

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 97-NM-186-AD]

RIN 2120-AA64

**Airworthiness Directives; Boeing Model 767 Series Airplanes**

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes. This proposal would require repetitive inspections to detect improper installation or fatigue damage of the end cap of the forward engine mount, and replacement of the end cap assembly with an improved assembly. Such replacement, when accomplished, would terminate the repetitive inspections. This proposal is prompted by a report of fatigue cracking of end cap bolts caused by improper installation. Subsequent investigation revealed that properly installed caps also are subject to early fatigue cracking. The actions specified by the proposed AD are intended to prevent failure of the end cap assembly, which could lead to separation of the engine from the airplane in the event of a primary thrust linkage failure.

**DATES:** Comments must be received by July 6, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 97-NM-186-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Todd T. Martin, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington

98055-4056; telephone (425) 227-2770; fax (425) 227-1181.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 97-NM-186-AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 97-NM-186-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

The FAA has received a report of broken end cap bolts of the forward engine mount, which were found during overhaul of a Pratt & Whitney PW4000 engine that had been installed on a Boeing Model 747-400 series airplane. Investigation revealed that the end cap had been installed backwards. A properly installed end cap assembly does not normally react any significant engine thrust loads; it is intended to provide a secondary load path if the primary thrust linkage fails. An end cap installed backwards will react the engine thrust loads along with the primary thrust linkage, a condition which will result in premature fatigue failure of the end cap or bolts. In addition, fatigue analysis and testing

have confirmed that a properly installed end cap would fail within a low number of flight cycles after a primary thrust linkage failure. Failure of the end cap assembly, if not corrected, could lead to separation of the engine from the airplane in the event of a primary thrust linkage failure.

There is a high degree of similarity between the configurations of the engine installations on the Model 747-400 and certain Model 767 series airplanes. The FAA may consider rulemaking to address this condition on Model 747-400 series airplanes; therefore, this proposed rule is applicable only to Model 767 series airplanes.

**Explanation of Relevant Service Information**

The FAA has reviewed and approved Boeing Alert Service Bulletin 767-71A0087, dated October 10, 1996, which describes procedures for repetitive visual inspections to detect improper installation or fatigue damage of the end cap of the forward engine mount, and replacement of the end cap assembly with an improved assembly. Such replacement would eliminate the need for the repetitive inspections. Accomplishment of this replacement, as described in the alert 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 require accomplishment of the actions specified in the alert service bulletin described previously, except as discussed below.

**Differences Between Proposed Rule and Alert Service Bulletin**

Boeing Alert Service Bulletin 767-71A0087 divides the affected airplanes into three groups depending upon the particular engine configuration of the affected airplane, and provides different procedures depending upon group classification and engine on-wing flight cycles. Operators should note that the alert service bulletin specifies that operators of certain Group 2 airplanes should contact the manufacturer for instructions. However, this proposed AD would not require that the manufacturer be contacted, but rather that Group 2 airplanes (regardless of accumulated on-wing flight cycles) be treated the same as Group 1 airplanes. That is, this proposed AD would not distinguish between the two airplane groups; therefore, the proposed

inspections, terminating actions, and compliance times would be identical for both Group 1 and Group 2 airplanes.

In addition, some of the compliance times specified in this proposed rule are different from those stated in the alert service bulletin. Specifically, this proposed AD expresses certain compliance times in terms of both flight cycles and flight hours, whereas the alert service bulletin expresses certain compliance times in terms of flight hours only. The reason for this difference is to account for those airplanes on which average mission lengths vary significantly from the fleet norm.

Additionally, the alert service bulletin specifies that the visual inspections required by this proposed AD may be accomplished in accordance with either the Boeing 767 Airplane Maintenance Manual or "an operator's equivalent procedure." However, this proposed AD requires that the actions be accomplished in accordance with the procedures specified in the Chapter 71-00-00 of the 767 Airplane Maintenance Manual. An "operator's equivalent procedure" may be used only if approved as an alternative method of compliance in accordance with the provisions specified in paragraph (e) of this proposed AD.

#### Cost Impact

There are approximately 239 airplanes of the affected design in the worldwide fleet. The FAA estimates that 96 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 37 work hours per airplane (18.5 work hours per engine) to accomplish the proposed inspections, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this proposed inspection on U.S. operators is estimated to be \$213,120, or \$2,220 per airplane, per inspection cycle.

It would take approximately 135 work hours per airplane (67.5 work hours per engine) to accomplish the proposed replacement of the forward engine mount end cap and bolts, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$1,000 per airplane. Based on these figures, the cost impact of this proposed replacement on U.S. operators is estimated to be \$873,600, or \$9,100 per airplane.

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.

#### Regulatory Impact

The regulations proposed herein would not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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 97-NM-186-AD.

**Applicability:** Model 767 series airplanes; as listed in Boeing Alert Service Bulletin 767-71A0087, dated October 10, 1996; 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 (f) 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 possible separation of the engine from the airplane in the event of a primary thrust linkage failure, accomplish the following:

(a) For Groups 1 and 2 airplanes: Except as provided by paragraph (c) of this AD, accomplish paragraphs (a)(1), (a)(2), and (a)(3) of this AD, as applicable, in accordance with Boeing Alert Service Bulletin 767-71A0087, dated October 10, 1996.

(1) Within 500 flight hours or 300 flight cycles after the effective date of this AD, whichever occurs later: Accomplish Work Package 1 (visual inspection of the forward engine mount). Thereafter, repeat Work Package 1 at the intervals specified in the alert service bulletin until the requirements of either paragraph (a)(2) or (a)(3) of this AD are accomplished.

