

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 in the internal skin doublers, which could result in reduced structural integrity of the fuselage and consequent rapid depressurization of the cabin, accomplish the following:

(a) For airplanes identified as Groups 1 through 10, inclusive, in Boeing Service Bulletin 747-53A2396, Revision 1, dated February 22, 1996: Prior to the accumulation of 13,000 flight cycles, or within 18 months after the effective date of this AD, whichever occurs later, perform an internal visual inspection to detect cracks of the skin and internal doublers above main entry door 1 at body station (STA) 460, in accordance with Part 2—Inspection of the Accomplishment Instructions of Boeing Service Bulletin 747-53A2396, Revision 1, dated February 22, 1996. For the purposes of this AD, the number of flight cycles in which cabin differential pressure occurs at 2.0 pounds per square inch (psi) or less need not be counted when determining the number of flight cycles that have occurred on the airplane.

(1) If no crack is detected during the internal visual inspection required by paragraph (a) of this AD, prior to further flight, perform an open hole high frequency eddy current (HFEC) inspection to detect cracks of the skin and internal doublers above main entry door 1, in accordance with Figure 10 of the service bulletin.

(i) If no crack is detected during the open hole HFEC inspection required by paragraph (a)(1) of this AD, prior to further flight, install an external doubler in accordance with Part 4—Modification of the Accomplishment Instructions of the service bulletin.

(ii) If any crack is detected during the open hole HFEC inspection, prior to further flight, perform a visual inspection to detect damage of the adjacent structure within 20 inches of the cracks, in accordance with Part 3—Repair of the Accomplishment Instructions of the service bulletin. If any damage is detected, prior to further flight, repair it in accordance with Part 3—Repair, or the **Note** specified in paragraph G. of Part 2—Inspection of the Accomplishment Instructions of the service bulletin.

(2) If any crack is detected during the internal visual inspection required by paragraph (a) of this AD, prior to further flight, perform a visual inspection to detect damage of the adjacent structure within 20 inches of the cracks, in accordance with Part 3—Repair of the Accomplishment Instructions of the service bulletin. Prior to further flight following accomplishment of this visual inspection, repair any cracked skin or internal doublers, and/or repair adjacent damaged structure, in accordance with Part 3—Repair of the Accomplishment Instructions of the service bulletin.

(b) Perform either an internal surface HFEC or external low frequency eddy current (LFEC) inspection to detect damage of the repaired or modified area, in accordance with Part 6—After-Repair or After-Modification Inspection Program of the Accomplishment

Instructions of Boeing Service Bulletin 747-53A2396, Revision 1, dated February 22, 1996; at the time specified in paragraph (b)(1) or (b)(2) of this AD, as applicable.

(1) For airplanes identified as Groups 1 through 10, inclusive, in Boeing Service Bulletin 747-53A2396, Revision 1, dated February 22, 1996: Inspect within 15,000 flight cycles following accomplishment of either paragraph (a)(1) or (a)(2) of this AD.

(2) For airplanes identified as Group 11 in Boeing Service Bulletin 747-53A2396, Revision 1, dated February 22, 1996: Inspect prior to the accumulation of 15,000 total flight cycles.

(c) If no damage is detected during any inspection required by paragraph (b) of this AD, repeat the inspections required by paragraph (b) of this AD at the following intervals:

(1) If the immediately preceding inspection was conducted using HFEC techniques, conduct the next inspection within 6,000 flight cycles.

(2) If the immediately preceding inspection was conducted using LFEC techniques, conduct the next inspection within 3,000 flight cycles.

(d) If any damage is detected during any inspection required by paragraph (b) of this AD, prior to further flight, repair it in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(e) 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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(f) 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.

(g) The actions shall be done in accordance with Boeing Service Bulletin 747-53A2396, Revision 1, dated February 22, 1996. 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 Airplane Group, 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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on May 7, 1998.

Issued in Renton, Washington, on March 25, 1998.

**Darrell M. Pederson,**

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

[FR Doc. 98-8349 Filed 4-1-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-NM-62-AD; Amendment 39-10434; AD 98-07-14]

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 revising the Airplane Flight Manual (AFM) to modify the limitation that prohibits positioning the power levers below the flight idle stop during flight, and to provide a statement of the consequences of positioning the power levers below the flight idle stop during flight. This amendment is prompted by incidents and accidents involving airplanes equipped with turboprop engines in which the ground propeller beta range was used improperly during flight. The actions specified by this AD are intended to prevent loss of airplane controllability, or engine overspeed and consequent loss of engine power caused by the power levers being positioned below the flight idle stop while the airplane is in flight.

**DATES:** Effective May 7, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 7, 1998.

**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:** Mark Quam, Aerospace Engineer,

Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2145; 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 December 9, 1997 (62 FR 64784). That action proposed to require revising the Limitations Section of the Airplane Flight Manual (AFM) to modify the limitation that prohibits the positioning of the power levers below the flight idle stop while the airplane is in flight, and to add a statement of the consequences of positioning the power levers below the flight idle stop while the airplane is in flight.

#### 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.

#### Conditional Support for the Proposal

One commenter supports the intent of the proposed rule, but remarks that, if an inherent design problem exists on the affected airplanes to allow flightcrews to select the power levers below the flight idle stop while in flight, the FAA should consider the addition of a mechanical means to preclude such selection. The FAA acknowledges the commenter's concern, and may consider additional rulemaking to address that concern in the future for certain airplanes. However, until such final action is identified, the FAA considers it appropriate to proceed with issuance of this AD. No change to the AD is required.

