

loss of control of the airplane during takeoff, landing, and taxi operations, accomplish the following:

(a) Replace the nose wheel steering jack seals with seals of improved design, in accordance with Jetstream Service Bulletin 32-JA900942, Original Issue: October 22,

1990, Revision No. 5: September 4, 1998, and the instructions in APPH Ltd. Service Bulletin 32-51, which incorporates the following pages:

Pages	Revision level	Date
1 and 2 .....	Revision 5 .....	April 1996.
3 .....	Original Issue .....	January 1993.
4, 5, and 6 .....	Revision 4 .....	October 1993.

(b) As of the effective date of this AD, no person may install, on any of the affected airplanes, any landing gear steering jack seal that is not of the improved design referenced in the service information specified in paragraph (a) of this AD, or an FAA-approved equivalent.

(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) 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 2:** 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 document 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.

(f) The replacements required by this AD shall be done in accordance with Jetstream Service Bulletin 32-JA900942 (Original Issue: October 22, 1990), Revision No. 5: September 4, 1998, and APPH Ltd. Service Bulletin 32-51, Revision 5, dated April 1996, which incorporates the following pages:

Pages	Revision level	Date
1 and 2 .....	Revision 5 .....	April 1996.
3 .....	Original Issue .....	January 1993.
4, 5, and 6 .....	Revision 4 .....	October 1993.

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 British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, 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 British Aerospace Jetstream Service Bulletin 32-JA900942, Original Issue: October 22, 1990, Revision No. 5: September 4, 1998. This service bulletin is classified as mandatory by the United Kingdom Civil Aviation Authority (CAA).

(g) This amendment becomes effective on April 26, 1999.

Issued in Kansas City, Missouri, on March 5, 1999.

**Marvin R. Nuss,**

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

[FR Doc. 99-6100 Filed 3-17-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-198-AD; Amendment 39-11078; AD 99-06-14]

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 all Dornier Model 328-100 series airplanes, that requires one-time visual inspections of the elevator trim system for paint contamination on the actuator pistons and to determine the moisture level of the moisture indicator; verification of the installation and condition of the gasket of the flex drive; and corrective actions, 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 elevator trim system due to paint/moisture

contamination, and consequent reduced controllability of the airplane.

**DATES:** Effective April 22, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 22, 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 October 8, 1998 (63 FR 54080). That action proposed to require one-time visual inspections of the elevator trim system for paint contamination on the actuator pistons and to determine the moisture level of the moisture indicator; verification of the installation and condition of the gasket of the flex drive; and corrective actions, if necessary.

#### Comments

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

#### Request To Revise Final Rule to Parallel Alert Service Bulletin and Foreign AD

One commenter, the manufacturer, requests that the proposed rule be revised to align with the specifications of Dornier Alert Service Bulletin ASB-328-27-017, Revision 2, dated July 28, 1998 (which was referenced in the proposal as the appropriate source of service information), and the recommendations of the Luftfahrt-Bundesamt (LBA) (which is the airworthiness authority for Germany) in German airworthiness directive 97-188, dated July 3, 1997. The commenter states that this AD, as proposed, would impose requirements beyond the intent of the alert service bulletin and could result in unnecessary actuator replacements.

Paragraph (a)(2) of the proposal reads, "If no paint contamination is detected on the actuator pistons and the moisture indicator of the trim actuator is pink or white, prior to further flight, replace the trim actuator with a new or serviceable trim actuator and either replace or regenerate the desiccant in accordance with the alert service bulletin." The commenter states that the language used in paragraph (a)(2) of the proposed rule does not correspond to the specifications of the alert service bulletin." The commenter states that the language used in paragraph (a)(2) of the proposed rule does not correspond to the specifications of the alert service bulletin, in that the alert service bulletin does not specify replacement of the trim actuator if no paint contamination is present. Paragraph 2.B.3. of the Accomplishment Instructions of the alert service bulletin reads, "If no paint is found on the piston surface and the trim actuator moisture desiccant is pink or white, then refer to [Airplane Maintenance Manual (AMM)] JIC 27-32-01, TR 27-203, for corrective action." The commenter notes that section of the AMM describe procedures

for replacement or regeneration of the desiccant, but does not describe replacement of the trim actuator.

The FAA concurs with the commenter's request to revise paragraph (a) of the final rule to clarify alignment with the alert service bulletin. As indicated clearly in the "Explanation of Requirements of Proposed Rule" Section of the notice of proposed rulemaking (NPRM), it is the FAA's intention for operators to accomplish the actions specified in the proposal in accordance with the alert service bulletin. However, in converting the instructions in the alert service bulletin into the proposed corrective actions stated in the NPRM, the FAA erroneously stated two conditions [paragraph (a)(2) stated the condition as no paint contamination and a pink or white moisture indicator, but the stated corrective action was for the condition of paint contamination and pink or white moisture indicator; paragraph (a)(3) stated the condition as no paint contamination when it should have stated no paint contamination, and a blue or pale blue moisture indicator], and omitted another condition entirely (the appropriate corrective action for the condition of no paint contamination and a pink or white moisture indicator was not specified).

