

looseness, such as cracked or broken sealant and fretting or galling around the collars, nuts, or fastener heads.

**Part 3:** Corrective action, which includes removing loose or damaged fasteners, examining the fastener holes for damage or cracks using a high frequency eddy current (HFEC) inspection, removing cracks or damage by oversizing the holes, ensuring that all cracks and damage are removed using a follow-up HFEC inspection, reaming the hole to a minimum size, and installing a new fastener.

Boeing Alert Service Bulletin 747–54A2209, dated November 8, 2001, also specifies that, if damage or cracking is found which cannot be removed by oversizing a hole per the alert service bulletin, the Boeing Company should be contacted for additional instructions.

### Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the alert service bulletin described previously, except as discussed below.

### Differences Between Alert Service Bulletin and Proposed AD

Boeing Alert Service Bulletin 747–54A2209, dated November 8, 2001, specifies that the manufacturer is to be contacted for disposition of damage or cracks which cannot be repaired by oversizing a fastener hole per the alert service bulletin. The proposed AD, however, would require such repair to be accomplished per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings.

Another difference involves inspection of the upper surface and the lower surface of the forward lower spar. The alert service bulletin recommends inspection of the upper surface after accumulation of 300 flight cycles since modification of the strut in accordance with AD 95–10–16. Inspection of the lower surface is to be done after accumulation of 1,300 flight cycles since modification. This proposed AD, however, provides that, for airplanes which have accumulated 1,300 or more flight cycles since modification of the strut, the initial inspection may include both the upper surface and the lower surface of the forward lower spar. If no

damage is detected, no further action is required by the AD.

### Cost Impact

There are approximately 366 airplanes of the affected design in the worldwide fleet. The FAA estimates that 115 airplanes of U.S. registry would be affected by this proposed AD, that it would take from 20 to 64 work hours per airplane to accomplish the proposed inspections, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed inspections is estimated to be between \$1,200 and \$3,840 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed 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 proposed herein would 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 proposal would not have federalism implications under Executive Order 13132.

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 2002–NM–27–AD.

**Applicability:** Model 747 series airplanes, equipped with Pratt & Whitney JT9D–3 or JT9D–7 series engines (excluding JT9D–70 series engines), as listed in Boeing Alert Service Bulletin 747–54A2209, dated November 8, 2001; 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 (g) 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 cracking or other damage to the structure of the upper or lower surface of the forward lower spar and any loose or damaged fasteners, which could result in reduced structural capability of nacelle struts one through four, and possible separation of the strut and engine from the airplane during flight, accomplish the following:

#### Inspection of Upper Surface of Forward Lower Spar

(a) At the later of the times shown in paragraphs (a)(1) and (a)(2) of this AD: Perform a detailed inspection of the upper surface of the forward lower spar to detect cracks, fretting damage, and any loose or damaged fasteners, in accordance with Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2209, dated November 8, 2001, excluding Evaluation Form.

(1) Within 500 flight cycles, but no sooner than 300 flight cycles, after modification of the strut in accordance with AD 95–10–16, amendment 39–2933.

(2) Within 6 months after the effective date of this AD; or