

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94-NM-255-AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that currently requires repetitive inspections for cracking in the inboard strut-to-diagonal brace attach fittings and repair or replacement, if necessary. This action would require an additional inspection of those attach fittings, and additional inspections in an area beyond that specified in the existing AD. This action also would provide an optional terminating action for the required inspections, and would expand the applicability of the existing AD to include additional airplanes. This proposal is prompted by reports of cracking and severing of the attach fittings. The actions specified by the proposed AD are intended to prevent failure of the strut and separation of an engine from the airplane due to cracking of the inboard strut-to-diagonal brace attach fittings.

DATES: Comments must be received by May 30, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-255-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 Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, Airframe Branch, ANM-120S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2776; fax (206) 227-1181.

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 94-NM-255-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-103, Attention: Rules Docket No. 94-AD-255-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On August 13, 1979, the FAA issued AD 79-17-07, amendment 39-3533 (44 FR 50033, August 27, 1979), applicable to certain Boeing Model 747 series airplanes, to require repetitive visual inspections for cracking in the inboard strut-to-diagonal brace attach fittings, and repair or replacement, if necessary. That action was prompted by reports of cracking in the inboard strut-to-diagonal brace attach fittings. The requirements of that AD are intended to prevent structural failure of these attach fittings, and the consequent separation of an engine from the airplane.

Since the issuance of that AD, the FAA has received additional reports of cracking of inboard strut-to-diagonal brace attach fittings. On one airplane that had accumulated 14,151 landings, a 12-inch long crack was detected and, in another case, a severed fitting was reported on an airplane that had accumulated 15,323 landings. Investigation has revealed that the cracking was caused by fatigue. These airplanes had been inspected in accordance with AD 79-17-07. Cracking of the attach fittings, if not detected and corrected in a timely manner, could result in failure of the strut and separation of an engine from the airplane.

The FAA has reviewed and approved Boeing Service Bulletin 747-54-2062, Revision 7, dated December 21, 1994, which describes the following:

1. Procedures for repetitive visual and high frequency eddy current (HFEC) inspections for cracking of the inboard strut-to-diagonal brace attach fittings;
2. Procedures for reinspections of certain attach fittings at decreased intervals; and
3. Procedures for replacement of certain attach fittings with serviceable fittings.

This service bulletin also describes procedures for accomplishment of a modification that entails removing the aluminum attach fittings and replacing them with steel fittings. Accomplishment of this modification eliminates the need for inspections of the subject area. (This modification is part of the "Boeing Model 747 Strut and Wing Structural Modification Program," described in Boeing Service Bulletin 747-54A2159, dated November 3, 1994.)

Revision 7 of this service bulletin also describes additional action to be

accomplished on airplanes on which the "terminating modification," as provided by AD 79-17-07, was previously installed. This additional action involves sealing a gap between the fitting and the existing closure web, which can be accomplished by either installing a new closure web, or fabricating and installing a new seal plate.

The manufacturer also has identified additional Model 747 series airplanes that are subject to the same cracking conditions addressed by AD 79-17-07; therefore, those additional airplanes are included in the effectivity listing of Revision 7 of the service bulletin.

Based on these data, the FAA has determined that, in addition to adding airplanes to the applicability of this AD, additional actions also are necessary on airplanes that have been inspected in accordance with AD 79-17-07. The FAA finds that repetitive visual inspections and repetitive surface HFEC inspections must be accomplished on the attach fittings. Additionally, the FAA finds that certain attach fittings with known cracking must be inspected at a decreased interval and the attach fitting must be replaced, if necessary.

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 supersede AD 79-17-07 to continue to require repetitive visual inspections to detect cracking of the inboard strut-to-diagonal brace attach fittings, and replacement or repair of the cracking, if necessary. This proposal would add repetitive HFEC inspections to detect cracks of the attach fittings. This proposal also would require that certain attach fittings with cracks be reinspected at decreased intervals, and would require subsequent replacement of the attach fittings of airplanes with certain known cracking. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Additionally, this proposal also would expand the applicability of the rule to include additional affected airplanes.

