

(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, Los Angeles Aircraft Certification Office (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 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles 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.

Issued in Renton, Washington, on January 14, 1998.

**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-108-AD]

RIN 2120-AA64

#### Airworthiness Directives; Dornier Model 328-100 Series Airplanes

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

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

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Dornier Model 328-100 series airplanes. This proposal would require a one-time inspection for discrepancies of certain engine control cables, and replacement of the cables with new or serviceable control cables, if necessary. It also would require modification of the cable fairleads on the nose rib firewall. Additionally, this proposal would require modification of the mounting brackets of the control cable pulleys in the pulley box. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent chafing of engine control cables, which could cause the cables to break and result in loss of engine control and consequent reduced controllability of the airplane.

**DATES:** Comments must be received by February 23, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 97-NM-108-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4556, telephone (425) 227-2110; fax (425) 227-1149.

#### 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 shall 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 summarizing 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 Number 97-NM-108-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, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 97-NM-108-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified the FAA that an unsafe condition may exist on certain Dornier Model 328-100 series airplanes. The LBA advises that it received a report indicating that, during routine inspection, engine control cables were found to be chafed in the area of the cable fairleads on the nose rib firewall, and in the area of the cable fairleads in the fuselage. Such chafing, if not corrected, could cause the cables to break and result in loss of engine control and consequent reduced controllability of the airplane.

#### Explanation of Relevant Service Information

Dornier has issued Service Bulletin SB-328-76-152, dated May 6, 1996, which describes procedures for a one-time inspection for chafing or discrepancies of the engine control cables in the area of the cable fairleads on the nose rib firewall, and replacement of the cables with new or serviceable cables, if necessary. Additionally, that service bulletin describes procedures for modification of these cable fairleads, which entails removing the fairleads, enlarging the bolt holes, and reworking the firewall.

In addition, Dornier also has issued Service Bulletin SB-328-76-168, dated May 6, 1996, which describes procedures for a one-time inspection for chafing or discrepancies of the engine control cables in the area of the cable fairleads in the fuselage, and replacement of the cables with new or serviceable cables, if necessary. Additionally, that service bulletin describes procedures for modification of the mounting brackets of the control cable pulleys in the pulley box, in order to improve alignment of the control cables in the area of the cable fairleads in the fuselage.

Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The LBA classified these service bulletins as mandatory and issued German airworthiness directives 96-288 and 96-290, both dated October 10, 1996, in order to assure the continued airworthiness of these airplanes in Germany.

## FAA's Conclusions

This airplane model is manufactured in Germany and is 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 LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

## Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

## Cost Impact

The FAA estimates that 59 Dornier Model 328-100 series airplanes of U.S. registry would be affected by this proposed AD.

The actions specified in Service Bulletin SB-328-76-152 would be required to be accomplished on 56 Dornier Model 328-100 series airplanes of U.S. registry. It would take approximately 4 work hours per airplane to accomplish that action, at an average labor rate of \$60 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of this action on the 56 affected U.S.-registered airplanes is estimated to be \$13,440, or \$240 per airplane.

The actions specified in Service Bulletin SB-328-76-168 would be required to be accomplished on 29 Dornier Model 328-100 series airplanes of U.S. registry. It would take approximately 12 work hours per airplane to accomplish that action, at an average labor rate of \$60 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of this action on the 29 affected U.S.-registered airplanes is estimated to be \$20,880, or \$720 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed 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 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 proposed regulation (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) 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:

**Dornier:** Docket 97-NM-108-AD.

**Applicability:** Model 328-100 series airplanes; as listed in Dornier Service Bulletins SB-328-76-152 and SB-328-76-168, both dated May 6, 1996; 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, unless accomplished previously.

To prevent chafing of engine control cables, which could cause the control cables to break and result in loss of engine control and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 90 days after the effective date of this AD, perform a one-time inspection to detect chafing or discrepancies of the engine control cables in the areas of the cable fairleads on the nose rib firewall, and the cable fairleads in the fuselage; in accordance with Dornier Service Bulletins SB-328-76-152 and SB-328-76-168, both dated May 6, 1996; respectively. If any discrepancy or chafing is found, prior to further flight, replace the damaged cables with new or serviceable cables in accordance with the applicable service bulletin.

(b) For airplanes listed in Dornier Service Bulletin SB-328-76-152, dated May 6, 1996: Prior to further flight following the inspection required in paragraph (a) of this AD, modify the cable fairleads on the nose rib firewall in accordance with the service bulletin.

(c) For airplanes listed in Dornier Service Bulletin SB-328-76-168, dated May 6, 1996: Prior to further flight following the inspection required in paragraph (a) of this AD, modify the mounting brackets of the control cable pulleys in the pulley box in accordance with the service bulletin.

(d) 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 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.

(e) 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.

**Note 3:** The subject of this AD is addressed in German airworthiness directives 96-288 and 96-290, both dated October 10, 1996.

Issued in Renton, Washington, on January 14, 1998.

**Gilbert L. Thompson,**

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

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