

# Rules and Regulations

Federal Register

Vol. 64, No. 4

Thursday, January 7, 1999

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-NM-308-AD; Amendment 39-10982; AD 97-20-01 R1]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment revises an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that currently requires repetitive inspections to detect cracks, corrosion, or damage of the lower spar fitting body and lug, and corrective actions, if necessary. That AD also provides for optional terminating action for the repetitive inspection requirements. That AD was prompted by reports that fatigue cracking was found in the lower spar fitting lug on the number 3 pylon and in the lower spar fitting body. The actions specified by that AD are intended to detect and correct such fatigue cracking, which could result in failure of the strut and separation of the engine from the airplane. This amendment references additional service bulletins for accomplishment of the optional replacement, and clarifies that accomplishment of certain AD's terminates the repetitive inspections.

**DATES:** Effective February 11, 1999.

The incorporation by reference of certain publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of October 7, 1997 (62 FR 49431, September 22, 1997).

**ADDRESSES:** The service information referenced in this AD 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Tamara L. Anderson, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2771; fax (425) 227-1181.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by revising AD 97-20-01, amendment 39-10139 (62 FR 49431, September 22, 1997), which is applicable to certain Boeing Model 747 series airplanes, was published in the **Federal Register** on April 3, 1998 (63 FR 16449). That action proposed to continue to require repetitive inspections to detect cracks, corrosion, or damage of the lower spar fitting body and lug, and corrective actions, if necessary. The action also proposed to provide for optional terminating action for the repetitive inspection requirements.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

#### Support for the Proposal

Two commenters support the proposed rule.

#### Requests To Withdraw the Proposal

Two commenters state that the proposed revision of AD 97-20-01 is not necessary because the intent of the revision was approved previously by the FAA under the "global" alternative method of compliance (AMOC) 97-120S-743, which was issued to Boeing on November 12, 1997, and under Boeing letter B-T113-97-5439, dated November 5, 1997.

The FAA infers from these remarks that the commenters request that the proposed AD be withdrawn. The FAA does not concur. Although the FAA agrees that the intent of the proposed

revision to AD 97-20-01 is the same as the previously referenced AMOC for that AD, the FAA has determined that the revision to that AD is necessary. First, the revision clarifies the requirements for any future operators who may not be aware of an existing AMOC. Second, any non-U.S. registered airplanes that are subsequently placed on the U.S. Register will be required to comply with the revision to AD 97-20-01. In addition, the revision will assist FAA principal maintenance inspectors in determining compliance with the final rule. In light of these factors, the FAA considers it necessary to issue the final rule. Paragraph (c)(2) has been added to the final rule to clarify that AMOC's, approved previously in accordance with AD 97-20-01, are approved as AMOC's with the requirements of this AD.

#### 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 as proposed. The FAA has 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 367 Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 152 airplanes of U.S. registry will be affected by this AD, that it will take approximately 19 work hours per airplane to accomplish the required inspections, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the inspections required by this AD on U.S. operators is estimated to be \$173,280, or \$1,140 per airplane, per inspection cycle.

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 removing amendment 39-10139 (62 FR 49431, September 22, 1997) and by adding a new airworthiness directive (AD), amendment 39-10982, to read as follows:

**97-20-01 R1 Boeing:** Amendment 39-10982. Docket 97-NM-308-AD. Revises AD 97-20-01, Amendment 39-10139.

**Applicability:** Model 747 series airplanes, having line numbers 1 through 500 inclusive, equipped with Pratt & Whitney Model JT9D-3, -7, or -7Q engines, or having line numbers 202, 204, 232, or 257, equipped with General Electric Model CF6 series engines; certificated in any category; and on which the strut/wing modification has not been accomplished in accordance with either of the following AD's:

- AD 95-10-16, amendment 39-9233 (60 FR 27008, May 22, 1995), or
- AD 95-13-07, amendment 39-9287 (60 FR 33336, June 28, 1995).

**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 (c)(1) 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 detect and correct fatigue cracking in the lower spar fitting lug or the lower spar fitting body, which could result in failure of the strut and separation of the engine from the airplane, accomplish the following:

(a) Within 90 days after October 7, 1997 (the effective date of AD 97-20-01, amendment 39-10139) perform a detailed visual inspection and an ultrasonic inspection to detect cracks, corrosion, or damage of the lower spar fitting body and lug, as applicable, in accordance with Figures 9 and 10 of Boeing Service Bulletin 747-54-2062, Revision 8, dated August 21, 1997.

**Note 2:** This AD does not require an inspection of the inboard strut-to-diagonal brace attach fitting as described in Figure 1 of Boeing Service Bulletin 747-54-2062, Revision 8, dated August 21, 1997. However, this inspection is required to be accomplished as part of AD 95-20-05, amendment 39-9383 (60 FR 51705, October 10, 1995).

(1) If no crack, corrosion, or damage is detected, repeat the detailed visual and ultrasonic inspections thereafter at intervals not to exceed 400 landings.

(2) If any crack, corrosion, or damage is detected, prior to further flight, accomplish either paragraph (a)(2)(i) or (a)(2)(ii) of this AD.

(i) Replace the lower spar fitting with a new steel lower spar fitting, in accordance with Part II of the Accomplishment Instructions of the service bulletin. Or

(ii) Modify the nacelle strut and wing structure in accordance with AD 95-10-16, amendment 39-9233 (60 FR 27008, May 22, 1995), or AD 95-13-07, amendment 39-9287 (60 FR 33336, June 28, 1995).

(b) Replacement of the lower spar fitting with a new steel lower spar fitting, in accordance with Part II of the Accomplishment Instructions of any of the following service bulletins listed below, or accomplishment of modification of the nacelle strut and wing structure required by AD 95-10-16, amendment 39-9233 (60 FR 27008, May 22, 1995), or AD 95-13-07, amendment 39-9287 (60 FR 33336, June 28, 1995); constitutes terminating action for the repetitive inspection requirements of this AD.

- Boeing Service Bulletin 747-54-2062, Revision 1, dated November 13, 1980;
- Boeing Service Bulletin 747-54-2062, Revision 2, dated March 19, 1981;
- Boeing Service Bulletin 747-54-2062, Revision 3, dated August 28, 1981;
- Boeing Service Bulletin 747-54-2062, Revision 4, dated June 30, 1982;
- Boeing Service Bulletin 747-54-2062, Revision 5, dated June 1, 1984;
- Boeing Service Bulletin 747-54-2062, Revision 6, dated October 2, 1986;
- Boeing Service Bulletin 747-54-2062, Revision 7, dated December 21, 1994;
- Boeing Service Bulletin 747-54-2062, Revision 8, dated August 21, 1997.

(c)(1) 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 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, Seattle ACO.

(2) Alternative methods of compliance, approved previously in accordance with AD 97-20-01, are approved as alternative methods of compliance with the requirements of this AD.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) 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.

(e) Certain actions shall be done in accordance with Boeing Service Bulletin 747-54-2062, Revision 8, dated August 21, 1997. The incorporation by reference of this document was approved previously by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of October 7, 1997 (62 FR 49431, September 22, 1997). 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, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on February 11, 1999.

Issued in Renton, Washington, on December 30, 1998.

**Darrell M. Pederson,**

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

[FR Doc. 99-186 Filed 1-6-99; 8:45 am]

BILLING CODE 4910-13-P