

# Rules and Regulations

Federal Register

Vol. 66, No. 129

Thursday, July 5, 2001

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. 2000-NM-396-AD; Amendment 39-12304; AD 2001-13-22]

RIN 2120-AA64

#### **Airworthiness Directives; McDonnell Douglas Model DC-10-10, -15, -30, -30F (KC-10A Military), and -40 Series Airplanes; and Model MD-10-10F and MD-10-30F Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-10-10, -15, -30, -30F (KC-10A military), and -40 series airplanes; and Model MD-10-10F and MD-10-30F series airplanes, that currently requires, among other actions, performing repetitive ultrasonic inspections of the attaching bolts on the inboard and outboard support on the inboard and outboard flap assembly to detect failed bolts, or verifying the torque of the attaching bolts on the inboard support on the outboard flap; and follow-on actions. This amendment, among other actions, adds a requirement to verify the torque of the attaching bolts on the outboard support on the inboard and outboard flaps, and allows repetitive torque verifications. This amendment is prompted by a review that revealed inadvertent omission of a requirement. The actions specified by this AD are intended to prevent in-flight loss of inboard and outboard flap assemblies due to failure of H-11 attaching bolts, which could result in reduced controllability of the airplane.

**DATES:** Effective August 9, 2001.

The incorporation by reference of certain publications listed in the regulations has been approved previously by the Director of the Federal Register as of September 25, 2000 (65 FR 50621, August 21, 2000).

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). 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 FAA, 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.

**FOR FURTHER INFORMATION CONTACT:** Ron Atmur, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5224; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2000-16-10, amendment 39-11866 (65 FR 50621, August 21, 2000), which is applicable to certain McDonnell Douglas Model DC-10-10, -15, -30, -30F (KC-10A military), and -40 series airplanes; and Model MD-10-10F and MD-10-30F series airplanes, was published in the **Federal Register** on February 21, 2001 (66 FR 10970). The action proposed to continue to require repetitive ultrasonic inspections of the attaching bolts on the inboard and outboard support on the inboard and outboard flap assembly to detect failed bolts, or verifying the torque of the attaching bolts on the inboard support on the outboard flap; and follow-on actions. The action also proposed to continue to require replacement of all attaching bolts with bolts made from Inconel, which would constitute terminating action for the repetitive inspection requirements. In addition, the action proposed to add a requirement to verify the torque of the attaching bolts on the outboard support on the inboard and outboard flaps, and to allow repetitive torque verification in

lieu of the repetitive ultrasonic inspections.

#### Comments

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

The commenter supports the proposed rule.

#### Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

There are approximately 412 McDonnell Douglas Model DC-10-10, -15, -30, -30F (KC-10A military), and -40 series airplanes; and Model MD-10-10F and MD-10-30F series airplanes of the affected design in the worldwide fleet. The FAA estimates that 244 airplanes of U.S. registry will be affected by this AD.

The inspection/torque verification that is currently required by AD 2000-16-10, and retained in this new AD, takes approximately 2 to 8 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be between \$29,280 and \$117,120, or between \$120 and \$480 per airplane, per inspection cycle.

The bolt replacement that is currently required by AD 2000-16-10, and retained in this new AD, takes approximately 288 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$2,987 per airplane. Based on these figures, the cost impact of the currently required replacement on U.S. operators is estimated to be \$4,945,148, or \$20,267 per airplane.

The cost impact of the new torque verification required by this AD is included in the cost estimate above for the inspection/torque verification.

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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

### Regulatory Impact

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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 39-11866 (65 FR 50621, August 21, 2000), and by adding a new airworthiness directive (AD), amendment 39-12304, to read as follows:

#### **2001-13-22 McDonnell Douglas:**

Amendment 39-12304. Docket 2000-

NM-396-AD. Supersedes AD 2000-16-10, Amendment 39-11866.

