been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking of the fuselage frames and longerons 16R and 17R, which could result in reduced structural integrity of the airplane, accomplish the following:

(a) Prior to the accumulation of 30,000 total landings, or within 3,000 landings after the effective date of this AD, whichever occurs later, perform a visual inspection to detect fatigue cracking of the fuselage frames and longerons 16R and 17R above the forward lower cargo door, in accordance with paragraph 3.B.1. of the Accomplishment Instructions of McDonnell Douglas Service Bulletin DC9–53–267, dated October 20, 1997.

(b) *Condition 1.* If no cracking is detected during the inspection required by paragraph (a) of this AD, accomplish the requirements of either paragraph (b)(1) or (b)(2) of this AD, in accordance with McDonnell Douglas Service Bulletin DC9–53–267, dated October 20, 1997.

(1) *Option 1.* Repeat the visual inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 19,000 landings. Or

(2) *Option 2.* Prior to further flight, modify the fuselage frames and longerons 16R and 17R. Prior to the accumulation of 19,000 landings after accomplishment of the modification, perform the visual inspection specified in paragraph 3.B.1.D. of the Accomplishment Instructions of the service bulletin to detect fatigue cracking of the skin adjacent to the modification.

(i) If no cracking is detected, repeat the visual inspection thereafter at intervals not to exceed 19,000 landings.

(ii) If any cracking is detected, prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(c) *Condition 2.* If any cracking is detected during the inspection required by paragraph (a) of this AD, prior to further flight, repair the cracked area and modify the fuselage frames and longerons 16R and 17R; in accordance with McDonnell Douglas Service Bulletin DC9–53–267, dated October 20, 1997. Prior to the accumulation of 19,000 landings after accomplishment of the modification, perform the visual inspection specified in paragraph 3.B.1.D.(5) of the Accomplishment Instructions of the service bulletin to detect fatigue cracking of the skin adjacent to the modification, in accordance with the service bulletin.

(1) If no cracking is detected, repeat the visual inspection thereafter at intervals not to exceed 19,000 landings.

(2) If any cracking is detected, prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles ACO.

(d) Accomplishment of the inspections required by this AD constitutes terminating action for the inspections of Principal Structural Element 53.09.055A (reference McDonnell Douglas Model DC–9 Supplemental Inspection Document, Report No. L26–008, Section 2 of Volume I, Revision 5, dated July 1997), as required by AD 96–13–03, amendment 39–9671.

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 2: 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.

Incorporation by Reference

(g) Except as provided by paragraphs (b)(2)(ii) and (c)(2) of this AD, the actions shall be done in accordance with McDonnell Douglas Service Bulletin DC9–53–267, dated October 20, 1997. The incorporation by reference of this document was approved previously by the Director of the Federal Register as of May 12, 1999 (64 FR 16805, April 7, 1999). Copies may be obtained from Boeing Commercial Aircraft Group, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) The effective date of this amendment remains May 12, 1999.

Issued in Renton, Washington, on May 14, 1999.

Donald E. Gonder,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–12829 Filed 6–2–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–51–AD; Amendment 39–11185; AD 99–11–14]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that requires detailed visual inspections to detect corrosion or chrome plating cracks on the fuse pins of the outboard support of the main landing gear (MLG) beam. This AD also would require either installation of the existing fuse pins and repetitive inspections; or installation of newer-type fuse pins, which constitutes terminating action for the repetitive inspections. This amendment is prompted by a report indicating that corrosion was found on a fuse pin in the outboard support of the MLG beam. The actions specified by this AD are intended to detect and correct such corrosion and cracking, which could result in the failure of a fuse pin and, consequently, lead to collapse of the MLG.

DATES: Effective July 8, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 8, 1999.

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 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: James G. Rehrl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227–2783; fax (425) 227–1181.