This proposal also provides for an optional terminating modification for the requirements of the proposed AD. This optional modification entails removing the aluminum attach fittings and replacing them with steel fittings. By a separate rulemaking action [refer to Notice of Proposed Rulemaking, Docket 94-NM-187-AD, (59 FR 65733, December 21, 1994)], the FAA is proposing to require the mandatory accomplishment of this modification (described in Boeing Alert Service

Bulletin 747-54A2159, dated November 3, 1994) as part of a "Strut and Wing Structural Modification Program" developed by Boeing. The intent of that program is to address the cracking condition and other items associated with the engine struts on Boeing Model 747 series airplanes.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.

There are approximately 367 Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 152 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 11 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$100,320, or \$660 per airplane, per inspection cycle.

The total cost impact figure discussed above is 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.

Should an operator elect to accomplish the terminating modification that would be provided by this AD action, it would take approximately 176 work hours to accomplish it, at an average rate of \$60 per work hour. The cost of required parts would be \$4,752. Based on these figures, the total cost impact of the terminating modification would be \$15,312 per airplane.

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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-3533 (44 FR 50033, August 27, 1979), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 94-NM-255-AD. Supersedes AD 79-17-07, Amendment 39-3533.

Applicability: Model 747 series airplanes; as listed in Boeing Service Bulletin 747-54-2062, Revision 7, dated December 21, 1994; 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 use the authority provided in paragraph (g) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe

condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the strut and subsequent loss of an engine, accomplish the following:

Note 2: Paragraph (a) of this AD restates the requirements for initial and repetitive visual inspections contained in paragraphs A., and C., respectively, of AD 79-17-07, amendment 39-3583. Therefore, for operators who have previously accomplished at least the initial inspection in accordance with AD 79-17-07, paragraph (a) of this AD requires that the next scheduled inspection be performed within the intervals specified in (a)(1) or (a)(2), as applicable, after the last inspection performed in accordance with paragraph A. or C. of AD 79-17-07.

(a) For airplanes listed in Boeing Service Bulletin 747-54-2062, dated August 17, 1979: Prior to the accumulation of 5,000 total landings on the airplane, or within 500 hours time-in-service after September 4, 1979 (the effective date of AD 79-17-07, Amendment 39-3533), whichever occurs later, perform a visual inspection of the forward lower diagonal brace fittings of the inboard pylon to detect cracking, in accordance with Boeing Service Bulletin 747-54-2062, dated August 17, 1979, or Revision 7, dated December 21, 1994; or in accordance with a method approved by the Manager, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate. After the effective date of this AD, only Revision 7 of the service bulletin shall be used.

Note 3: Inspections performed prior to the effective date of this AD are considered in compliance with this paragraph if performed in accordance with Boeing Service Bulletin 747-54-2062, Revision 1, dated November 13, 1980; Revision 2, dated March 19, 1981; Revision 3, dated August 28, 1981; Revision 4, dated June 30, 1982; Revision 5, dated June 1, 1984; or Revision 6, dated October 2, 1986.

(1) If no cracking is detected, repeat the inspections at intervals not to exceed 1,000 landings until all affected fittings are replaced with steel fittings in accordance with Revision 7 of the service bulletin.

(2) If any cracking is detected, prior to further flight, accomplish either paragraph (a)(2)(i) or (a)(2)(ii) of this AD until the inspections required by paragraph (b) of this AD are accomplished.

(i) Repair or replace the cracked fitting in accordance with the service bulletin; or

(ii) Rework the cracked fitting in accordance with the service bulletin as required by paragraph (b) of this AD. Thereafter, repeat the inspections at intervals not to exceed 250 landings until the reworked fitting is replaced with a serviceable fitting, or until the inspections required by paragraph (b) of this AD are accomplished.