**Applicability:** Model DC-10-10, -15, -30, -30F (KC-10A military), and -40 series airplanes; and Model MD-10-10F and MD-10-30F series airplanes; as listed in McDonnell Douglas Alert Service Bulletin DC10-57A143, dated December 20, 1999; 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 request approval for an alternative method of compliance in accordance with paragraph (e)(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 prevent in-flight loss of inboard and outboard flap assemblies due to failure of H-11 attaching bolts, which could result in reduced controllability of the airplane, accomplish the following:

### Inspection or Torque Verification, and Corrective Actions, if Necessary

(a) Within 2 months after September 25, 2000, (the effective date of AD 2000-16-10, amendment 39-11866), do an ultrasonic inspection of the attaching bolts on the inboard and outboard support on the outboard flap assembly and on the outboard support on the inboard flap assembly to detect failed bolts, or verify the torque of the attaching bolts on the inboard support on the outboard flap, per McDonnell Douglas Alert Service Bulletin DC10-57A143, dated December 20, 1999.

(1) If no failed bolt is found, repeat the ultrasonic inspection or torque verification every 6 months.

(2) If any failed bolt is found, before further flight, replace the bolt and associated parts with a new Inconel bolt and new associated parts per the service bulletin, except as provided by paragraphs (a)(2)(i) and (a)(2)(ii) of this AD. Accomplishment of the replacement constitutes terminating action for the repetitive requirements of paragraph (a)(1) of this AD for that bolt.

(i) If an Inconel bolt is not available for accomplishment of the replacement, replacement with a new H-11 steel bolt is acceptable provided that operators repeat the ultrasonic inspection or torque verification every 6 months until the requirements of paragraph (c) of this AD are accomplished.

(ii) If a PLI washer is not available for accomplishment of the Inconel replacement, a new Inconel bolt can be temporarily installed without a new PLI washer provided that the bolt is torqued to the applicable value specified in the service bulletin. Within 6,000 flight hours after an Inconel bolt is torqued, replace the PLI washer with a new washer per the service bulletin.

### Torque Verification

(b) For airplanes on which the verification of the torque of the attaching bolts on the inboard support on the outboard flap was done per paragraph (a) of this AD: Within 2 months after the effective date of this AD, verify the torque of the attaching bolts on the outboard support on the inboard and outboard flaps, per McDonnell Douglas Alert Service Bulletin DC10-57A143, dated December 20, 1999; and do the applicable action(s) specified in paragraph (a)(1) or (a)(2) of this AD.

### Bolt Replacement

(c) Within 2 years after accomplishing the initial inspection required by paragraph (a) of this AD or the torque verification required by paragraphs (a) and (b) of this AD, do the action specified in paragraph (a)(2) of this AD for all H-11 bolts. Accomplishment of the replacement of all H-11 bolts with Inconel bolts constitutes terminating action for the requirements of this AD.

### Spares

(d) As of 2 years after the effective date of this AD, no person shall install, on any airplane, an H-11 steel bolt, part number 71658-8-44, 71658-7-44, 71658-7-54, 71658-7-56, 71658-7-29, 71658-9-31, 71658-9-34, 71658-9-38, 71658-9-41, 71658-10-41, 71658-7-26, 71658-7-27, or 71658-8-29, on the inboard or outboard flap assembly.

### Alternative Methods of Compliance

(e)(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, Los Angeles Aircraft Certification Office (ACO), FAA. 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.

(2) Alternative methods of compliance, approved previously per AD 2000-16-10, amendment 39-11866, are considered to be approved as alternative methods of compliance with this AD.

### 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) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin DC10-57A143, dated December 20, 1999. This incorporation by reference of that document was approved previously by the Director of the Federal Register as of September 25, 2000 (65 FR 50621, August 21, 2000). Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long

Beach, California 90846, Attention: Attention: Data and Service Management, Dept. C1-L5A (D800-0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, 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.

#### Effective Date

(h) This amendment becomes effective on August 9, 2001.

Issued in Renton, Washington, on June 27, 2001.

**Vi L. Lipski,**

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

[FR Doc. 01-16739 Filed 7-3-01; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 129 and 165

[Docket No. 01N-0126]

#### Beverages: Bottled Water; Technical Amendment; Confirmation of Effective Date

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Direct final rule; technical amendment; confirmation of effective date.

