

Maintenance Planning Data Document D622T001-9, Revision June 1997, as listed in the regulations, was approved previously by the Director of the Federal Register as of June 1, 2001 (66 FR 21077, April 27, 2001).

ADDRESSES: 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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: Suzanne Masterson, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6441; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2001-08-28, amendment 39-12205 (66 FR 21077, April 27, 2001), which is applicable to certain Boeing Model 767 series airplanes, was published in the **Federal Register** on March 3, 2003 (68 FR 9951). The action proposed to continue to require revising the Airworthiness Limitations Section of the Maintenance Planning Data (MPD) Document (767 Airworthiness Limitations Instructions (ALI)). The revision incorporates into the ALI certain inspections and compliance times to detect fatigue cracking of principal structural elements (PSE). The action also proposed to expand the applicability in the existing AD, and incorporate a new revision into the Airworthiness Limitations Section of the MPD Document.

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.

One commenter has no issues with the proposed AD and is in the process of incorporating the actions into its Model 767 maintenance program.

Request for Certain Clarification of Certain Paragraphs

One commenter notes that the requirements of AD 2001-08-28 are restated in paragraphs (a) and (b) of the proposed AD, and the new requirements are stated in paragraphs (c) and (d) of the proposed AD. The commenter states

that, since the intent of the proposed AD is for operators to incorporate the new requirements, paragraphs (c) and (d) should be clarified to specify that accomplishment of those paragraphs terminates the requirements specified in paragraphs (a) and (b). We agree with the commenter; however, paragraph (b) merely specifies that no alternative inspections or inspection intervals shall be approved unless an alternative method of compliance (AMOC) is approved, it does not contain any requirements. Therefore, paragraph (c) of this final rule has been changed for clarification to include the statement that accomplishment of paragraph (c) terminates the requirements in paragraph (a) of this AD.

Another commenter asks that paragraph (c) of the proposed AD be changed to clarify that Appendix B is part of Boeing Document D622T001, not D622T001-9. The commenter states that the current wording incorrectly specifies that Appendix B is part of Boeing Document D622T001-9. We agree with the commenter and have changed paragraph (c) of this final rule for clarification.

Request To Delete Paragraph (e)(3)

One commenter states that there has been no change to any airworthiness limitation inspection in the June 2000 revision of the MPD, so that revision is still a valid AMOC for the new requirements specified in the proposed AD. Therefore, the commenter suggests that paragraph (e)(3) of the proposed AD; which specifies that the procedures in Subsection B of Boeing Document D622T001-9, Revision June 2000, are not approved as AMOCs with paragraph (d) of this AD; be deleted.

We agree with the commenter. We have reviewed Revisions June 2000, February 2001, and October 2002, and find the only change to Subsection B, Section 9, is the language describing the requirement to reduce inspection intervals to match those in Section 8, once the inspection threshold is reached. All revisions contain the same inspections and are acceptable to use for accomplishment of the actions required. Therefore, we have deleted paragraph (e)(3) of this final rule, as well as the reference to paragraph (e)(3) that was specified in paragraph (e)(2) of the proposed AD.

Request To Change Applicability

One commenter, the manufacturer, asks that the Model 767-400 series be removed from the applicability specified in the proposed AD. The commenter states that the Model 767-400 is not an "official" type-certificated

minor model, and the type certificate data sheet (TCDS) lists only the Model 767-400ER series. We agree with the commenter; as the TCDS specifies only the Model 767-400ER series, we have removed all references to the Model 767-400 series from this final rule accordingly.

Request To Change Compliance Time

One commenter states that the compliance time in the existing AD was three years from June 1, 2001, as specified in paragraph (a) of the proposed AD, whereas the compliance time in the new requirements, as specified in paragraph (c) of the proposed AD, is within 18 months after the effective date of the AD. The commenter asks that the compliance time for paragraphs (a) and (c) of the proposed AD be changed to allow one of two options. Option 1—The compliance time should be three years from the release date of the AD. Option 2—The compliance time should be three years from the release date of the AD for airplanes having line numbers 670 through 895 inclusive, and 18 months from the release date of the AD for airplanes having line numbers 1 through 669 inclusive. The commenter states that this will give operators more flexibility, while retaining the intent of the existing AD.

We do not agree with the commenter. The commenter provides no technical justification for changing the compliance time as requested. A compliance time of 18 months, rather than 3 years, for incorporating the latest revision of Subsection B, Section 9, of Boeing MPD Document D622T001-9 will ensure the continued safety of aging airplanes. In developing an appropriate compliance time for the actions required by this AD, the FAA considered not only the safety issues, but the manufacturer's recommendations, parts availability, and the practical aspect of accomplishing the required actions within an interval paralleling normal scheduled maintenance for the majority of affected operators. In light of all of these factors, the FAA considers 18 months an appropriate compliance time wherein safety will not be adversely affected. No change to the final rule is necessary in this regard.

Request To Remove New Revisions to MPD

One commenter asks that Revisions June 2000, February 2001, and October 2002 to Subsection B, Section 9, of Boeing Document D622T001-9 of the MPD be removed from paragraph (a) of the proposed AD. The commenter states that the existing AD only referenced