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 certain Boeing

Model 767 series airplanes was published in the **Federal Register** on July 15, 1998 (63 FR 38120). That action proposed to require detailed visual inspections to detect corrosion or chrome plating cracks on the fuse pins, load distribution plates, and bushings of the outboard support of the main landing gear (MLG) beam. That action also proposed to require either installation of the existing fuse pins and repetitive inspections; or installation of newer-type fuse pins, which would constitute terminating action for the repetitive inspections.

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

Several commenters support the proposed rule.

Removal of References to Bushings and Load Distribution Plates

Several commenters request that all references to the bushings and load distribution plates specified in the proposal be removed. One commenter states that all references to these items have been removed in the latest revision (Revision 3) of Boeing Service Bulletin 767–57A0054. (Boeing Alert Service Bulletin 767–57A0054, Revision 2, dated April 18, 1996, was referenced in the proposal as the appropriate source of service information for accomplishment of the required actions.) Another commenter requests that the proposed inspection of the bushings and load distribution plates be removed, or if not removed, that accomplishment of the inspection, rework, and fabrication be performed in accordance with Component Maintenance Manual 57–54–23.

The commenters state that the unsafe condition in the proposed AD is related to cracking of the fuse pins and is not in any way related to discrepancies of the bushings and load distribution plates.

The FAA concurs with the commenters' requests. The FAA has determined that the structural integrity of the bushings and load distribution plates is indeed not an issue, and therefore all references to the bushings and load distribution plates have been removed from the final rule.

In addition, the final rule has been revised to include Boeing Service Bulletin 767–57A0054, Revision 3, dated October 30, 1997, as an additional source of service information. The FAA finds that this new revision is essentially the same as Revision 2 of the alert service bulletin. However, Revision 3 removes all references to the load distribution plates and bushings described in Revision 2 of the service bulletin.

Request To Allow Class 2 Chrome Plating Finish on Fuse Pins

One commenter requests that the proposed rule be changed to allow a chrome plating finish requirement of Class 2 or better on the 15–5PH CRES fuse pins. The commenter states that the Class 3 plating requirement for the fuse pins is excessive because Class 2 chrome plating is an effective shield against corrosion, and the substrate of the 15–5PH CRES fuse pins is less susceptible to corrosion than the older 4330M steel fuse pins. The commenter also indicates that the requirement for Class 3 chrome plating adds an unwarranted restriction at the next overhaul.

The FAA does not concur with the commenter's request to allow a chrome plating finish requirement of Class 2 or better on the 15–5PH CRES fuse pins, for several reasons:

1. As stated in the AD, the installation of the 15–5PH CRES fuse pins (with Class 3 chrome plating) is not required, but is an optional terminating action.

2. The new 15–5PH CRES fuse pins (with Class 3 chrome plating) were selected for the configuration because they are an improvement in that they are less susceptible to corrosion than the older 4330M steel fuse pins (with Class 2 chrome plating). Considering that Class 2 chrome plating has a history of disbonding from the steel substrate, the FAA finds it practical to select an improved process (i.e., Class 3 plating) for the new, more corrosion-resistant fuse pins.

3. The FAA reiterates that the pins called out in the service bulletin have already been manufactured with the improved Class 3 chrome plating. Compliance with this AD, and even with the optional terminating action (which is the portion of the AD that specifically calls for the installation of the 15–5PH CRES fuse pins), does not generate any excess burden on any operator by specifying that the new 15–5PH CRES fuse pins, as procured, have Class 3 chrome plating.

4. The FAA concludes that the commenter has misinterpreted that the AD requires Class 3 chrome plating be applied to the 4330M steel fuse pins, when, in fact, the AD does not. It requires that the existing 4330M steel fuse pins (with Class 2 plating) be repetitively inspected, or, as an optional terminating action, replaced with improved 15–5PH CRES fuse pins (with Class 3 plating).

5. Finally, in reference to the commenter's statement that Class 3 chrome plating adds an unwarranted restriction at the next overhaul, this AD does not require the existing 4330M steel fuse pins to be repaired with Class 3 plating at overhaul, nor does the AD describe any overhaul practices. Therefore, no change to the final rule is necessary in this regard.