#### Proposed Rule Unnecessary: AFM Already Revised

One commenter, an operator, states that the proposal is an inappropriate method of addressing the perceived unsafe condition. The commenter points out that, because the manufacturer has issued a revision to the AFM that contains the exact wording as the proposed rule, the proposed rule is redundant and a waste of taxpayers' money.

The FAA does not concur with the commenter's suggestion that the proposed rule is redundant. Since the issuance of the proposal, the manufacturer has issued Dornier 328-100 Airplane Flight Manual Temporary Revision (TR) 02-099, dated November

18, 1996. The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, approved this TR. The FAA acknowledges that the TR contains the exact wording as that specified in paragraph (a) of this final rule. In light of this, the FAA has revised this final rule to include insertion of this TR as an additional method of compliance with the requirements of paragraph (a) of this AD.

As explained in the preamble of the proposed rule, the FAA has received reports of 14 incidents and/or accidents involving intentional or inadvertent operation of the propellers in the ground beta range during flight on airplanes equipped with turboprop engines. Such operation of the propellers in the beta range during flight, if not prevented, could result in an unsafe condition (loss of airplane controllability, or engine overspeed with consequent loss of engine power). The FAA has determined that this unsafe condition could exist or eventually develop on the affected airplanes, and that revising the Limitations Section of the AFM must be mandated to ensure that safety is not degraded. The appropriate vehicle for mandating such action to correct an unsafe condition is the airworthiness directive.

#### Withdraw Proposed Rule: Pilot Training Needed

This same commenter states that the unsafe condition addressed by the proposal is not a problem with the airplane itself, but rather with lack of education for the pilots regarding the operation of turboprop engines. The FAA infers that the commenter requests that the FAA withdraw the proposed rule.

The FAA does not concur with the commenter's request. The requirements of this final rule will reinforce the education and training of pilots of turboprop airplanes by ensuring that the pilots are aware that the AFM prohibits operating the power levers below the flight idle gate in flight and advises of the consequence of such actions. The FAA finds that the actions required by this final rule will ensure that the pilots are aware of a potential in-flight unsafe condition.

#### Withdraw Proposed Rule: Issuance of AD May Adversely Affect Airplane Sales

One commenter suggests that the issuance of the AD may create the illusion that a unique and dangerous unsafe condition exists on the airplane. The commenter further suggests that the

issuance of the AD could cause an adverse effect on current or future lease and sales of the airplane. The FAA infers that the commenter requests that the proposed rule be withdrawn.

The FAA does not concur. As stated in the preamble of the proposal, the identified unsafe condition has been found to exist on airplanes equipped with turboprop engines, not just the airplanes addressed in this particular AD. The FAA is currently in the process of addressing the identified unsafe condition on other airplanes equipped with turboprop engines. While it is understandable that a manufacturer would like to minimize any adverse implications regarding the safety of its products, the purpose of an AD is to correct an identified unsafe condition in aircraft, regardless of where it is or what it is caused by. The FAA has determined that, because of the identified unsafe condition addressed by this AD, the continued operational safety of the airplanes necessitates issuance of the final rule.

#### Revise the Cost Estimate

One commenter asserts that the cost estimate provided in the proposal gives an erroneous figure because the cost of an AFM change is not a fixed cost. The commenter further states that, since there is no terminating action for the requirements of the proposed AD, a record must be made and continuously maintained. Further, the commenter notes that additional work and expenses are incurred if a request for an alternative method of compliance is submitted to the FAA.

The FAA does not concur that the cost estimate should be revised. In this case, the FAA considers that once the AFM has been revised in accordance with the final rule, no further action is required. Furthermore, the FAA considers any "additional expense" incurred by an operator or the FAA (as a result of requests for approval of an alternative method of compliance) to be negligible when compared to the necessity to ensure the operational safety of the airplane.

#### 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 change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

### Cost Impact

The FAA estimates that 60 Dornier Model 328-100 series airplane of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, 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 \$3,600, 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:

**98-07-14 Dornier:** Amendment 39-10434. Docket 97-NM-62-AD.

**Applicability:** All Model 328-100 series airplanes, 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 loss of airplane controllability, or engine overspeed and consequent loss of engine power caused by the power levers being positioned below the flight idle stop while the airplane is in flight, accomplish the following:

(a) Within 30 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Dornier Model 328-100 Airplane Flight Manual (AFM) to include the following statements. This action may be accomplished by inserting a copy of this AD into the AFM, or by inserting Dornier 328-100 Airplane Flight Manual Temporary Revision (TR) 02-099, dated November 18, 1996, into the AFM.

"Power levers selection below Flight Idle (FI) gate is prohibited during flight.

**WARNING:** Movement of any power lever behind the flight idle (FI) gate during flight could lead to loss of airplane control from which recovery may not be possible."

(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, Standardization Branch, ANM-113, 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, Standardization Branch, ANM-113.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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) Except as provided by paragraph (a) of this AD, the AFM revision shall be done in accordance with Dornier 328-100 Airplane

Flight Manual Temporary Revision (TR) 02-099, dated November 18, 1996. 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.

(e) This amendment becomes effective on May 7, 1998.

Issued in Renton, Washington, on March 25, 1998.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 98-8348 Filed 4-1-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

[Docket No. 97-NM-327-AD; Amendment 39-10445; AD 98-07-23]

RIN 2120-AA64

### Airworthiness Directives; Airbus Model A340 Series Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A340 series airplanes. This action requires revising the Airplane Flight Manual (AFM) to provide the flightcrew with procedures to prevent thrust loss during initial climb. This action also requires installing a new or modified electronic control unit on each engine, which, when accomplished, terminates the requirement for the AFM revision. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent significant thrust loss during initial climb, which could result in an increased risk of collision with obstacles in the initial climb path of the airplane.

**DATES:** Effective April 17, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 17, 1998.