Revision 1, dated August 1, 1997; including Fokker F27 Manual Change Notification (MCNO) F27–001, dated June 30, 1997. [MCNO F27–001 specifies procedures for placing the HPC levers in a permanent lockout position (with the cruise lock withdrawal system disabled) during operation of the airplane.] This action may be accomplished by inserting a copy of the MCNO into the AFM.

Alternative Methods of Compliance

(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 Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 1: 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

(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.

Incorporation by Reference

(d) The actions shall be done in accordance with Fokker F27 Service Bulletin F27/61–40, Revision 1, dated August 1, 1997; including Fokker F27 Manual Change Notification (MCNO) F27–001, dated June 30, 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 Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, The Netherlands. 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 2: The subject of this AD is addressed in Dutch airworthiness directive 1996–130 (A), dated October 31, 1996.

(e) This amendment becomes effective on October 8, 1999.

Issued in Renton, Washington, on August 27, 1999.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–22920 Filed 9–2–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–112–AD; Amendment 39–11287; AD 99–18–21]

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 certain Dornier Model 328–100 series airplanes, that requires a one-time inspection of the propeller de-ice system to verify the proper functioning of the engine indication and crew alert system (EICAS) for the de-ice system; and corrective action, 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 EICAS to provide a warning to the flightcrew in the event of failure of the propeller de-ice system, which could result in damage to the airplane and consequent loss of controllability of the airplane.

DATES: Effective October 8, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 8, 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 in the **Federal Register** on May 28, 1998 (63 FR 29150). That action proposed to require a one-time inspection of the propeller de-ice system to verify the proper functioning of the engine indication and crew alert system (EICAS) for the de-ice system; and corrective action, if necessary.

Comments Received

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 Revise Applicability of Proposed AD

The manufacturer requests that the applicability statement of the proposed AD be limited only to airplanes on which Dornier Alert Service Bulletin ASB–328–30–013, Revision 1, dated February 21, 1997 has not been accomplished. This service bulletin was referenced in the proposed AD as the appropriate source of service information for accomplishment of the inspection. The manufacturer provides a compliance record of those airplanes on which the alert service bulletin has been accomplished, stating that 46 of 50 affected U.S.-registered airplanes are in full compliance with the referenced alert service bulletin, and that the remaining airplanes are scheduled to comply soon. The manufacturer notes that it continually strives to encourage compliance of manufacturer-recommended service bulletins. However, limiting the applicability as stated would encourage operators to follow its recommendations in the future.

The FAA concurs with the commenter's request. The FAA notes that such a change to the applicability is not strictly necessary, since the Compliance portion of the AD states ''Required as indicated, unless accomplished previously''. However, if the actions required by this AD have been accomplished on an airplane, that airplane is no longer subject to the unsafe condition that these requirements are intended to prevent, and does not need to be included in the applicability of this AD. The FAA has limited the applicability of the final rule to exclude airplanes on which Dornier Alert Service Bulletin ASB–328–30–013, Revision 1, dated February 21, 1997, has been accomplished.

Request To Include Manufacturer's Approved Repairs

One commenter states that the wording in paragraph (b) of the proposed AD places the FAA into an active role of participating in the

inspection task, and requests that the FAA revise the paragraph to specifically reference or incorporate troubleshooting instructions that respond to a finding of a ''typical malfunction.'' Paragraph (b) of the proposed AD requires, ''prior to further flight, repair of the EICAS in accordance with a method approved by the FAA''. Since operators routinely schedule AD-related tasks on weekends or overnights, it is most likely that an operator who finds a discrepancy or has an unconfirmed discrepancy will incur a sizable delay or cancellation, because the responsible FAA staff cannot be contacted in time. The commenter suggests that the FAA obtain the additional repair instructions by coordinating this request with the airplane manufacturer prior to issuance of the final rule.

The FAA does not concur with the commenter's request. Specific repair instructions were not included in the referenced service bulletin, and were not made available by the manufacturer following issuance of the NPRM, so cannot be included in this AD. However, in light of the type of repair that would be required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements with Germany, the FAA has determined that, for this AD, repairs may also be approved by the Luftfahrt-Bundesamt (LBA) (or its delegated agent), which is the airworthiness authority for Germany. Allowing repairs to be approved by the LBA will provide operators with additional means to quickly obtain an approved repair. Paragraph (b) of the final rule has been revised accordingly.

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 with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

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:

99–18–21 Dornier Luftfahrt GmbH: Amendment 39–11287. Docket 98–NM–112–AD.