Requests To Limit Applicability

One commenter requests that the applicability of the proposed rule be revised to include only those airplanes with fuse pins that have been identified by the manufacturer as substandard. The commenter states that the manufacturer has been able to connect inferior batches of fuse pins provided by certain suppliers to specific airplane line positions.

The FAA does not concur with the commenter's request. The manufacturer has not provided the FAA with any information that connects inferior batches of fuse pins to specific airplane line positions. Without such substantiating information, the FAA has no justification to revise the applicability of the final rule.

Another commenter requests that the applicability of the proposed rule be revised to exclude those airplanes on which 15–5PH CRES fuse pins have already been installed. The commenter states that the installation of the newer type 15–5PH CRES fuse pins addresses the unsafe condition and, therefore, airplanes with those pins installed are not affected by the proposed rule.

The FAA concurs with the commenter in that installation of the new fuse pins addresses the unsafe condition as stated in the final rule. Therefore, the applicability of the final rule has been revised accordingly.

Request To Revise Cost Impact Information

One commenter states that the service information contains more complete information than the preamble of the proposal and reflects a more accurate statement of the actual costs of the proposal. Although no specific change was requested by the commenter, the FAA infers that the commenter wants the cost impact section of the proposed rule to be revised to reflect the time required to gain access to the area and to return the airplane to normal service.

The FAA does not concur. The FAA acknowledges that the cost impact information, below, describes only the ''direct'' costs of the specific actions

required by this AD. The FAA recognizes that, in accomplishing the requirements of any AD, operators may incur ''incidental'' costs in addition to the ''direct'' costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate. Therefore, attempting to estimate such costs would be futile. No change to the final rule is necessary in this regard.

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 changes previously described. 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 609 Boeing Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 151 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours 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 this AD on U.S. operators is estimated to be $36,240, or $240 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:

99–11–14 Boeing: Amendment 39–11185. Docket 97–NM–51–AD.

Applicability: Model 767 series airplanes, line numbers 1 through 609 inclusive; certificated in any category; having 4330M steel fuse pins installed in the outboard support of the main landing gear (MLG) beam.

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 (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 detect and correct corrosion and cracking of the fuse pins in the outboard support of the MLG beam, which could result in the failure of a fuse pin and, consequently, lead to collapse of the MLG, accomplish the following:

Detailed Visual Inspection

(a) Within 4 years of service since the MLG was new, or within 18 months after the effective date of this AD, whichever occurs later, perform detailed visual inspections of the fuse pins of the MLG outboard support beam to detect corrosion or chrome plating cracks on the fuse pin, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–57A0054, Revision 2, dated April 18, 1996, or Boeing Service Bulletin 767–57A0054, Revision 3, dated October 30, 1997.

Note 2: For the purposes of this AD, a detailed visual 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.''

Corrective Actions

(b) If any corrosion or plating crack of a fuse pin is found during any inspection required by paragraph (a) of this AD, prior to further flight, accomplish either paragraph (b)(1) or (b)(2) of this AD.

(1) Install a new or serviceable 4330M steel fuse pin in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–57A0054, Revision 2, dated April 18, 1996, or Boeing Service Bulletin 767–57A0054, Revision 3, dated October 30, 1997. Repeat the detailed visual inspections required by paragraph (a) of this AD thereafter at intervals not to exceed 48 months. Or

(2) Install a newer-type 15–5PH CRES fuse pin in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–57A0054, Revision 2, dated April 18, 1996, or Boeing Service Bulletin 767–57A0054, Revision 3, dated October 30, 1997. Accomplishment of this installation constitutes terminating action for the repetitive inspection requirements of paragraphs (a), (b)(1), and (c)(1) of this AD.

(c) If no corrosion or plating crack is found on the fuse pins, prior to further flight, accomplish the requirements of either paragraph (c)(1) or (c)(2) of this AD in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–57A0054, Revision 2, dated April 18, 1998, or Boeing Service Bulletin 767–57A0054, Revision 3, dated October 30, 1997.

