

supplied by the commenter, we now recognize that it will take approximately 6 work hours per airplane to accomplish the required actions. We have revised the Cost Impact section of the final rule accordingly.

### Conclusion

After careful review of the available data, including the comments noted above, we have determined that air safety and the public interest require the adoption of the rule with the changes previously described. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

### Cost Impact

There are approximately 400 airplanes of the affected design in the worldwide fleet. We estimate that 133 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per airplane to accomplish the required actions, and that the average labor rate is \$65 per work hour. Required parts will cost approximately \$19 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$54,397, or \$409 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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. The manufacturer may cover the cost of replacement parts associated with this AD, subject to warranty conditions. Manufacturer warranty remedies may also be available for labor costs associated with this AD. As a result, the costs attributable to the AD may be less than stated above.

### Regulatory Impact

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not

have federalism implications under Executive Order 13132.

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:

**2004-18-09 Boeing:** Amendment 39-13787. Docket 2002-NM-305-AD.

**Applicability:** Model 777-200 and 777-300 series airplanes, line numbers 001 through 400 inclusive, certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent a possible source of ignition in a flammable leakage zone, which could result in an undetected and uncontrollable fire in the wheel well or wing trailing edge, and a possible fuel tank explosion, accomplish the following:

#### Replace and Seal

(a) Within 18 months after the effective date of this AD, for all four boost pumps of the main fuel tanks, replace the socket contacts in positions 2, 4, 6, and 7 with new, high-quality gold-plated contacts; and seal the backshell of the connector with potting compound; in accordance with the Accomplishment Instructions of Boeing Service Bulletin 777-28-0028, Revision 1, dated July 15, 2004.

**Note 1:** Revision 1 of Boeing Service Bulletin 777-28-0028 incorrectly refers to June 06, 2002, as the date of issuance of the

original issue of the service bulletin; the correct date is October 24, 2002.

(b) Replacements done before the effective date of this AD in accordance with Boeing Special Attention Service Bulletin 777-28-0028, dated October 24, 2002, as revised by Boeing Service Bulletin Information Notice 777-28-0028 IN 01, dated February 13, 2003; are acceptable for compliance with the requirements of paragraph (a) of this AD.

### Alternative Methods of Compliance

(c) In accordance with 14 CFR 39.19, the Manager, Seattle Aircraft Certification Office, FAA, is authorized to approve alternative methods of compliance (AMOCs) for this AD.

### Incorporation by Reference

(d) The actions shall be done in accordance with Boeing Service Bulletin 777-28-0028, Revision 1, dated July 15, 2004. 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 Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

### Effective Date

(e) This amendment becomes effective on October 19, 2004.

Issued in Renton, Washington, on August 25, 2004.

**Kevin M. Mullin,**

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

[FR Doc. 04-20119 Filed 9-13-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2004-CE-06-AD; Amendment 39-13790; AD 2004-18-12]

**RIN 2120-AA64**

#### Airworthiness Directives; DG Flugzeugbau GmbH, Model DG-500MB Sailplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA adopts a new airworthiness directive (AD) for certain DG Flugzeugbau GmbH Model DG-500MB sailplanes. This AD requires you to replace the engine pylon extension/retraction Warner LA10 spindle drive

with an improved designed Stross BSA 10 spindle drive and to modify the electrical system following applicable service information. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. We are issuing this AD to prevent failure of the Warner LA10 spindle drive, which could result in failure of the engine pylon extension/retraction mechanism. This condition could cause an unstable engine pylon assembly during flight with loss of control of the sailplane.

**DATES:** This AD becomes effective on October 22, 2004.

As of October 22, 2004, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

**ADDRESSES:** You may get the service information identified in this AD from DG Flugzeugbau, Postbox 41 20, 76625 Bruchsal, Germany; telephone: 49 7257 890; facsimile: 49 7257 8922.

You may view the AD docket at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2004-CE-06-AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Office hours are 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Gregory Davison, Aerospace Engineer, FAA, Small Airplane Directorate, ACE-112, Room 301, 901 Locust, Kansas City, Missouri 64106; telephone: 816-329-4130; facsimile: 816-329-4090.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

*What events have caused this AD?* The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified FAA that an unsafe condition may exist on certain DG Flugzeugbau GmbH Model DG-500MB sailplanes, all serial numbers up to and including 5E220B15. The LBA reports two separate fatigue failures of the Warner LA10 spindle drive.

*What is the potential impact if FAA took no action?* Failure of the Warner LA10 spindle drive could result in the engine pylon not rising or lowering, which could cause an unstable engine pylon assembly during flight. Failure of the engine pylon assembly during flight could result in loss of control of the sailplane.

*Has FAA taken any action to this point?* We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain DG Flugzeugbau GmbH Model DG-500MB sailplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on May 20, 2004 (69 FR 29106). The NPRM proposed to require you to replace the Warner LA10 spindle drive with the Stross BSA 10 spindle drive and to modify the electrical system following Technical Note No. 843/18, issue 2, dated June 25, 2003.

**Comments**

*Was the public invited to comment?* We provided the public the opportunity to participate in developing this AD. We received no comments on the proposal or on the determination of the cost to the public.

