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:

Dassault Aviation: Docket 98–NM–377–AD.

Applicability: Model Falcon 2000 series airplanes, serial numbers 2 through 72 inclusive, except those airplanes on which modification M1486 (reference Dassault Service Bulletin F2000–133, dated July 29, 1998, or Revision 1, dated October 7, 1998) has been accomplished; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 unintended disengagement of the engine cowl hooks during ground maintenance, which could result in in-flight loss of the engine cowl from the airplane and possible damage to the airplane and persons or property on the ground, accomplish the following:

Corrective Actions

(a) Within 6 months after the effective date of this AD, accomplish the requirements of paragraphs (a)(1), (a)(2), and (a)(3) of this AD in accordance with Dassault Service Bulletin F2000–133, Revision 1, dated October 7, 1998.

(1) Perform a detailed inspection for interference between the safety-lock hooks and upper cowls. If the clearance is outside the limits specified in the service bulletin, prior to further flight, trim the edges of the upper cowl slots.

(2) Modify the attachment supports of the inner locking hooks.

(3) Perform a detailed inspection of the safety-lock hooks on the lower engine cowl for proper operation and for clearance between the outer edges of the upper and lower cowls. If any discrepancy is detected, prior to further flight, perform the applicable corrective action specified in the service bulletin.

Note 2: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Alternative Methods of Compliance

(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, 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(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.

Note 4: The subject of this AD is addressed in French airworthiness directive 98–391–006(B), dated October 7, 1998.

Issued in Renton, Washington, on August 6, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–20892 Filed 8–11–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–162–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10–30 and –30F Series Airplanes, and Model MD–11 and –11F 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 McDonnell Douglas Model DC–10–30 and –30F series airplanes, and Model MD–11 and –11F series airplanes. This proposal would require that a determination be made of whether, and at what locations, metallized polyethyleneteraphthalate (MPET) insulation blankets are installed, and replacement of MPET insulation blankets with new insulation blankets. This proposal is prompted by reports of in-flight and ground fires on certain airplanes manufactured with insulation blankets covered with MPET, which may contribute to the spread of a fire when ignition occurs from small ignition sources such as electrical arcing or sparking. The actions specified by the proposed AD are intended to ensure that insulation blankets constructed of MPET are removed from the fuselage. Such insulation blankets could propagate a small fire that is the result of an otherwise harmless electrical arc and could lead to a much larger fire.

DATES: Comments must be received by September 27, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–162–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 Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Robert Stacho, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5334; fax (562) 627–5210.

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 99–NM–162–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. 99–NM–162–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports of a number of in-flight and ground fires on McDonnell Douglas Model DC–9–80 and MD–11 series airplanes manufactured with insulation blankets covered with metallized polyethyleneteraphthalate (MPET) (also known as metallized Mylar). Investigation has revealed that MPET covered insulation blankets may contribute to the spread of a fire when ignition occurs from small ignition sources such as electrical arcing or sparking. The results of extensive flammability testing, conducted by the manufacturer and the FAA, revealed that this type of insulation material will propagate a fire.

There are other materials on insulation blankets that exhibit similar flammability characteristics if ignited. However, these materials are much more difficult to ignite than MPET.

Insulation blankets constructed of MPET installed throughout the fuselage, if not corrected, could propagate a small fire that is the result of an otherwise harmless electrical arc and could lead to a much larger fire.

The subject insulation blankets on certain McDonnell Douglas Model DC–10–30 and –30F series airplanes, and Model MD–11F series airplanes are identical to those on the affected Model DC–9–80 and MD–11 series airplanes. Therefore, all of these airplanes may be subject to the same unsafe condition. The FAA is issuing a separate rulemaking action [notice of proposed rulemaking (NPRM), Rules Docket No. 99–NM–161–AD] to address McDonnell Douglas Model DC–9–80 and MD–90–30 series airplanes, and Model MD–88 airplanes.

Other Relevant Investigations and Rulemaking

The FAA is continuing to investigate various wiring problems on McDonnell Douglas Model DC–9–80, MD–90–30, DC–10, and MD–11 series airplanes, and Model MD–88 airplanes. The FAA may consider additional rulemaking actions to address any identified unsafe condition. The FAA will take into account the impact of those actions on U.S. operators to minimize the duplication of aircraft downtime associated with accomplishing the actions of this proposed AD.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Service Bulletin DC10–25–368, dated October 31, 1997 (for Model DC–10–30 and –30F series airplanes), and McDonnell Douglas Service Bulletin MD11–25–200, Revision 01, dated March 20, 1998 (for Model MD–11 and –11F series airplanes). The service bulletins describe procedures for replacement of MPET covered insulation blankets with new blankets fabricated with metallized Tedlar or equivalent blanket material. Accomplishment of the replacement procedures specified in the service bulletins is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

