

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:

**McDonnell Douglas:** Docket 97–NM–288–AD.

**Applicability:** Model DC–10 series airplanes and KC–10A (military) airplanes, as listed in McDonnell Douglas Alert Service Bulletin DC10–57A137, dated July 31, 1997; 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 detect and correct fatigue cracking of the lower cap of the wing rear spar, which could result in reduced structural integrity of the airplane, accomplish the following:

(a) Conduct an eddy current surface inspection to detect cracking of the lower cap of the wing rear spar, in accordance with the

Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin DC10–57–A137, dated July 31, 1997; at the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD. Thereafter, repeat this inspection at intervals not to exceed 1,500 landings.

(1) Prior to the accumulation of 7,000 total landings, or within 18 months after the effective date of this AD, whichever occurs later. Or

(2) Within 1,500 landings after the accomplishment of the inspection of Principal Structural Elements 57.10.007 and 57.10.008, in accordance with AD 95–23–09, amendment 39–9429.

(b) If any crack is found during any inspection required by this AD, prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(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, Los Angeles ACO, 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, 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.

(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.

Issued in Renton, Washington, on March 19, 1998.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 98–7879 Filed 3–25–98; 8:45 am]

**BILLING CODE 4910–13–U**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 39

[Docket No. 97–CE–110–AD]

RIN 2120–AA64

#### Airworthiness Directives; British Aerospace Model HP.137 Jetstream Mk.1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 Series Airplanes

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

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

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to certain British

Aerospace (BAe) Model HP.137 Jetstream Mk.1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 series airplanes. The proposed AD would require replacing the windshield wiper arm attachment bolts and windshield wiper arm on all of the affected airplanes, and measuring the material thickness of the upper and lower toggle attachment brackets on the nose landing gear of the affected airplanes, and replacing the toggle attachment bracket lugs if necessary. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by the proposed AD are intended to prevent the windshield wiper arm from corroding, detaching from the airplane during flight, and penetrating the fuselage, which, if not corrected, could result in possible injury to the pilot and passengers; and to prevent collapse of the nose landing gear caused by design deficiency, which, if not corrected, could result in loss of control of the airplane during landing operations.

**DATES:** Comments must be received on or before April 27, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–110–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. S. M. Nagarajan, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; facsimile: (816) 426-2169.

#### 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 should 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 that summarizes 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 No. 97-CE-110-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, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-110-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

#### Discussion

The Civil Airworthiness Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that unsafe conditions may exist on certain BAe Model HP.137 Jetstream Mk.1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 series airplanes. The CAA reports the following:

- That a windshield wiper arm came loose from one of the above airplanes. Once the wiper arm detached from the airplane, it hit the propeller blade, and broke off the tip of the propeller blade. The wiper arm, wiper arm attachment bolt, and the propeller tip penetrated the fuselage. It was later determined by a CAA investigation that the wiper arm attachment bolt failed because of corrosion.
- That a nose landing gear (NLG) failure was attributed to fatigued NLG toggle bracket lugs and axle bracket lugs. Further investigation by the CAA and the manufacturer determined that external radii drawing tolerances have led to insufficient wall thicknesses, contributing to fatigue on the NLG axle brackets during landing.

These conditions, if not corrected, could result in pilot and passenger injury and loss of control of the airplane during landing operations.

#### Relevant Service Information

BAe has issued the following service information:

Jetstream Series 3100/3200 Service Bulletin (SB) 30-JA 950641, Original Issue: August 23, 1996, Revision No. 2: March 18, 1997, which specifies following the procedures provided in Rosemont Aerospace Inc. Service Bulletin No. 2314M-30-16, dated December, 1996, for replacing the windshield wiper arm attachment bolts; and,

Jetstream Series 3100/3200 Alert Service Bulletin No. 32-JA 960601, Original Issue: October 25, 1996, Revision No. 1: dated April 11, 1997, which specifies following the procedures provided in APPH Precision Hydraulics SB No. 32-66, Revision No. 2, Issued: March 1997, for measuring the outer wall thickness of the toggle bracket lugs and the axle bracket lugs on the nose landing gear, and replacing these parts if the measurement is not within certain measurements limits. This SB incorporates the following effective pages:

Pages	Revision level	Date
2, 5, and 6 .....	Revision 2	March 1997.

The CAA classified these service bulletins as mandatory and issued the following AD's in order to assure the continued airworthiness of these airplanes in the United Kingdom: British AD 006-08-96, not dated, for the windshield wipers condition; and British AD 002-10-96, not dated, for the nose landing gear condition.

#### The FAA's Determination

These airplane models are manufactured in the United Kingdom and are 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. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above.

