

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 1 work hour per airplane to accomplish the required inspection, 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 \$3,000, or \$60 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:

98-26-12 Dornier Luftfahrt GMBH:

Amendment 39-10953. Docket 98-NM-290-AD.

Applicability: Model 328-100 series airplanes, serial numbers 3005 through 3095 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 fatigue cracking of the fork flanges of the roll spoiler actuators due to incorrect installation of the lockplates, which could result in reduced structural integrity of the components of the roll spoiler actuators, and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 300 flight hours after the effective date of this AD, perform a one-time visual inspection to verify correct installation of the lockplates of the roll spoiler actuators, in accordance with Dornier Service Bulletin SB-328-27-263, dated June 29, 1998.

(1) If all lockplates of the roll spoiler actuators are correctly installed, no further action is required by this AD.

(2) If any lockplate of any roll spoiler actuator is installed incorrectly, prior to further flight, perform either an eddy current or dye penetrant inspection to detect cracks of the area surrounding the fork flanges of the roll spoiler actuators, in accordance with the service bulletin.

(i) If no crack is detected, no further action is required by this AD.

(ii) If any crack is detected, prior to further flight, replace the roll spoiler actuator with a new or serviceable roll spoiler actuator 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, 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.

(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 inspection and replacement shall be done in accordance with Dornier Service Bulletin SB-328-27-263, dated June 29, 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 1998-358, dated September 10, 1998.

(e) This amendment becomes effective on January 25, 1999.

Issued in Renton, Washington, on December 14, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-33538 Filed 12-18-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-195-AD; Amendment 39-10958; AD 98-26-15]

RIN 2120-AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain British Aerospace (Jetstream) Model 4101 airplanes, that currently requires repetitive detailed visual inspections to detect cracks in the shear cleats of the roller guide structural support of the passenger door, and replacement of any cracked shear cleat with a new shear cleat. That AD also provides for an optional terminating modification that constitutes

terminating action for the repetitive inspections. This amendment mandates accomplishment of the previously optional terminating modification. This amendment is prompted by reports indicating that fatigue cracking was detected in the roller guide shear cleats of the passenger door. The actions specified by this AD are intended to prevent such fatigue-related cracking, which could result in structural failure or loss of the passenger door, and consequent rapid depressurization of the airplane during flight.

DATES: Effective January 25, 1999.

The incorporation by reference of certain publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of August 12, 1997 (62 FR 40267, July 28, 1997).

ADDRESSES: The service information referenced in this AD may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. 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 97-16-01, amendment 39-10090 (62 FR 40267, July 28, 1997), which is applicable to certain British Aerospace (Jetstream) Model 4101 airplanes, was published in the **Federal Register** on October 27, 1998 (63 FR 57266). The action proposed to require repetitive detailed visual inspections to detect cracks in the shear cleats of the roller guide structural support of the passenger door, and replacement of any cracked shear cleat with a new shear cleat. The action also proposed to mandate accomplishment of the previously optional terminating modification.

Comments

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

The commenter supports the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 57 Jetstream Model 4101 airplanes of U.S. registry that will be affected by this AD.

The inspections that are currently required by AD 97-16-01, and retained in this AD, 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 currently required inspections on U.S. operators is estimated to be \$10,260, or \$180 per airplane, per inspection cycle.

The new modification that is required by this AD will take approximately 55 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$2,460 per airplane. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be \$328,320, or \$5,760 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 39-10090 (62 FR 40267, July 28, 1997), and by adding a new airworthiness directive (AD), amendment 39-10958, to read as follows:

98-26-15 British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Amendment 39-10958. Docket 97-NM-195-AD. Supersedes AD 97-16-01, Amendment 39-10090.

Applicability: Jetstream Model 4101 airplanes, constructor's numbers 41004 through 41099 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 (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 prevent fatigue-related cracking in the shear cleats of the roller guide structural support of the passenger door, which could result in structural failure or loss of the passenger door, and consequent rapid depressurization of the airplane during flight, accomplish the following:

Restatement of Requirements of AD 97-16-01

(a) Except as provided by paragraph (b) of this AD: Prior to the accumulation of 6,000 landings, or within 60 days after August 12, 1997 (the effective date of AD 97-16-01, amendment 39-10090), whichever occurs later, perform a detailed visual inspection to

detect cracks of the shear cleats of the roller guide structural support of the passenger door, in accordance with Part 1 of the Accomplishment Instructions of Jetstream Alert Service Bulletin J41-A52-043, Revision 2, dated May 6, 1997. Repeat the detailed visual inspection, as specified in Part 2 of the Accomplishment Instructions of the alert service bulletin, thereafter at intervals not to exceed 1,500 landings.