(2) Prior to the accumulation of 16,000 total flight cycles on any engine or within 500 flight hours or 300 flight cycles after the effective date of this AD, whichever occurs latest: Accomplish Work Package 2 (non-destructive test inspection of the forward engine mount). Thereafter, repeat Work Package 2 on that engine at the intervals specified in the alert service bulletin until the requirements of paragraph (a)(3) of this AD are accomplished. Accomplishment of Work Package 2 constitutes terminating action for the repetitive inspections required by paragraph (a)(1) of this AD for that engine.

(3) Within 3 years after the effective date of this AD: Accomplish Work Package 3 (end cap and bolt replacement of the forward engine mount). Accomplishment of Work Package 3 constitutes terminating action for the requirements of this AD.

(b) For Group 3 airplanes: Within 3 years after the effective date of this AD, accomplish Work Package 4 (Bolt Replacement) in accordance with Boeing Alert Service Bulletin 767-71A0087, dated October 10, 1996.

(c) Where Boeing Alert Service Bulletin 767-71A0087, dated October 10, 1996, specifies that the actions required by this AD may be accomplished in accordance with an "operator's equivalent procedure," the actions must be accomplished in accordance with Chapter 71-00-00 of the Boeing 767 Airplane Maintenance Manual (AMM), as specified in the alert service bulletin.

(d) If any discrepancy (including an improperly installed end cap or fatigue damage to the end cap assembly or thrust linkage) is found during any inspection required by this AD, prior to further flight, accomplish Work Package 3 in accordance with Boeing Alert Service Bulletin 767-71A0087, dated October 10, 1996.

(e) As of the effective date of this AD, no person shall install a forward engine mount end cap having part number 310T3026-1 on any airplane.

(f) An alternative method of compliance or adjustment of the compliance time that

provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(g) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on May 14, 1998.

**John J. Hickey,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 98-13406 Filed 5-19-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Ch. XVII

#### Fire Protection for Shipyard Employment Negotiated Rulemaking Advisory Committee; Meeting

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Fire Protection for Shipyard Employment Negotiated Rulemaking Advisory Committee; notice of open meeting.

**SUMMARY:** The Occupational Safety and Health Administration announces a meeting of the Fire Protection for Shipyard Employment Negotiated Rulemaking Advisory Committee. OSHA invites all interested persons to attend. The members represent groups interested in, or significantly affected by, the outcome of the rulemaking. They include representatives of shipyards, labor unions, professional associations, and government agencies. The committee will continue its discussions on a proposed standard to protect workers from fire hazards in shipyard employment, including the following areas: scope and application; administrative, engineering, and work practice controls; fire brigades; written fire plans; technological advances; cost of fire protection; and the content of appendices. The committee's goal is reach consensus on a proposed standard and explanatory preamble.

**DATES:** The meeting dates are Monday, June 15, 1998 through Wednesday, June

17, 1998 from 8:00 a.m. to about 4:00 p.m. daily. Submit comments, requests for oral presentations, and requests for disability accommodations by June 1, 1998.

**ADDRESSES:** The meeting will be held at the Maritime Institute of Technology and Graduate Studies (MITAGS), 5700 Hammonds Ferry Road, Linthicum Heights, MD 21090, telephone (410) 859-5700. Mail comments and requests for oral presentations to Mr. Joseph V. Daddura, U.S. Department of Labor, OSHA, Office of Maritime Standards, 200 Constitution Avenue, NW, Room N-3621, Washington, D.C. 20210.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Joseph V. Daddura, Project Officer, Office of Maritime Standards, OSHA (202-219-7234, ext. 123). For disability accommodations, contact Ms. Theda Kenney (202-219-8061, ext. 100).

#### SUPPLEMENTARY INFORMATION:

##### Meeting Agenda

The committee will focus its discussions on definitions and on provisions that address ships fixed fire protection systems. Potential impacts of a proposed rule on small employers will also be addressed.

##### Public Participation

Interested persons may send written comments, data, views, or statements for consideration by the Committee to Mr. Joseph V. Daddura. Interested persons may also request the opportunity to make an oral presentation to the committee by providing Mr. Daddura with a summary of the proposed presentation, an estimate of the time desired, and a statement of the interest that the person represents. The facilitator may allow such presentations if there is adequate time in the meeting schedule.

**Authority:** This document is issued pursuant to the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.) and Section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

Signed at Washington, D.C., this 13th day of May 1998.

**Charles N. Jeffress,**

*Assistant Secretary of Labor.*

[FR Doc. 98-13413 Filed 5-19-98; 8:45 am]

BILLING CODE 4510-26-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 917

[KY-218-FOR]

#### Kentucky Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Kentucky regulatory program (hereinafter the "Kentucky program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Kentucky statutes pertaining to bonding and permit renewal. The amendment is intended to revise the Kentucky program to be consistent with the corresponding Federal regulations.

**DATES:** Written comments must be received by 4:00 p.m., [E.D.T.], June 19, 1998. If requested, a public hearing on the proposed amendment will be held on June 15, 1998. Requests to speak at the hearing must be received by 4:00 p.m., [E.D.T.], on June 4, 1998.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to William J. Kovacic, Director, at the address listed below.

Copies of the Kentucky program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Lexington Field Office.

William J. Kovacic, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503. Telephone: (606) 233-2494. Department of Surface Mining Reclamation and Enforcement, 2 Hudson Hollow Complex, Frankfort, Kentucky 40601. Telephone: (502) 564-6940.

**FOR FURTHER INFORMATION CONTACT:** William J. Kovacic, Director, Lexington Field Office, Telephone: (606) 233-2494.