

Paragraph (g)(2) of the proposed AD (paragraph (h)(2) of this final rule) should have included a reference to paragraphs (a) and (b) in the approval of previously granted alternative methods of compliance with AD 2001-19-04, amendment 39-12444. Paragraph (h)(2) of this final rule has been changed accordingly.

Because the language in Note 3 of the proposed AD is regulatory in nature, that note has been redesignated as paragraph (e) of this final rule, and subsequent paragraphs have been reordered accordingly.

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 549 airplanes of the affected design in the worldwide fleet. The FAA estimates that 221 airplanes of U.S. registry will be affected by this AD.

The actions that are currently required by AD 2001-19-04 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 currently required actions is estimated to be \$120 per airplane.

The inspections that are required in this AD action take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspections on U.S. operators is estimated to be \$13,260, or \$60 per airplane.

The replacement that is required in this AD action takes approximately 8 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$6,528 per airplane. Based on these figures, the cost impact of the replacement on U.S. operators is estimated to be \$1,548,768, or \$7,008 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 39-12444 (66 FR 48538, September 21, 2001), and by adding a new airworthiness directive (AD), amendment 39-13156, to read as follows:

2003-10-11 Boeing: Amendment 39-13156. Docket 2002-NM-10-AD. Supersedes AD 2001-19-04, Amendment 39-12444.

Applicability: Model 767-200 and -300 series airplanes, line numbers 1 through 574 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 (h)(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 find and fix corroded, cracked, or broken barrel nuts that attach the vertical fin to body section 48, which could result in reduced structural integrity of the vertical fin attachment joint, loss of the vertical fin, and consequent loss of controllability of the airplane; accomplish the following:

Restatement of Requirements of AD 2001-19-04

Internal/External Detailed Inspections

(a) Do internal and external detailed inspections of the barrel nuts at the 16 locations that attach the vertical fin to body section 48 to find discrepancies (*i.e.*, cracked or damaged sealant, signs of corrosion damage, cracked or broken barrel nuts). Do the inspections at the times specified in paragraphs (a)(1) and (a)(2) of this AD, as applicable; per Part 1 of the Accomplishment Instructions of Boeing Service Bulletin 767-53-0085, dated May 14, 1998; Boeing Alert Service Bulletin 767-53A0085, Revision 1, dated July 1, 1999; or Boeing Service Bulletin 767-53A0085, Revision 2, dated May 2, 2002.

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

(1) For airplanes on which the inspections specified in paragraph (a) of this AD have been done within the last 3 years per Boeing 767 Maintenance Planning Document (MPD) D622T001, Items 5380-311-02I and 5380-312-02I: Do the inspections at the later of the times specified in paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(i) Within 3 years or 6,000 flight cycles after doing the most recent inspection per the MPD, whichever comes first.

(ii) Within 45 days after October 9, 2001 (the effective date AD 2001-19-04, amendment 39-12444).

(2) For airplanes on which the inspections specified in paragraph (a) of this AD have not been done within the last 3 years per Boeing 767 MPD D622T001, Items 5380-311-02I and 5380-312-02I: Do the inspections within 45 days after October 9, 2001.