

in determining if the light wear rework procedure can be used. Part 3—Spline Inspection describes procedures for repetitive spline inspections in lieu of terminating action as routine scheduled maintenance, and defines procedural clarifications and changes.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

#### 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 supersede AD 98–22–12 to continue to require repetitive detailed inspections to detect cracked, corroded, or stained collar fittings on both inboard trailing edge flaps; and follow-on corrective actions, if necessary. This new action would expand the applicability in the existing AD, and would add repetitive inspections for discrepancies of the collar fittings, torque tube, and splined bushings on both inboard trailing edge flaps; and follow-on and corrective actions, if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously, except as discussed below.

#### Difference Between Service Information and This Proposed AD

Operators should note that the number of airplanes to which this proposed AD is applicable is larger than that published in the service bulletin. Additional line numbers of airplanes have been included (line numbers 1 through 749 inclusive), as advised in Boeing Letter B–H210–01–0432, dated December 14, 2001.

#### Explanation of Changes Made to Existing Requirements

We have changed all references to a “detailed visual inspection” in the existing AD to a “detailed inspection” in this AD. We also have added Part 4–Spline Rework, specified in Revision 3 of the service bulletin, to paragraphs (a)(3) and (a)(4)(ii) of the existing AD for the repair of corrosion, as an alternative to repairing per the Manager, Seattle Aircraft Certification Office.

#### Cost Impact

There are approximately 738 airplanes of the affected design in the worldwide fleet. The FAA estimates that 306 airplanes of U.S. registry would be affected by this proposed AD.

The actions that are currently required by AD 98–22–12 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, per inspection cycle.

The new inspections and refinishing that are proposed in this AD action would 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 proposed requirements of this AD on U.S. operators is estimated to be \$36,720, or \$120 per airplane, per cycle.

The cost impact figures discussed above are 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 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.

Should an operator be required to do the replacement proposed in this AD action, it would take approximately 63 work hours per wing, at an average labor rate of \$60 per work hour. Parts costs are not available at this time. Based on these figures, the cost impact of the replacement is estimated to be \$3,780 per wing, per airplane.

Should an operator be required to do the rework proposed in this AD action, it would take approximately 63 work hours per wing, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the rework is estimated to be \$3,780 per wing, per airplane.

#### 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 removing amendment 39–10859 (63 FR 57577, October 28, 1998), and by adding a new airworthiness directive (AD), to read as follows:

**Boeing:** Docket 2001–NM–395–AD.

Supersedes AD 98–22–12, Amendment 39–10859.

**Applicability:** Model 767 series airplanes, line numbers 1 through 749 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 collar fittings on the inboard trailing edge flaps, which could result in separation of the flap and consequent reduced controllability of the airplane, accomplish the following:

#### Restatement of Requirements of AD 98–22–12

##### Detailed Inspections/Corrective Actions

(a) For airplanes having line numbers 1 through 721 inclusive, except as provided by