Register as of June 27, 1996 (61 FR 29642, June 12, 1996).

(2) The incorporation by reference of the remainder of the service bulletins listed above is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(3) Copies may be obtained from Lockheed Martin Aircraft & Logistics Center, 120 Orion Street, Greenville, South Carolina 29605. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(k) This amendment becomes effective on July 28, 1999.

Issued in Renton, Washington, on June 15, 1999.

Dorenda D. Baker,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–15779 Filed 6–22–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–116–AD; Amendment 39–11198; AD 99–13–05]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 777 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 777 series airplanes. This action requires repetitive inspections to detect cracking of the upper cutout and lower flange of the outboard support assembly of the flaperons on the wings; and corrective actions, if necessary. This amendment also provides an optional terminating action for the repetitive inspections. This amendment is prompted by results of flight testing conducted by the manufacturer indicating that high engine thrust conditions during takeoff cause excessive cyclic loads and could lead to fatigue cracking of the outboard support of the flaperon. The actions specified in this AD are intended to detect and correct such fatigue cracking, which could result in fracture of the flaperon support structure, loss of the flaperon, and consequent reduced controllability of the airplane.

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.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–116–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

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: Stan Wood, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2772; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: Results of flight testing of the Boeing Model 777 series airplane indicate that high engine thrust conditions during takeoff cause excessive cyclic loads on the flaperon support structure of the flaperons on the left and right wings. Based on engineering analysis of the flaperon support structure, it was determined that due to the reduced fatigue life of the affected parts, fatigue cracks could develop on the outboard support of the flaperons. For airplanes powered by Rolls-Royce engines, it was determined that fatigue cracks could occur prior to the accumulation of 4,000 total flight cycles; and for airplanes powered by General Electric and Pratt & Whitney engines, fatigue cracks could occur prior to the accumulation of 10,000 total flight cycles. Such fatigue cracking of the outboard support of the flaperons, if not detected and corrected, could result in fracture of the flaperon support structure, loss of the flaperon, and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 777–57A0008, dated March 25, 1999, which describes procedures for accomplishment of repetitive high frequency eddy current (HFEC) inspections to detect cracking of the upper cutout and lower flange of the outboard support assembly of the flaperons on the left and right wings; and corrective actions, if necessary. The corrective actions include modification of the fairings of the outboard flaperon; modification of the lower panels of the fixed trailing edge of the outboard flaperon; replacement of the existing outboard support, the outboard support bearing block, and the upper panel bracket of the fixed trailing edge of the flaperons on each wing with new components; and an operational test to detect fuel leakage.

In addition, the service bulletin describes procedures for accomplishment of modification of the inboard aft fairing assembly of the flaperons to be accomplished concurrently with the modification of the outboard support assemblies. These procedures include modification of the aft fairing of the inboard support and replacement of the existing inboard support bearing block with a new block.

Accomplishment of the modifications described previously eliminates the need for the repetitive inspections.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to detect and correct fatigue cracking of the outboard support assembly of the flaperons on each wing, which could result in fracture of the flaperon support structure, loss of the flaperon, and consequent reduced controllability of the airplane. This AD requires accomplishment of the actions specified in the service bulletin described previously, except as discussed below. In addition, this AD provides an optional terminating action for the repetitive inspections.

Differences Between This Rule and Alert Service Bulletin

The alert service bulletin specifies that the manufacturer may be contacted for disposition of certain cracking conditions, in lieu of accomplishment of the terminating action. However, if any cracking is detected, this AD requires accomplishment of the terminating action prior to further flight.

The alert service bulletin specifies that certain corrective actions required by this AD may be accomplished in accordance with the Airplane Maintenance Manual or an operator's ''equivalent procedure.'' However, this AD requires that any such actions be

accomplished only in accordance with the procedures specified in the Airplane Maintenance Manual. An ''operator's equivalent procedure'' may be used only if approved as an alternative method of compliance in accordance with the provisions of this AD.

Interim Action

This is considered to be interim action. The FAA is currently considering requiring modification of the outboard and inboard support assemblies of the flaperons, as described in the alert service bulletin, which would constitute terminating action for the repetitive inspections required by this AD. However, the planned compliance time for these actions is sufficiently long so that notice and opportunity for prior public comment will be practicable.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–116–AD.'' The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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:

99–13–05 Boeing: Amendment 39–11198. Docket 99–NM–116–AD.