The FAA finds, however, that the alert service bulletin may be misleading to operators. Specifically, paragraph 2.B(2) of the Accomplishment Instructions of the alert service bulletin may be misleading to operators, because it states that, "If the desiccant is pink or white the trim actuator must be replaced according to AMM JIC 27-32-01 \* \* \*." Therefore, a new paragraph (a)(92) has been added to this final rule to specifically reference paragraph 2.B(3) of the Accomplishment Instructions of the alert service bulletin as the appropriate source of service information for corrective actions if no paint contamination is detected on the actuator pistons and the moisture indicator of the trim actuator is pale pink, pink, or white. In addition, paragraph (a)(2) from the proposal has been included as paragraph (a)(4) in the final rule, and the words "If no paint contamination \* \* \*" have been corrected to read, "If any paint contamination \* \* \*." Also, paragraph (a)(3) of the final rule has been revised to clarify that the corrective action specified in that paragraph is applicable if paint contamination is detected and the desiccant is blue or pale blue.

The FAA finds that the changes described previously provide clarification, and do not increase the scope of the AD because, as stated

previously, the preamble of the NPRM made it clear that the FAA intended for operators to accomplish the actions specified in the alert service bulletin.

#### Explanation of Change Made to This Final Rule

A change has been made to the Cost Impact section of this final rule to reflect the addition of two airplanes to the U.S. Register since issuance of the NPRM.

#### 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 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 52 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required inspections, 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 \$6,240, or \$120 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:

**99-06-14 Dornier Luftfahrt GMBH:**  
Amendment 39-11078. Docket 98-NM-198-AD.

**Applicability:** All Model 328-100 series airplanes, certified 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 prevent failure of the elevator trim system due to paint/moisture contamination, and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 2 months after the effective date of this AD, perform a one-time visual inspection of the elevator trim system for paint contamination on the actuator pistons and examine the trim actuator moisture indicator to determine the desiccant moisture level, in accordance with the Dornier Alert Service Bulletin ASB-328-27-017, Revision 2, dated July 28, 1998.

(1) If no paint contamination is detected on the actuator pistons, and the moisture indicator of the trim actuator is blue or pale blue, no further action is required by paragraph (a) of this AD.

(2) If no paint contamination is detected on the actuator pistons and the moisture

indicator of the trim actuator is pale pink, pink, or white, prior to further flight, accomplish corrective actions in accordance with paragraph 2.B(3) of the Accomplishment Instructions of the alert service bulletin.

(3) If any paint contamination is detected on the actuator pistons and the moisture indicator of the trim actuator is pale blue or blue, prior to further flight, remove the paint in accordance with the alert service bulletin.

(4) If any paint contamination is detected on the actuator pistons and the moisture indicator of the trim actuator is pale pink, pink, or white; prior to further flight, replace the trim actuator with a new or serviceable trim actuator and either replace or regenerate the desiccant in accordance with the alert service bulletin.

**Note 2:** Aviac Technologies, the manufacturer of the desiccant, has issued Identification Procedure for Desiccant DAV/AP98-214, Revision 0, dated April 22, 1998, as an additional source of service information to determine the level of saturation of the desiccant.

(b) Within 2 months after the effective date of this AD, perform a one-time visual inspection to verify installation of the flat gasket in each end of the flex drive, and to determine if the flat gasket is in good condition (i.e., shows no signs of wear), in accordance with Dornier Alert Service Bulletin ASB-328-27-017, Revision 2, dated July 28, 1998.

(1) If the gasket is installed and in good condition, no further action is required by paragraph (b) of this AD.

(2) If the gasket is missing or is installed and not in good condition, prior to further flight, replace the gasket with a new gasket, and torque the nuts, in accordance with the alert service bulletin.

**Note 3:** Accomplishment of the actions required by paragraphs (a) and (b) of this AD, prior to the effective date of this AD, in accordance with Dornier Alert Service Bulletin ASB-328-27-017, Revision 1, dated October 1, 1997, is considered acceptable for compliance with the applicable actions specified in paragraphs (a) and (b) of this AD.

(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, 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 4:** 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 actions shall be done in accordance with Dornier Alert Service Bulletin ASB-

328-27-017, Revision 2, dated July 28, 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 5:** The subject of this AD is addressed in German airworthiness directive 97-188, dated July 3, 1997.

(f) This amendment becomes effective on April 22, 1999.

Issued in Renton, Washington, on March 9, 1999.

**Darrell M. Pederson,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-NM-292-AD; Amendment 39-11077; AD 99-06-13]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes, that currently requires inspection(s) to detect fatigue cracking of the shock strut cylinder of the main landing gear (MLG), and replacement of any cracked shock strut cylinder with a serviceable part. That AD also provides for installation of brake line hydraulic restrictors on the MLG brake systems, which, if accomplished, terminates the repetitive inspections. This amendment requires that the subject inspection be accomplished repetitively following installation of brake line hydraulic restrictors. This amendment is prompted by an additional report of fatigue cracking and subsequent fracturing of the shock strut cylinder of the MLG. The actions specified by this AD are intended to prevent collapse of the MLG due to fracturing of the shock strut cylinder.