

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 700 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 287 airplanes of U.S. registry will be affected by this AD.

The actions that are currently required by AD 97-08-51 take approximately 7 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 \$120,540, or \$420 per airplane.

The torque check that is required by this AD action will take approximately 2 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 torque check required by this AD on U.S. operators is estimated to be \$34,440, or \$120 per airplane, per check.

The terminating action that is required by this AD action will take approximately 3 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$3,058 per airplane. Based on these figures, the cost impact of the terminating action required by this AD on U.S. operators is estimated to be \$929,306, or \$3,238 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. 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 39-10012 (62 FR 24015, May 2, 1997), and by adding a new airworthiness directive (AD), amendment 39-13137, to read as follows:

2003-09-08 Boeing: Amendment 39-13137. Docket 2002-NM-158-AD. Supersedes AD 97-08-51, Amendment 39-10012.

Applicability: Model 767-200, -300, and -300F series airplanes; line numbers 1 through 710 inclusive; 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 (j)(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 failure of the bolts that attach the outboard trailing edge flap to the support beam, which could result in loss of the flap and consequent reduced controllability of the airplane, accomplish the following:

Requirements of AD 97-08-51

Inspection

(a) Perform an inspection to check the bolt torque, bolt length, and type of all bolts of both hinge fittings on the left- and right-hand outboard trailing edge flaps, in accordance with Boeing Alert Service Bulletin 767-27A0151, Revision 1, dated April 2, 1997; or Revision 4, excluding Evaluation Form, dated August 27, 1998. Perform these inspections at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) For airplanes that accumulated 15,000 or more total flight cycles, or 37,500 or more total flight hours, as of May 7, 1997 (the effective date of AD 97-08-51, amendment 39-10012): Perform the inspection within 15 days after May 7, 1997.

(2) For all other airplanes: Perform the inspection at the later of the times specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Prior to the accumulation of 10,000 total flight cycles, or 25,000 total flight hours, whichever occurs first.

(ii) Within 30 days after May 7, 1997.

Corrective Actions

(b) If any bolt of the hinge fittings of the left- and right-hand outboard trailing edge flaps is below the torque check threshold specified in Boeing Alert Service Bulletin 767-27A0151, Revision 1, dated April 2, 1997; or Revision 4, excluding Evaluation Form, dated August 27, 1998: Prior to further flight, accomplish the actions specified in paragraph (b)(1) or (b)(2) of this AD, in accordance with the alert service bulletin.

(1) Perform a dye penetrant inspection of all the bolts of the hinge fitting to detect any cracking or discrepancy.

(i) If no cracking or discrepancy is detected, prior to further flight, reinstall the bolt using new nuts and washers.

(ii) If any cracking or discrepancy is detected, prior to further flight, replace the cracked or discrepant bolt with a new or serviceable bolt.

(2) Replace all of the bolts of both hinge fittings with new or serviceable bolts.

(c) If the length or type of any bolt of the hinge fittings of the left- and right-hand outboard trailing edge flaps is outside the specifications of Boeing Alert Service Bulletin 767-27A0151, Revision 1, dated April 2, 1997; or Revision 4, excluding Evaluation Form, dated August 27, 1998: Prior to further flight, replace the bolt with a new or serviceable bolt in accordance with the alert service bulletin.