Differences Between the Proposed AD and Service Bulletins

The referenced service bulletins describe procedures for replacement of MPET covered insulation blankets with certain metallized Tedlar or equivalent blanket material, which meet the current FAA flammability standards (i.e., Bunsen burner test). However, this proposed AD requires replacement with insulation blankets that are constructed of materials tested in accordance with Standard Test Method American Society for Testing and Materials (ASTM) E648 and approved by the FAA. The FAA finds that the current flammability standards are not able to distinguish between different types of insulation covering material in their flame spread properties from small ignition sources. ASTM E648 provides a test that will differentiate flame spread properties of different metallized Tedlars. Only one of the two insulation blanket film materials specified in the service bulletins, has successfully passed the testing of the ASTM flammability standard and has been found to be an acceptable replacement material for the MPET covered insulation blankets. Other film material, such as certain polyimide and fluoropolymer composites, also has been successfully tested to ASTM E648 and could be found to be acceptable for compliance with the requirements of this proposed AD if presented to the FAA for approval. These materials are not listed in the service bulletins described previously.

Operators should note that this proposed AD would require replacement of MPET insulation blankets within 4 years after the effective date of this AD. The service bulletins recommend that this action should be accomplished ''at the earliest practical maintenance period.'' Maintenance periods vary between operators and may involve maintenance on an entire airplane or only portions of an airplane. As a result, in developing an appropriate compliance time for this and other proposed AD's, the FAA must adopt a time period that will apply to all operators and airplanes. In establishing a compliance time for this proposed AD, the FAA balanced the urgency associated with addressing the subject unsafe condition against the need to ensure that operators are provided sufficient time to perform a safe replacement of the insulation. Because of the close proximity of the insulation to wiring and other fixtures of various critical airplane systems, it is imperative that operators be given the necessary time to ensure safe

replacement. Therefore, the FAA has determined that a 4-year compliance time is appropriate in that it allows the proposed replacement to be accomplished within an interval of time that encompasses normal scheduled maintenance for the majority of affected operators, thereby, allowing safe replacement. In order to meet the deadline, the FAA expects early planning and anticipates that operators will have to take advantage of every heavy maintenance opportunity.

Operators also should note that the effectivity listing of the referenced service bulletins differs from the applicability of the proposed AD. The applicability of the proposed AD affects airplanes manufactured with MPET insulation blankets. The effectivity listing of the service bulletins not only includes airplanes manufactured with MPET insulation blankets, but airplanes equipped with other materials that are much more difficult to ignite than MPET (as discussed previously). The FAA has determined that only airplanes manufactured with MPET insulation blankets are subject to the identified unsafe condition. Therefore, paragraph (a) of the proposed AD would require that a determination be made of whether, and at what locations, MPET insulation blankets are installed, and the proposal would require corrective action only with respect to those blankets. The proposal would require that this determination be made in a manner approved by the manager of the LAACO. Blankets that are stamped with ''DMS 2072, Type 2, Class 1, Grade A'' or ''DMS 1996, Type 1'' are constructed of MPET. On some blankets, because of their age or wear, it may not be possible to identify these stamps. Boeing is currently developing instructions for how to determine whether such blankets are constructed of MPET. These instructions, if approved, may be referenced as additional service information in any final rule resulting from this rulemaking. In addition, if additional airplane models manufactured with MPET insulation blankets are identified, the FAA may consider additional rulemaking actions to address the identified unsafe condition.

Regulatory Evaluation

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.

The FAA conducted a Preliminary Cost Analysis and Initial Regulatory Flexibility Analysis to determine the regulatory impacts of this and one other proposed AD to operators of all 699 U.S.-registered McDonnell Douglas airplanes that have thermal/acoustical insulation blankets covered with a film of MPET. This analysis is included in Rules Docket No.'s 99–NM–162–AD and 99–NM–161–AD. The FAA has determined that 61 Model MD–11 and –11F series airplanes and four Model DC–10–30 and –30F series airplanes operated by 5 entities would be affected by this proposed AD. Three entities operate Model MD–11 and –11F series airplanes and two entities operate both Model MD–11 and –11F series airplanes and Model DC–10–30 and –30F series airplanes.