**SUMMARY:** The Food and Drug Administration (FDA) is confirming the effective date of January 1, 2002, for the direct final rule that appeared in the *Federal Register* of March 28, 2001 (66 FR 16858). The direct final rule amends the bottled water quality standard regulations (part 165 (21 CFR part 165)) by establishing allowable levels for three residual disinfectants (chloramine, chlorine, and chlorine dioxide) and three types of disinfection byproducts (DBPs) (bromate, chlorite, and haloacetic acids (HAA5)) and revised the existing allowable level in part 165 for the DBP total trihalomethanes (TTHM). The direct final rule also revised, for the three residual disinfectants and four types of DBPs only, the monitoring requirement for source water found in the current good manufacturing practice (CGMP) regulations for bottled water in part 129 (21 CFR part 129). FDA is also making a technical amendment to part 165 to correct an editorial error introduced in the direct final rule of March 28, 2001 (66 FR 16858 at 16866). This document

confirms the effective date of the direct final rule.

**DATES:** The effective date for the regulation confirmed: January 1, 2002. The technical amendment to part 165 is also effective January 1, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Lauren Posnick, Center for Food Safety and Applied Nutrition (HFS-306), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-358-3568.

**SUPPLEMENTARY INFORMATION:** In the *Federal Register* of March 28, 2001 (66 FR 16858), FDA gave interested persons until June 11, 2001, to comment on the direct final rule. FDA stated that the effective date of the direct final rule would be January 1, 2002, and, if the agency received no significant adverse comment, it would publish a notice of confirmation of the effective date no later than July 5, 2001. FDA received no significant adverse comments within the comment period. Therefore, FDA is confirming that the effective date of the regulation is January 1, 2002.

As noted in the direct final rule, FDA is publishing this confirmation notice 180 days before the effective date to permit affected firms adequate time to take appropriate steps to bring their product into compliance with the standard imposed by the new rule. However, FDA recognizes that some bottled water products may be in the marketplace and remain there for 2 or more years. Thus, there may be some products already in interstate commerce on the effective date that have not been tested under the new part 129 requirements for disinfectants and disinfection by-products and that do not meet the revised standard of quality.

Under 403(h)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343 (h)(1)), such products are considered to be misbranded if they do not meet the revised quality standard for the three residual disinfectants and the four types of DBPs unless they bear a statement of substandard quality. However, FDA believes that it would be appropriate to exercise its enforcement discretion as to those bottled water products that: (1) Are already in interstate commerce before January 1, 2002; (2) do not meet the revised quality standard for the three residual disinfectants and the four types of DBPs; and (3) do not bear a statement of substandard quality—provided that such products are not adulterated. Therefore, the agency does not plan to take enforcement action against such bottled water products, provided that such products are safe.

FDA is making a technical amendment to part 165 to correct an editorial error introduced in the direct

final rule of March 28, 2001 (66 FR 16858 at 16866). In §165.110(b)(1)(ii), the agency is correcting the phrase “three significant figures” to read “two significant figures.” The error also appears in 21 CFR part 165.100 (21 CFR revised as of April 1, 2001), on page 535, in the first column, under “Effective Date Note.” Publication of this document constitutes final action of this change under the Administrative Procedure Act (5 U.S.C. 553). FDA has determined that notice and public comment are unnecessary because this amendment is nonsubstantive. Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, notice is given that no objections or requests for a hearing were filed in response to the March 28, 2001, direct final rule. Accordingly, the amendments issued thereby, including the technical amendment below, are effective January 1, 2002.

#### List of Subjects in 21 CFR Part 165

Beverages, Bottled water, Food grades and standards.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 165 is amended as follows:

#### PART 165—BEVERAGES

1. The authority citation for 21 CFR part 165 continues to read as follows:

**Authority:** 21 U.S.C. 321, 341, 343, 343-1, 348, 349, 371, 379e.

2. Section 165.110 is amended by revising paragraph (b)(1)(ii) to read as follows:

#### § 165.110 Bottled water.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(ii) *Total trihalomethanes* (TTHM) means the sum of the concentration in milligrams per liter of the trihalomethane compounds (trichloromethane, dibromochloromethane, bromodichloromethane, and tribromomethane), rounded to two significant figures.

\* \* \* \* \*

Dated: June 29, 2001.

**Margaret M. Dotzel,**

*Associate Commissioner for Policy.*

[FR Doc. 01-16909 Filed 7-2-01; 4:22 pm]

BILLING CODE 4160-01-S