Applicability: Model 777 series airplanes, as listed in Boeing Alert Service Bulletin 777–57A0008, dated March 25, 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 (f) 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 of the outboard support of the flaperon, which could result in fracture of the flaperon support structure, loss of the flaperon, and consequent reduced controllability of the airplane; accomplish the following:

Repetitive Inspections

(a) Perform high frequency eddy current (HFEC) inspections to detect fatigue cracking of the upper cutout and lower flange of the outboard support assembly of the flaperons on the left and right wings, in accordance with Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 777–57A0008, dated March 25, 1999, at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) For airplanes identified as Group 1 in the alert service bulletin: Perform HFEC inspections prior to the accumulation of 10,000 total flight cycles, or within 225 flight cycles after the effective date of this AD, whichever occurs later. Repeat the inspections thereafter at intervals not to exceed 225 flight cycles.

(2) For airplanes identified as Group 2 in the alert service bulletin: Perform HFEC inspections prior to the accumulation of 4,000 total flight cycles, or within 70 flight cycles after the effective date of this AD, whichever occurs later. Repeat the inspections thereafter at intervals not to exceed 70 flight cycles.

Corrective Action

(b) If any fatigue cracking is detected during any inspection required by paragraph (a) of this AD: Prior to further flight, concurrently accomplish the modifications specified in Parts 2 and 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 777–57A0008, dated March 25, 1999. Accomplishment of the modifications constitutes terminating action for the repetitive inspection requirements of this AD.

(c) If any fatigue cracking is detected, and Boeing Alert Service Bulletin 777–57A0008, dated March 25, 1999, specifies that corrective actions may be accomplished in accordance with an operator's ''equivalent procedure:'' The actions must be accomplished in accordance with the chapter of the Boeing 777 Airplane Maintenance Manual (AMM) specified in the alert service bulletin.

Optional Terminating Action

(d) Concurrent accomplishment of the modifications specified in Parts 2 and 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 777–57A0008, dated March 25, 1999, constitutes terminating action for the repetitive inspections required by this AD.

Spares

(e) As of the effective date of this AD, no person shall install any part identified in the ''Existing Part Number'' column of Section 2.E. of Boeing Alert Service Bulletin 777–57A0008, dated March 25, 1999, on any airplane.

Alternative Methods of Compliance

(f) 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 2: 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

(g) 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

(h) The actions shall be done in accordance with Boeing Alert Service Bulletin 777–57A0008, dated March 25, 1999. 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.

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

Issued in Renton, Washington, on June 10, 1999.

Dorenda D. Baker,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–15778 Filed 6–22–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–109–AD; Amendment 39–11201; AD 99–13–07]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes, Model MD–88 Airplanes, and Model MD–90–30 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD); applicable to certain McDonnell Douglas Model DC–9–80 series airplanes, Model MD–88 airplanes, and Model MD–90–30 airplanes; that requires repetitive inspections to detect cracking of the main landing gear (MLG) shock strut pistons, and replacement of a cracked piston with a new or serviceable part. This amendment is prompted by reports indicating that, while an airplane was positioned on the taxiway, the right MLG shock strut piston failed due to fatigue cracking. The actions specified by this AD are intended to detect and correct such fatigue cracking, which could result in failure of the piston, and consequent damage to the airplane structure or injury to the passengers and flightcrew.

DATES: Effective July 28, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 28, 1999.

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: Technical Publications Business Administration, Dept. C1–L51 (2–60). 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, 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.

FOR FURTHER INFORMATION CONTACT: Brent Bandley, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5237; fax (562) 627–5210.

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 McDonnell Douglas Model DC–9–80 series airplanes, Model MD–88 airplanes, and Model MD–90–30 airplanes was published in the **Federal Register** on September 8, 1998 (63 FR 47443). That action proposed to require repetitive inspections to detect cracking of the main landing gear (MLG) shock strut pistons, and replacement of a cracked piston with a new or serviceable part.

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

Three commenters support the proposal, and three commenters have no objection to the proposal.

Request To Revise Applicability

One commenter requests that the proposed rule be revised to provide for airplanes on which an existing piston is replaced with a modified piston having certain part numbers. The commenter provides no justification for its request.

The FAA concurs with the commenter's request to include a provision for operators who replace an existing piston with a modified piston. The FAA has determined that Boeing will produce modified pistons having the part numbers referenced by the commenter. The FAA finds that an airplane on which a modified piston, having part number 5935347–517 or 5935347–519, is installed is not subject to the requirements of this AD. Therefore, the applicability statement of this final rule has been revised to include only airplanes that are equipped with a MLG shock strut piston having part number 5935347–1 through 509 inclusive, 5935347–511, or 5935347–513.

Request To Revise Cost Impact Information

Two commenters request that the cost impact information in the proposed rule be revised to more accurately represent the number of work hours necessary to accomplish the inspection. One commenter estimates that it will take 14 work hours to accomplish the initial inspection and 12 work hours to