Applicability: Model 328–100 series airplanes, except those on which Dornier Alert Service Bulletin ASB–328–30–013, Revision 1, dated February 21, 1997, has been accomplished; 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 (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 engine indication and crew alert system (EICAS) to provide a warning to the flightcrew in the event of failure of the propeller de-ice system, which could result in damage to the airplane and consequent loss of controllability of the airplane, accomplish the following:

(a) Within 30 days after the effective date of this AD, perform a one-time inspection of the propeller de-ice system to verify the proper functioning of the EICAS for the de-ice system, in accordance with Dornier Alert Service Bulletin ASB–328–30–013, Revision 1, dated February 21, 1997.

(b) If the inspection required by paragraph (a) of this AD indicates that the EICAS is malfunctioning, prior to further flight, repair the EICAS in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, or the Luftfahrt-Bundesamt (or its delegated agent).

(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. 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.

(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.

(e) The inspection shall be done in accordance with Dornier Alert Service Bulletin ASB–328–30–013, Revision 1, dated February 21, 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 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 97–066, dated March 13, 1997.

(f) This amendment becomes effective on October 8, 1999.

Issued in Renton, Washington, on August 27, 1999.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–22923 Filed 9–2–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–69–AD; Amendment 39–11289; AD 99–18–23]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all McDonnell Douglas MD–90–30 series airplanes, that requires revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness [MD–90–30 Airworthiness Limitations Instructions (ALI)] to incorporate certain replacement times for safe-life limited parts. This amendment is prompted by analysis of data that identified reduced replacement times for certain safe-life limited parts. The actions specified by this AD are intended to prevent fatigue cracking of various safe-life limited parts; such fatigue cracking could adversely affect the structural integrity of these airplanes.

DATES: Effective October 8, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 8, 1999.

ADDRESSES: The service information referenced in this AD 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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.

FOR FURTHER INFORMATION CONTACT: Brent Bandley, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5237; fax (562) 627–5210.

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 McDonnell Douglas MD–90–30 series airplanes was published in the **Federal Register** on March 2, 1999 (64 FR 10113). That action proposed to require revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness [MD–90–30 Airworthiness Limitations Instructions (ALI)] to incorporate certain replacement times for safe-life limited parts.

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 rule.

Request To Withdraw Proposed AD

One commenter states that timely incorporation of revisions to the ALI may be secured by processes other than the issuance of an AD. The commenter contends that the proposed AD places an unnecessary burden on engineering and maintenance personnel and defeats the regulatory mandates that are currently in place by standing Federal Aviation Regulations (FAR). The ALI is currently monitored and revised as new revisions are issued and made available by the manufacturer. This practice is duplicated with other similar maintenance and operational documents, including, but not limited to, aircraft maintenance manuals, flight manuals, pilot's operating handbooks, and aircraft service bulletins. The commenter also states that Model MD–90 series airplanes are operated in accordance with the Type Certificate (TC) of the aircraft. In order to adhere to operation of the aircraft in accordance with the TC, the commenter asserts that it is clear to operators that the ALI and its subsequent revisions must be considered and accomplished concurrent with any other requirement specified within the parameters of the TC.

From this comment, the FAA infers that the commenter is requesting that the proposed AD be withdrawn. The FAA does not concur. In accordance with the airworthiness standards requiring ''damage tolerance assessments'' (current Section 1529 of 14 CFR parts 23, 25, 27, and 29; Section 4 of 14 CFR parts 33 and 35; Section 82 of 14 CFR part 31; and the Appendices referenced in those sections), all products certificated to comply with those sections must have Instructions for Continued Airworthiness (or, for some products, maintenance manuals), that include an Airworthiness Limitations Section (ALS).

Based on in-service data or post certification testing and evaluation, the manufacturer may revise the ALS to include new or more restrictive life limits and inspections, or it may become necessary for the FAA to impose new or more restrictive life limits and structural inspections, in order to ensure continued structural integrity and continued compliance with damage tolerance requirements. However, in order to require compliance with these new inspection requirements and life limits for previously certificated airplanes, the FAA must engage in rulemaking. Because loss of structural integrity would constitute an unsafe condition, it is appropriate to impose these requirements through the AD process. Although prudent operators may already have incorporated the latest revisions of the ALI, issuance of this AD ensures that all operators take appropriate action to correct the identified unsafe condition. It should be noted that, simultaneously with the issuance of the AD, the responsible Aircraft Certification Office (ACO) will revise the TC data sheet for the product to indicate the change in the airworthiness limitations.

The practice of mandating ALS revisions has been used for several years and is not a novel or unique procedure. The FAA finds that requiring ALS revisions has the advantage of keeping all airworthiness limitations, whether imposed by original certification or by AD, in one place within the operator's maintenance program, thereby reducing the risk of non-compliance because of oversight or confusion. In some cases where there is a large fleet of airplanes with several small operators, it is possible that operators may not receive