**Conclusion**

*What is FAA's final determination on this issue?* We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

**Changes to 14 CFR Part 39—Effect on the AD**

*How does the revision to 14 CFR part 39 affect this AD?* On July 10, 2002, the FAA published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

**Costs of Compliance**

*How many sailplanes does this AD impact?* We estimate that this AD affects 4 sailplanes in the U.S. registry.

*What is the cost impact of this AD on owners/operators of the affected sailplanes?* We estimate the following costs to accomplish the replacement and modification:

| Labor cost                                     | Parts cost | Total cost per sailplane | Total cost on U.S. operators |
|--|------------|--------------------------|------------------------------|
| 12 work hours est. \$65 per hour = \$780 ..... | \$2,662    | \$3,442                  | \$13,768                     |

**Regulatory Findings**

*Will this AD impact various entities?* We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect 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.

*Will this AD involve a significant rule or regulatory action?* For the reasons discussed above, I certify that this AD:

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. 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.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "AD Docket No. 2004-CE-06-AD" in your request.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

**Adoption of the Amendment**

■ Accordingly, under 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. FAA amends § 39.13 by adding a new AD to read as follows:

**2004–18–12 DG Flugzeugbau GmbH:**  
Amendment 39–13790; Docket No. 2004–CE–06–AD.

**When Does This AD Become Effective?**

(a) This AD becomes effective on October 22, 2004.

**What Other ADs Are Affected by This Action?**

(b) None.

**What Sailplanes Are Affected by This AD?**

(c) This AD affects the following sailplane models and serial numbers that are certificated in any category: DG Flugzeugbau Model DG–500MB, all serial numbers up to and including 5E220B15.

**What Is the Unsafe Condition Presented in This AD?**

(d) This AD is the result of Warner LA10 spindle drive failure. The actions specified in this AD are intended to prevent failure of the Warner LA10 spindle drive, which could result in failure of the engine pylon

extension/retraction mechanism. This condition could cause an unstable engine pylon assembly during flight with consequent loss of control of the sailplane.

**What Must I Do To Address This Problem?**

(e) To address this problem, you must do the following:

| Actions  | Compliance   | Procedures  |
|--|--|---|
| Replace the Warner LA10 spindle drive with the Stross BSA 10 spindle drive and make any necessary electrical modifications including installation of the voltage converter for the brake of the spindle drive. | Replace and modify within 25 hours time-in-service (TIS) after October 22, 2004 (the effective date of this AD). | Follow the instructions in DG Flugzeugbau GmbH Technical Note No. 843/18 June 25, 2003. |

**May I Request an Alternative Method of Compliance?**

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Gregory Davison, Aerospace Engineer, FAA, Small Airplane Directorate, ACE–112, Room 301, 901 Locust, Kansas City, Missouri 64106; telephone: 816–329–4130; facsimile: 816–329–4090.

**Does This AD Incorporate Any Material by Reference?**

(g) You must do the actions required by this AD following the instructions in DG Flugzeugbau GmbH Technical Note No. 843/18 issue 2, dated June 25, 2003. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may get a copy from DG Flugzeugbau, Postbox 41 20, 76625 Bruchsal, Germany. You may review copies at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**Is There Other Information That Relates to This Subject?**

(h) LBA airworthiness directive 2003–409, dated December 9, 2003, and Technical Note No. 843/18, issue 2, dated June 25, 2003, also address the subject of this AD.

Issued in Kansas City, Missouri, on August 31, 2004.

**Dorenda D. Baker,**  
*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 04–20310 Filed 9–13–04; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2002–NM–283–AD; Amendment 39–13794; AD 2004–18–15]

**RIN 2120–AA64**

**Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F, DC–10–30F (KC10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to McDonnell Douglas transport category airplanes listed above, that currently requires a one-time detailed inspection to determine if wire segments of the wire bundle routed through the feed-through on the aft side of the flight engineer's station are damaged or chafed, and corrective actions if necessary. That AD also requires revising the wire bundle support clamp installation at the flight engineer's station. For certain airplanes, this amendment requires a new revision of the wire bundle support clamp installation, and modification of a

certain wire bundle. This amendment also reduces the applicability in the existing AD. The actions specified by this AD are intended to prevent chafing of the wire bundle located behind the flight engineer's panel caused by the wire bundle coming in contact with the lower edge of the feed-through, and consequent electrical arcing, which could result in smoke and fire in the cockpit. This action is intended to address the identified unsafe condition.

**DATES:** Effective October 19, 2004.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of October 19, 2004.

The incorporation by reference of Boeing Alert Service Bulletin DC10–24A149, Revision 02, dated April 5, 2001, as listed in the regulations, was approved previously by the Director of the Federal Register as of January 16, 2002 (66 FR 64121, December 12, 2001).

The incorporation by reference of McDonnell Douglas Alert Service Bulletin DC10–24A149, Revision 01, dated July 28, 1999, as listed in the regulations, was approved previously by the Director of the Federal Register as of June 21, 2000 (65 FR 31253, May 17, 2000).

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton,