

proposal before submitting comments to the FAA.

In accordance with § 11.20(c) of Title 14, Code of Federal Regulations, the FAA has reviewed the petitions for extension of the comment period to Notice No. 99-09. All petitioners have shown a substantive interest in the proposed rule and good cause for the extension. The FAA also has determined that extension of the comment period is consistent with the public interest.

#### Extension of Comment Period

The FAA has reviewed the requests for consideration of an extended comment period for Notice No. 99-09 and determined that an extension would be in the public interest, and that good cause exists for taking this action.

Accordingly, the comment period for Notice No. 99-09 is extended to December 3, 1999.

Issued in Washington, DC on October 15, 1999.

**L. Nicholas Lacey,**

*Director, Flight Standards Service.*

[FR Doc. 99-27470 Filed 10-18-99; 12:36 pm]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-NM-186-AD]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 767 Series Airplanes

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

**ACTION:** Supplemental notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This document revises an earlier proposed airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that would have required repetitive inspections to ensure the proper condition of the engine thrust link components, and follow-on corrective action, if necessary; and replacement of the end cap assembly with an improved assembly. Such replacement, when accomplished, would terminate the repetitive inspections. That proposal was prompted by a report of fatigue cracking of end cap bolts caused by improper installation. This new action revises the proposed rule by adding a repair requirement and by clarifying the type

of inspection and terminology used in describing the parts to be inspected. The actions specified by this new AD are intended to prevent failure of the end cap assembly, which could lead to separation of the engine from the airplane in the event of a primary thrust linkage failure.

**DATES:** Comments must be received by November 10, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 97-NM-186-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. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** James G. Rehr, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2783; fax (425) 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 97-NM-186-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 97-NM-186-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on May 20, 1998 (63 FR 27696). That NPRM would have required repetitive inspections to detect improper installation or fatigue damage of the end cap of the forward engine mount, and replacement of the end cap assembly with an improved assembly. Such replacement, when accomplished, would terminate the repetitive inspections. That NPRM was prompted by a report of fatigue cracking of end cap bolts caused by improper installation. That condition, if not corrected, could result in failure of the end cap assembly, which could lead to separation of the engine from the airplane in the event of a primary thrust linkage failure.

#### Comments

Due consideration has been given to the comments received in response to the NPRM:

One commenter states that it is not affected by the proposal because its Model 767-200ER series airplanes are powered by General Electric engines. Another commenter generally supports the proposal.

#### Request To Withdraw the Original NPRM

One commenter does not consider that issuance of the original NPRM is necessary for the following reasons:

1. The commenter states that "regulatory action mandating incorporation of Boeing Alert Service Bulletin 767-71A0087 is unwarranted for JT9D powered Model 767 aircraft" for several reasons. First, the original

NPRM was issued solely because the part numbers of the end caps and bolts on Model 767 and Model 747-400 series airplanes are the same. Second, the alert service bulletin was issued on the basis of one report of broken end cap bolts by one operator of a Model 747-400 series airplane.

The FAA does not concur that the original NPRM should be withdrawn. Issuance of the original NPRM was not based on the fact that both end caps have the same part number, but on the fact that the configuration of the end cap assembly is identical. The configuration of the end cap assembly for Model 767 and 747 series airplanes is identical in all relevant respects. Therefore, if an end cap assembly is installed incorrectly in either of those airplane models, the same unsafe condition is likely to occur. In addition, the unsafe condition is likely to occur regardless of whether the airplane is powered by Pratt & Whitney Model JT9D or Model PW4000 series engines, as the installations of those airplane engines also are identical. In light of this, the FAA has determined that an unsafe condition exists. No change to the supplemental NPRM is necessary in this regard.

2. The commenter states that the cause of the bolt failure on a Model 747-400 series airplane was attributed to a personnel error when the end cap was installed backwards. The commenter adds that one isolated incident involving a personnel error "does not warrant drastic repetitive inspections."

The FAA does not concur that the original NPRM should be withdrawn. While personnel error was involved in the mis-installation of the end cap, it is the ease by which an end cap can be installed backwards that makes it likely that this condition could exist on other airplanes. For this reason, the FAA considers that an unsafe condition is likely to develop on other airplane models of the same design, and that issuance of this AD and the repetitive inspections required by this AD are necessary to ensure continued operational safety. No change to the supplemental NPRM is necessary in this regard.

3. The commenter states that the end cap and bolts are routinely inspected for defects when they are removed from the assembly. In addition, in the entire operating history of Model 767 series airplanes powered by Pratt & Whitney Model JT9D series engines, there is no documented event of any operator experiencing failure of an end cap or bolt. Further, there is no evidence that the end caps were ever installed

backwards on any Model 767 series airplane.

The FAA does not concur that the original NPRM should be withdrawn. Even though the operator may conduct a routine inspection of the end cap and bolts for defects, additional inspections are required because of the possibility of early fatigue failure. The FAA considers this AD necessary in order to address two major concerns:

- First, if an end cap were installed incorrectly, it would automatically pick up thrust loads on every flight and result in an early fatigue failure of the end cap assembly. Thus, if the primary load path provided by the thrust links, evenbar, and engine lugs were to then experience a failure, the engine would separate from the airplane almost immediately.

- Second, investigation has revealed that even a *properly* installed end cap assembly has an inadequate fatigue life. Analysis and testing indicate that if the primary load path fails, the end cap assembly then would react all of the new loads and cause the end cap assembly to fail within a relatively small number of flight cycles. Such failure would occur even if the end cap assembly had been entirely intact at the time the primary load path failed. For this reason, the original NPRM specifies repetitive inspections of the primary load path (i.e., the thrust link, evenbar, and engine lugs) until accomplishment of the replacement action specified in Work Packages 3 or 4.

The FAA considers that the lack of defects found in the operator's end caps implies merely that the original end caps were installed correctly, as a properly installed end cap would not react any loads during normal flight operations, thereby making it unlikely that any fatigue damage would have occurred. However, because it has been determined that the existing end cap assembly has an inadequate fatigue life, the FAA considers that the requirements of this AD are necessary to ensure the operational safety of the fleet. No change to the supplemental NPRM is necessary in this regard.

4. The commenter states that the alert service bulletin mandates a visual check and an ultrasonic on-wing [non-destructive test (NDT)] inspection of the evenbar and thrust links for the engine mounts for Pratt & Whitney Model JT9D series engines, but no on-wing ultrasonic inspection is specified for Model PW4000 series engines. If repetitive on-wing ultrasonic inspections are waived for the higher thrust Model PW4000 series engines, there is no justification to require those

inspections for the lower thrust Model JT9D series engines. Further, the operating history of airplanes powered by Model JT9D series engines does not support any regulatory action regarding the forward lower engine mount.

The FAA does not concur that the original NPRM should be withdrawn. The FAA points out that the original NPRM makes it clear in the "Differences" paragraph that the two airplane groups for Model 767 series airplanes, Group 1 airplanes (with JT9D engines) and Group 2 airplanes (with PW4000 engines), are to be treated exactly the same. According to the manufacturer's fleet utilization data base, there should never be a case of any Group 2 airplane ever reaching the threshold of 16,000 flight cycles before it reaches the 3-year compliance time for the mandatory terminating action. Although the logic diagram in Figure 1 of the alert service bulletin specifies that operators of Group 2 airplanes (i.e., airplanes with Model PW4000 series engines) [with more than 16,000 flight cycles] should contact the manufacturer, the FAA considers that this instruction was included on the off-chance that an airplane might fall into this category. However, this does not imply that any such airplanes would be waived from the NDT inspection requirements. On the contrary, such airplanes would be handled on a case-by-case basis, with every expectation that NDT inspections would be required at shorter inspection intervals because of the higher fatigue damage that could be caused by the higher thrust Model PW4000 series engines. No change to the supplemental NPRM is necessary.

#### **Request To Clarify Inspection Requirements and Components To Be Inspected**

One commenter, the manufacturer, requests certain changes to the "Explanation of Relevant Service Information" paragraph in the original NPRM. The commenter contends that the AD should refer to inspections of the "engine thrust link components" rather than to inspections of the "end cap."

The FAA concurs that the commenter's suggested changes add clarity and technical accuracy to the supplemental NPRM. Additionally, Boeing Alert Service Bulletin 767-71A0087, dated October 10, 1996, does not specify inspections of the "end cap," but only includes inspections of the "forward engine mount" to ensure that the thrust links, evenbar, associated engine lugs, and attaching hardware are firmly attached. Although the "Explanation of Relevant Service Information" paragraph is not included

in this supplemental NPRM, the FAA has determined that certain changes are necessary in this AD for several reasons.

The FAA considers that requiring operators "to ensure the proper condition of the engine thrust link components" more accurately describes the action required for the inspection rather than "to detect improper installation or fatigue damage of the end cap of the forward engine mount." The FAA points out that "fatigue damage of the end cap of the forward engine mount," which involves the secondary load path, could not be detected until the forward engine mount was disassembled. In addition, the inspections specified by the alert service bulletin are for "engine thrust link components," not the "end cap" itself.

This supplemental NPRM correlates the corrective action to the presence or absence of damage to the engine thrust link components. In addition, the engine thrust link components, which involve the primary load path, can be inspected with no disassembly of the forward engine mount. In light of this information, the FAA has made the appropriate changes to the "Summary" paragraph of this supplemental NPRM.

#### **Request To Include Repair of Discrepancies**

One commenter, the manufacturer, requests that paragraph (d) of the original NPRM be revised to require that all discrepancies or damage found be repaired in accordance with an approved FAA procedure.

The FAA concurs partially. The action required by paragraph (d) of the original NPRM is now included in paragraphs (c), (c)(1), and (c)(2) of the supplemental NPRM. The repair requirement is added in paragraph (c)(1), and the action for accomplishment of Work Package 3 is included in paragraph (c)(2). Because the repair procedures are not specified in Work Package 3 of the alert service bulletin, it is necessary for this supplemental NPRM to require that any repairs be accomplished in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO).

#### **Explanation of Changes Made to the Supplemental NPRM**

The FAA has clarified one of the inspection requirements contained in the original NPRM. Whereas the original NPRM specified the accomplishment of Work Package 1 (visual inspection of the forward engine mount), the FAA has revised this supplemental NPRM to clarify that its intent is to require a detailed visual inspection. Additionally,

a note has been added to the supplemental NPRM to define that inspection.

The FAA has deleted the reference to paragraph (c) that was included in paragraph (a) of the original NPRM, which stated that "Where Boeing Alert Service Bulletin 767-71A0087, dated October 10, 1996, specifies that the actions required by this AD may be accomplished in accordance with an operator's equivalent procedure," the actions must be accomplished in accordance with Chapter 71-00-00 of the Boeing 767 Airplane Maintenance Manual (AMM), as specified in the alert service bulletin." The FAA has determined that the required inspections and replacement actions specified in paragraphs (a), (b), and (c)(2) of the supplemental NPRM are adequately addressed in the alert service bulletin. Therefore, reference to a specific chapter of the AMM is not necessary.

Paragraphs (a)(1) and (a)(2) of this supplemental NPRM have been revised to clarify the inspection requirements.

#### **Explanation of Changes Made to This Final Rule**

The FAA has clarified the inspection requirement contained in the proposed AD. Whereas the proposal specified a visual inspection, the FAA has revised this final rule to clarify that its intent is to require a detailed visual inspection. Additionally, a note has been added to the final rule to define that inspection.

#### **Conclusion**

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

#### **Cost Impact**

There are approximately 239 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 96 airplanes of U.S. registry will be affected by this AD, that it will take approximately 37 work hours per airplane (18.5 work hours per engine) 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 AD on U.S. operators is estimated to be \$213,120, or \$2,220 per airplane, per inspection cycle.