(b) For airplanes as listed in Boeing Service Bulletin 747-54-2062, Revision 7, dated

December 21, 1994: Perform a detailed visual inspection and a surface high frequency eddy current (HFEC) inspection to detect cracking of the inboard strut-to-diagonal brace attach fittings, in accordance with the service bulletin at the time specified in either paragraph (b)(1) or (b)(2) of this AD, as applicable.

(1) For airplanes on which a cracked fitting has been reworked in accordance with Boeing Service Bulletin 747-54-2062, dated August 17, 1979: Perform the inspections within 250 landings since the last inspection performed in accordance with paragraph (a)(2)(ii) of this AD.

(2) For airplanes other than those identified in paragraph (b)(1) of this AD: Perform the inspections at the earlier of the times specified in paragraph (b)(2)(i) or (b)(2)(ii) of this AD.

(i) Prior to the accumulation of 5,000 total landings on the airplane, or within 1,000 landings after the effective date of this AD, whichever occurs later; or

(ii) Within 1,000 landings since the last inspection performed in accordance with paragraph (a) of this AD.

(c) If no cracking is detected during the inspections required by paragraph (b) of this AD, repeat the inspections thereafter at intervals not to exceed 1,000 landings.

(d) If more than one crack is found during any inspection required by this AD, or if any crack is detected that is beyond the limits specified in Boeing Service Bulletin 747-54-2062, Revision 7, dated December 21, 1994, prior to further flight, replace the attach fitting with a steel fitting in accordance with the service bulletin.

(e) If any transverse or longitudinal crack is found during the inspection required by paragraph (b) of this AD, and that crack is within the limits specified by Boeing Service Bulletin 747-54-2062, Revision 7, dated December 21, 1994: Prior to further flight, stop drill the crack in accordance with the service bulletin, and accomplish the requirements of either paragraph (e)(1) or (e)(2) of this AD, as applicable.

(1) For any transverse crack that is found, accomplish the following:

(i) Prior to further flight, remove the affected fastener and perform an open-hole HFEC inspection to detect cracking of the fastener hole, in accordance with the service bulletin. Thereafter, repeat this inspection within 125 landings.

(ii) Repeat the inspections required by paragraph (b) of this AD within 125 landings after performing them initially.

(iii) If any crack is found during the inspections required by this paragraph and the crack is beyond the limits specified in the service bulletin, prior to further flight, replace the attach fitting with a steel fitting in accordance with the service bulletin.

(iv) Prior to the accumulation of 250 landings following the detection of the transverse cracking, unless previously accomplished, replace the attach fitting with a steel fitting in accordance with the service bulletin.

(2) For any longitudinal crack that is found, accomplish the following:

(i) Repeat the inspection required by paragraph (b) of this AD at intervals not to exceed 250 landings.

(ii) Prior to the accumulation of 1,000 landings following detection of the longitudinal cracking, replace the attach fitting with a steel fitting in accordance with the service bulletin.

(f) Replacement of the attach fittings of the strut-to-diagonal brace with steel fittings, in accordance with Boeing Service Bulletin 747-54-2062, Revision 7, dated December 21, 1994, constitutes terminating action for the requirements of this AD.

(g) 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 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(h) Special flight permits may be issued in accordance with §§ 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 March 29, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-8174 Filed 4-3-95; 8:45 am]

BILLING CODE 4910-13-U

FEDERAL TRADE COMMISSION

16 CFR PART 248

Request for Comments Concerning Guides for the Beauty and Barber Equipment and Supplies Industry

AGENCY: Federal Trade Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission (the "Commission") requests public comments on its Guides for the Beauty and Barber Equipment and Supplies Industry. The Commission is also requesting comments about the overall costs and benefits of the Guides for the Beauty and Barber Equipment and Supplies Industry and their overall regulatory and economic impact as a part of its systematic review of all current Commission regulations and guides.

DATES: Written comments will be accepted until June 5, 1995.

ADDRESSES: Comments should be directed to: Secretary, Federal Trade Commission, Room H-159, Sixth Street and Pennsylvania Ave., NW., Washington, DC 20580. Comments about the Guides for the Beauty and