(1) Install the existing 4330M steel fuse pins in accordance with the Accomplishment Instructions of the service bulletin. Repeat the detailed visual inspections required by paragraph (a) of this AD thereafter at intervals not to exceed 48 months. Or

(2) Install newer-type 15–5PH CRES fuse pins in accordance with the Accomplishment Instructions of the service bulletin. Accomplishment of this installation constitutes terminating action for the repetitive inspection requirements of paragraphs (a), (b)(1), and (c)(1) of this AD.

Alternative Methods of Compliance

(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, 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.

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

Special Flight Permits

(e) 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.

Incorporation by Reference

(f) The actions shall be done in accordance with Boeing Alert Service Bulletin 767–57A0054, Revision 2, dated April 18, 1996; or Boeing Service Bulletin 767–57A0054, Revision 3, dated October 30, 1997. 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.

(g) This amendment becomes effective on July 8, 1999.

Issued in Renton, Washington, on May 21, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–13878 Filed 6–2–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–21–AD; Amendment 39–11184; AD 99–11–13]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company Model 402C Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Cessna Aircraft Company (Cessna) Model 402C airplanes. This AD requires inspecting the forward, aft, and auxiliary wing spars for cracks; repairing any cracks found; and reporting the results of the inspection to the Federal Aviation Administration (FAA). This AD is the result of an accident of one of the affected airplanes where the right-hand wing failed just inboard of the nacelle at Wing Station (WS) 87. Investigation of this accident revealed fatigue cracking of the forward main spar that initiated at the edge of the front spar forward lower spar cap. The actions specified by this AD are intended to detect and correct any cracks in the forward, aft, and auxiliary wing spars, which could result in reduced or loss of control of the airplane.

DATES: Effective June 21, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 21, 1999.

Comments for inclusion in the Rules Docket must be received on or before July 23, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–21–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from the Cessna Aircraft Company, P. O. Box 7706, Wichita, Kansas 67277; telephone: (316) 941–7550, facsimile: (316) 942–9008. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–21–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Eual Conditt, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209, telephone: (316) 946–4128; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA has received a report of an accident on a Cessna Model 402C airplane where the right-hand wing failed just inboard of the nacelle at Wing Station (WS) 87 during a normal descent. Investigation of this accident revealed fatigue cracking of the forward main spar that initiated at the edge of the front spar forward lower spar cap.

The airplane involved in the above-referenced accident had accumulated over 20,000 hours time-in-service (TIS). Analysis shows that the fatigue cracks could propagate after 10,000 hours TIS. Information available to the FAA shows that a large percentage of the Cessna Model 402C airplane fleet has already accumulated 10,000 hours TIS.

Relevant Service Information

Cessna has issued Service Bulletin MEB99–3, dated May 6, 1999, which includes procedures for conducting an internal and external inspection of the forward, aft, and auxiliary wing spars for cracks.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, including the relevant service information, the FAA has determined that:

—In order to detect cracking on Cessna Model 402C airplanes, an external and internal inspection of the forward, aft, and auxiliary wing spars for cracks should be accomplished upon accumulating 10,000 hours total TIS on the airplane or within the next 25 hours TIS for those airplanes having already accumulated 10,000 hours TIS; and

—AD action should be taken to assure that these inspections are accomplished.

Explanation of the Provisions of the AD

Since an unsafe condition has been identified that is likely to exist or develop in other Cessna Model 402C airplanes of the same type design, this AD requires inspecting the forward, aft, and auxiliary wing spars for cracks; repairing any cracks found; and reporting the results of the inspection to the FAA.

Accomplishment of the inspections as specified in this AD is required in accordance with Cessna Service Bulletin MEB99–3, dated May 6, 1999. The repair, if necessary, is required in accordance with an FAA-approved repair scheme.

Possible Follow-Up AD Action

The FAA is requiring a reporting requirement of the inspection results in order to analyze the situation and determine whether repetitive inspections of the wing spars are necessary. The FAA will review all information received and will then determine whether additional AD action is necessary.