and repair, if necessary. This proposal also would require installation of a non-metallic barrier on the bottom of each lavatory foot fitting, and replacement of existing seat track fittings with new seat track fittings. This proposal is prompted by reports of galvanic corrosion found on the seat tracks at attachment points under certain lavatories. The actions specified by the proposed AD are intended to prevent corrosion of seat tracks and adjacent structure. Corrosion of the seat tracks and adjacent structure could result in shifting of lavatories, which could lead to injury of passengers and crew, as well as damage to aircraft structure and systems.

**DATES:** Comments must be received by October 19, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–71–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information 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