It will take approximately 135 work hours per airplane (67.5 work hours per engine) to accomplish the required replacement of the forward engine mount end cap and bolts, and the average labor rate is \$60 per work hour.

Required parts would cost approximately \$1,000 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$873,600, or \$9,100 per airplane.

The cost impact figures discussed above are 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 proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

#### **The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### **PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### **§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

**Boeing:** Docket 97-NM-186-AD.

**Applicability:** Model 767 series airplanes, powered by Pratt & Whitney Model JT9D or Model PW4000 series engines, as listed in Boeing Alert Service Bulletin 767-71A0087, dated October 10, 1996; 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 prevent possible separation of the engine from the airplane in the event of a primary thrust linkage failure, accomplish the following:

#### Initial and Repetitive Inspections

(a) For Groups 1 and 2 airplanes: Accomplish paragraphs (a)(1), (a)(2), and (a)(3) of this AD, as applicable, in accordance with Boeing Alert Service Bulletin 767-71A0087, dated October 10, 1996.

(1) Within 500 flight hours or 300 flight cycles after the effective date of this AD, whichever occurs later: Accomplish Work Package 1 (a detailed visual inspection of the forward engine mount to ensure that the thrust link, evener bar, associated lugs, and attaching hardware are firmly attached). Thereafter, repeat Work Package 1 at the intervals specified in the alert service bulletin until the requirements of either paragraph (a)(2) or (a)(3) of this AD are accomplished.

**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 an intensity deemed appropriate by the inspector. Inspection aids such as mirrors, magnifying lenses, etc. may be used. Surface cleaning and elaborate access procedures may be required."

(2) Prior to the accumulation of 16,000 total flight cycles on any engine or within 500 flight hours or 300 flight cycles after the effective date of this AD, whichever occurs latest: Accomplish Work Package 2 (non-destructive test inspection of the forward engine mount to ensure the proper condition of the engine thrust link components). Thereafter, repeat Work Package 2 on that engine at the intervals specified in the alert service bulletin until the requirements of paragraph (a)(3) of this AD are accomplished. Accomplishment of Work Package 2 constitutes terminating action for the repetitive inspections required by paragraph (a)(1) of this AD for that engine.

#### Replacement and Terminating Action

(3) Within 3 years after the effective date of this AD: Accomplish Work Package 3 (end cap and bolt replacement of the forward engine mount). Accomplishment of Work Package 3 constitutes terminating action for the requirements of this AD for Groups 1 and 2 airplanes.

(b) For Group 3 airplanes: Within 3 years after the effective date of this AD, accomplish Work Package 4 (bolt replacement) in accordance with Boeing Alert Service Bulletin 767-71A0087, dated October 10, 1996.

#### Repair and Replacement Action

(c) For all airplanes: If any discrepancy (including an improperly installed or damaged engine thrust link component) is found during any inspection required by this AD, prior to further flight, accomplish the actions required by paragraphs (c)(1) and (c)(2) of this AD.

(1) Repair any discrepancies in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

(2) Accomplish Work Package 3 in accordance with Boeing Alert Service Bulletin 767-71A0087, dated October 10, 1996.

#### Spares

(d) As of the effective date of this AD, no person shall install a forward engine mount end cap having part number 310T3026-1 on any airplane.

#### Alternative Method 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, Seattle 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

(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 October 15, 1999.

#### D.L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-27564 Filed 10-20-99; 8:45 am]

BILLING CODE 4910-13-p

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-248-AD]

RIN 2120-AA64

### Airworthiness Directives; Airbus Model A300 B2 and B4 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 Airbus Model A300 B2 and B4 series airplanes. This proposal would require repetitive inspections to detect cracking of the inner skin panel of the longitudinal lap joint; and repair, or modification and new repetitive inspections, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct stress corrosion cracking of the inner skin panel of the longitudinal lap joint, which could result in rapid depressurization of the airplane.

**DATES:** Comments must be received by November 22, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-248-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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested persons are invited to participate in the making of the