The FAA has examined the findings of the CAA, reviewed all available information, including the service information referenced above, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other BAe Model HP.137 Jetstream Mk.1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 series airplanes of the same type design registered in the United States, the FAA is proposing AD action. This proposed AD would require replacing the windshield arm and windshield arm attachment bolt; and, measuring the outer wall thickness of the NLG toggle bracket lugs and axle bracket lugs, and replacing any part that does not meet the required measurements. Accomplishment of these proposed actions would be in accordance with the previously referenced service information.

#### Cost Impact

The FAA estimates that 314 airplanes in the U.S. registry would be affected by the windshield wiper portion of the proposed AD, that it would take approximately 2 workhours per airplane to accomplish the replacement of the proposed AD, and that the average labor rate is approximately \$60 an hour. Parts will be provided at no cost. Based on these figures, the total cost impact for the windshield wiper portion of the proposed AD on U.S. operators is estimated to be \$37,680, or \$120 per airplane.

The FAA estimates that 284 airplanes in the U.S. registry would be affected by the nose landing gear portion of the proposed AD, that it would take approximately 2 workhours per airplane to accomplish the measurement of the proposed AD, and that the average labor rate is approximately \$60 an hour. No parts are required to accomplish this portion of the proposed AD. Based on these figures, the total cost impact of the nose landing gear portion of the proposed AD on U.S. operators is estimated to be \$34,080, or \$120 per airplane.

#### 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 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) 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 has been placed 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 a new airworthiness directive (AD) to read as follows:

**British Aerospace:** Docket No. 97-CE-110-AD.

**Applicability:** Model HP.137 Jetstream Mk.1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 series airplanes (all serial numbers), 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 in the body of this AD, unless already accomplished.

To prevent the windshield wiper arm from corroding, detaching from the airplane during flight, and penetrating the fuselage, which, if not corrected, could result in possible injury to pilot and passengers; and

to prevent collapse of the nose landing gear caused by design deficiency, which, if not corrected, could result in loss of control of the airplane during landing operations, accomplish the following:

(a) Within the next 90 days after the effective date of this AD, replace the windshield wiper arm and windshield wiper attachment bolt in accordance with the Accomplishment Instructions section in the Jetstream Series 3100/3200 Service Bulletin (SB) 30-JA 950641, Original Issue: August 23, 1996, Revision No. 2: March 18, 1997, and the Accomplishment Instructions section of the Rosemont Aerospace Inc. SB No. 2314M-30-16, dated December 1996.

(b) Within the next 90 days after the effective date of this AD, measure the outer wall thickness of the nose landing gear (NLG) toggle bracket lugs and the axle bracket lugs in accordance with the Accomplishment Instructions in APPH Precision Hydraulics SB 32-66, Revision No. 2, Issued March 1997 which incorporates the following pages:

Pages	Revision level	Date
2, 5, and 6 .....	Revision 2 .....	March 1997.

**Note 2:** The APPH SB is referenced in the Accomplishment Instructions in Jetstream Series 3100/3200 Alert Service Bulletin No. 32-JA 960601, Revision No. 1, April 11, 1997, Original Issue, October 25, 1996.

(1) Prior to further flight, replace the NLG toggle bracket lugs and axle bracket lugs, if the measurements of the outer wall thickness do not meet the criteria set out in the Table contained in paragraph B. (5) of the Accomplishment Instructions section in APPH Precision Hydraulics SB 32-66, Revision 2, Issued March 1997.

(2) If the measurements of the outer wall thickness are within the criteria set out in the Table contained in paragraph B. (5) of the Accomplishment Instructions section in APPH Precision Hydraulics SB 32-66, Revision 2, Issued March 1997, replace the NLG toggle bracket lugs and axle bracket lugs at the times specified in the Table referenced above, or within the next 50 landings after the measurement is taken, whichever occurs later.

**Note 3:** The compliance time in this AD takes precedence over the compliance times published in the applicable service bulletins.

(c) Special flight permits may be issued in accordance with §§ 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) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

**Note 4:** Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to the service information referenced in this AD should be directed to British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone (01292) 479888; facsimile (01292) 479703. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

**Note 5:** The subject of this AD is addressed in British AD 002-10-96, not dated, for the nose landing gear condition; and British AD 006-08-96, not dated, for the wind shield wiper condition.

Issued in Kansas City, Missouri, on March 19, 1998.

**Marvin R. Nuss,**

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

[FR Doc. 98-7886 Filed 3-25-98; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-CE-121-AD]

RIN 2120-AA64

#### Airworthiness Directives; Dornier Luftfahrt GmbH Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212 Airplanes

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

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

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Dornier Luftfahrt GmbH (Dornier) Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212 airplanes. The proposed AD would require modifying the logic in the failure detection circuits of the landing gear uplock switches. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by the proposed AD are intended to prevent a false warning indication of landing gear failure because of the design of the landing gear warning system, which could result in incorrect actions from the pilot based on the warning indications.

**DATES:** Comments must be received on or before April 27, 1998.