Note 2: Accomplishment of the initial detailed visual inspection prior to August 12, 1997, in accordance with Jetstream Alert Service Bulletin J41-52-043, dated March 14, 1997, or Revision 1, dated April 11, 1997, is considered acceptable for compliance with the initial inspection required by paragraph (a) of this AD.

(1) If one cracked shear cleat is detected, and the crack is greater than 0.50 inches, prior to further flight, replace the cracked shear cleat with a new shear cleat in accordance with the alert service bulletin.

(2) If one cracked shear cleat is detected, and the crack is less than or equal to 0.50 inches, within 170 landings following accomplishment of the inspection required by this paragraph, replace the cracked shear cleat with a new shear cleat in accordance with the alert service bulletin.

(3) If more than one cracked shear cleat is detected, but no single crack is greater than 0.50 inches in length, prior to further flight, replace all cracked shear cleats with new shear cleats in accordance with the alert service bulletin.

(b) For airplanes on which all shear cleats have been replaced: Inspect as required by paragraph (a) of this AD, prior to the accumulation of 6,000 total landings on the highest time new shear cleat, or within 60 days after August 12, 1997, whichever occurs later. Repeat the detailed visual inspection thereafter at intervals not to exceed 1,500 landings.

New Requirements of This AD

(c) Modify the passenger door (Modification No. JM41576) at all four roller guide locations in accordance with Jetstream Service Bulletin J41-52-050, dated May 6, 1997, at the time specified in paragraph (c)(1) or (c)(2) of this AD, whichever occurs later. Accomplishment of this modification constitutes terminating action for the requirements of this AD.

(1) Within 4,000 landings or 2 years after accomplishment of the initial inspection required by paragraph (a) of this AD. Or

(2) Within 6 months after the effective date of this AD.

(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, 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 3: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(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.

(f) The actions shall be done in accordance with Jetstream Alert Service Bulletin J41-A52-043, Revision 2, dated May 6, 1997, and Jetstream Service Bulletin J41-52-050, dated May 6, 1997. This incorporation by reference was approved previously by the Director of the **Federal Register** as of August 12, 1997 (62 FR 40267, July 28, 1997). Copies may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. 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 January 25, 1999.

Issued in Renton, Washington, on December 15, 1998.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-33690 Filed 12-18-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-ASO-12]

Establishment of Class D and E Airspace, Amendment to Class D and E Airspace; Montgomery, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; delay of effective date.

SUMMARY: This corrective action changes the effective date for the amendment of the Class D and E surface areas airspace for Montgomery Regional Airport—Dannelly Field, Montgomery, AL, and establishment of Class D and E surface areas airspace for Maxwell AFB, AL. The airspace docket was not published in the **Federal Register** by the required date of December 3, 1998; therefore, the effective date of the amendment and establishment of the Class D and E surface areas airspace must also be delayed to coincide with airspace charting dates.

EFFECTIVE DATE: The effective date of 0901 UTC, January 28, 1999, is delayed to 0901 UTC, March 25, 1999.

FOR FURTHER INFORMATION CONTACT:

Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5627.

SUPPLEMENTARY INFORMATION: Airspace Docket No. 98-ASO-12, published in the **Federal Register** on December 4, 1998 (63 FR 66980), amended Class D and E surface areas airspace for Montgomery Regional Airport—Dannelly Field, Montgomery, AL, and established Class D and E surface areas airspace for Maxwell AFB, AL. This action was originally scheduled to become effective on January 28, 1999; however, the airspace docket was not published in the **Federal Register** by the required date of December 3, 1998, requiring the effective date of this action to be delayed until March 25, 1999, to coincide with airspace charting dates.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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) does not warrant preparation of a Regulatory Evaluation, as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Delay of Effective Date

The effective date on Airspace Docket No. 98-ASO-12 is hereby delayed from January 28, 1999, to March 25, 1999.

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

Issued in College Park, Georgia on December 7, 1998.

Nancy B. Shelton,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 98-33600 Filed 12-18-98; 8:45 am]

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