The Preliminary Cost Analysis and Initial Regulatory Flexibility Analysis, completed by the FAA and included in the Rules Docket, estimates that the affected airplanes could be retrofitted with thermal/acoustic insulation blankets covered with film that exhibit no flame propagation when tested in accordance with the requirements of ASTM E648 or FAA-approved equivalent. Testing conducted by the FAA indicates that there are films that are currently in use that meet the test standard required by this proposed AD. These include certain polyvinylfluoride films that weigh no more than the materials they would replace. The FAA has identified three categories of costs associated with the retrofit: (1) Material costs of the blankets; (2) labor costs to remove existing blankets, install new blankets, and reinstall wiring, panels, floors, and other items; and (3) net lost revenues, or out of service costs. Over the four-year compliance period, material costs would total $3.5 million, labor costs would be $43.5 million, and net lost revenues would be $9.9 million. Total costs would be $56.8 million, or $48.1 million discounted to present value at seven percent.

The Regulatory Flexibility Act (RFA) of 1980 establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the sale of the business, organizations, and governmental jurisdictions subject to regulation. To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the Agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear. Only one entity affected by the proposed AD is considered small. This entity has revenues in excess of $100 million. One entity is not considered a substantial number of small entities by Small Business Administration criteria. Pursuant to the RFA, 5 U.S.C. 605(b), the FAA certifies that this proposed AD would not have a significant economic impact on a substantial number of small entities.

The provisions of this proposed AD would have little or no impact on trade for U.S. firms doing business in foreign countries and foreign firms doing business in the United States.

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104–4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed ''significant intergovernmental mandate.'' A ''significant intergovernmental mandate'' under the Act is any provision in a Federal agency regulation that would impose an enforceable duty upon State, local, and tribal governments, in the aggregate, of $100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that before establishing any regulatory requirements that might significantly or

uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

This proposed AD does not contain any Federal intergovernmental or private sector mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

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 99–NM–162–AD.

Applicability: Model DC–10–30 and –30F series airplanes, and Model MD–11 and –11F series airplanes; manufacturer's fuselage numbers 440 through 632 inclusive; certificated in any category.

Note: 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 (e) 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 ensure that insulation blankets constructed of metallized polyethyleneteraphthalate (MPET) are removed from the fuselage, accomplish the following:

Inspection

(a) Within 4 years after the effective date of this AD, determine whether, and at what locations, insulation blankets constructed of MPET are installed. This determination shall be made in a manner approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note 2: Insulation blankets that are stamped with ''DMS 2072, Type 2, Class 1, Grade A'' or ''DMS 1996, Type 1'' are constructed of MPET.

Corrective Actions

(b) For insulation blankets that are determined not to be constructed of MPET, no further action is required by this AD.

(c) For insulation blankets that are determined to be constructed of MPET, within 4 years after the effective date of this AD, replace the MPET insulation blankets with new insulation blankets. The replacement procedures shall be done in accordance with the Accomplishment Instructions of McDonnell Douglas Service Bulletin DC10–25–368, dated October 31, 1997 (for Model DC–10–30 and –30F series airplanes); or McDonnell Douglas Service Bulletin MD11–25–200, Revision 01, dated March 20, 1998 (for Model MD–11 and –11F series airplanes); as applicable. The replacement insulation blankets must be constructed of materials tested in accordance with Standard Test Method American Society for Testing and Materials (ASTM) E648 and approved by the Manager, Los Angeles ACO.

Note 3: Although this paragraph allows up to 4 years for the required replacement, the FAA anticipates that operators will comply at the earliest practicable maintenance opportunity.

Note 4: Only one of the two metallized Tedlar covers specified in the service bulletins has been shown to have successfully passed the testing of the ASTM flammability standard and is considered acceptable for compliance with the requirements of paragraph (c) of this AD.

Spares

(d) As of the effective date of this AD, no person shall install an MPET insulation blanket on any airplane.

Alternative Methods of Compliance

(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 ACO. 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 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(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 August 9, 1999.

D. L. Riggin, Acting Manager,

Transport Airplane Directorate,

Aircraft Certification Service.

[FR Doc. 99–20939 Filed 8–11–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–161–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–80 and MD–90–30 Series Airplanes, and Model MD–88 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 McDonnell Douglas Model DC–9–80 and MD–90–30 series airplanes, and Model MD–88 airplanes. This proposal would require that a determination be made of whether, and at what locations, metallized polyethyleneteraphthalate (MPET) insulation blankets are installed, and replacement of MPET insulation blankets with new insulation blankets. This proposal is prompted by reports of in-flight and ground fires on certain airplanes manufactured with insulation blankets covered with MPET, which may contribute to the spread of a fire when ignition occurs from small ignition sources such as electrical arcing or sparking. The actions specified by the proposed AD are intended to ensure that insulation blankets constructed of MPET are removed from the fuselage. Such insulation blankets could propagate a small fire that is the result of an otherwise harmless electrical arc and could lead to a much larger fire.

DATES: Comments must be received by September 27, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–161–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00