

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Rolls-Royce Commercial Aero Engine Limited, P. O. Box 31, Derby, England, DE2488J. Attention: Publication Services ICL-TP. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on April 12, 1999.

Issued in Burlington, Massachusetts, on February 1, 1999.

**David A. Downey,**

*Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 99-3037 Filed 2-10-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-163-AD; Amendment 39-11034; AD 99-04-10]

RIN 2120-AA64

#### **Airworthiness Directives; Transport Category Airplanes Equipped With Day-Ray Products, Inc., Fluorescent Light Ballasts**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to any transport category airplane that is equipped with certain Day-Ray fluorescent light ballasts installed in the upper and/or lower cabin sidewall, that requires a visual inspection to determine the type of fluorescent light ballasts installed in the cabin sidewall, and the replacement of suspect ballasts with new or serviceable ballasts. This amendment is prompted by reports of smoke, fumes, and/or electrical fire emitting from the baggage bin of the aft passenger compartment due to the failure of the fluorescent light ballasts. The actions specified by this AD are intended to prevent fire in the passenger compartment resulting from failure of the fluorescent light ballast of the cabin sidewall.

**DATES:** Effective March 18, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 18, 1999.

**ADDRESSES:** The service information referenced in this AD may be obtained from Day-Ray Products, Inc., 1133 Mission Street, South Pasadena, California 91031; or Hexcel Corporation, Heath Tecna Interiors, 3225 Woburn Street, Bellingham, Washington 98226; or The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60); or 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 FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** J. Kirk Baker, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5345; fax (310) 627-5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to any transport category airplane that is equipped with certain Day-Ray fluorescent light ballasts installed in the upper and/or lower cabin sidewall was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on February 19, 1998 (63 FR 8374). That action proposed to require a visual inspection to determine the type of fluorescent light ballasts installed in the cabin sidewall, and the replacement of suspect ballasts with new or serviceable ballasts.

#### **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.

#### **Support for the Proposal**

Several commenters support the proposed rule.

#### **Request To Revise Cost Impact Information**

One commenter states that, based on prior experience with replacing the light ballasts on its airplanes, the work hours

necessary to accomplish the proposed replacement is greater than the estimate of 50 work hours per airplane, and the parts cost is greater than the estimate of \$8,550 per airplane (which were the estimates provided in the proposed rule). The FAA infers that the commenter is requesting that the estimates for the work hours and parts cost specified in the cost impact information of the proposed rule be revised upward in the final rule.

The FAA does not concur with the commenter's request to revise the cost impact information. As stated in the supplemental NPRM, the FAA used an average of \$150 per ballast parts cost and 57 light ballasts per airplane to estimate the cost impact of the proposal. Also, the estimate of 50 work hours necessary for the replacement is based on the estimated average number of 57 ballasts per airplane. The FAA recognizes that actual per-airplane costs will vary, because different airplane models have different numbers of ballasts, and the cost of parts and the number of work hours necessary to install those parts are different for different airplane models. Also, because this final rule is applicable to all transport category airplanes that are equipped with Day-Ray fluorescent light ballasts having certain part numbers, and is not limited to specific airplane models, it is not possible for the FAA to provide precise cost estimates for all affected airplanes. For these reasons, the FAA finds that no change to the cost impact information stated in the final rule is necessary.

#### **Request To Remove Airplanes From Applicability**

Several commenters request that McDonnell Douglas DC-9-80 series airplanes and MD-88 airplanes be excluded from the applicability of the proposed rule. The commenters state that AD 97-08-07, amendment 39-9995 (62 FR 28798, May 28, 1997), already requires the removal and replacement of Day-Ray ballasts from those airplanes.

The FAA concurs with the commenters' request to remove McDonnell Douglas DC-9-80 series airplanes and MD-88 airplanes from the applicability of this AD. The FAA finds that these airplanes are subject to the requirements of AD 97-08-07. Therefore, the applicability statement of this final rule has been revised to eliminate reference to McDonnell Douglas DC-9-80 series airplanes and MD-88 airplanes. Also, Table 2 of this final rule has been revised to remove two service bulletins that were listed in the proposed rule as appropriate sources of service information for the

replacement of light ballasts on McDonnell Douglas DC-9-80 series airplanes and MD-88 airplanes.

#### **Request To Reference New Service Information**

One commenter requests that the supplemental NPRM be revised to reference McDonnell Douglas Service Bulletin DC9-33-111, dated May 6, 1997, in lieu of McDonnell Douglas Service Bulletin DC9-33-103, dated May 30, 1996, which was cited in the supplemental NPRM as the appropriate source of service information for accomplishment of certain proposed actions. The commenter notes that McDonnell Douglas Service Bulletin DC9-33-103 provides an option to install a protective cover over the subject light ballast; however, the FAA issued the supplemental NPRM to eliminate the option to install such protective covers. The commenter states that the effectivity listing is the same in both service bulletins.

The FAA partially concurs with the commenter's request. The FAA has reviewed and approved McDonnell Douglas Service Bulletin DC9-33-111, and has determined that, for McDonnell Douglas Model DC-9-30, -40, and -50 series airplanes, replacement of existing Day-Ray light ballasts with new or serviceable light ballasts in accordance with that service bulletin is an acceptable method of compliance for the requirements of this AD.

However, the FAA's intent is that McDonnell Douglas Service Bulletin DC9-33-103 is an acceptable source of service information for accomplishment of the requirements of paragraph (a) of this AD, provided that no protective covers are installed. Therefore, Table 2 of the final rule has been revised to add McDonnell Douglas Service Bulletin DC9-33-111 as an acceptable source of service information for accomplishment of the requirements of this AD. In addition, NOTE 2 has been added to the final rule to specify that, "Replacement of light ballasts on McDonnell Douglas Model DC-9-30, -40, and -50 series airplanes; in accordance with McDonnell Douglas Service Bulletin DC9-33-103, dated May 30, 1996; is acceptable for compliance with the requirements of paragraph (a) of this AD, provided that no protective covers are installed on the light ballasts."

#### **Request To Allow Records Search in Lieu of Inspection**

One commenter requests that the FAA allow operators to search their airplane records to determine if suspect ballasts are installed, in lieu of performing the inspection specified in paragraph (a) of

the supplemental NPRM. The commenter provides no justification for its request.

The FAA does not concur with the commenter's request to allow a records search in lieu of the inspection. The FAA finds that, although some operators' records may be excellent, a records search may not provide an adequate level of safety assurance for all airplanes in the transport fleet. No change to the final rule is necessary in this regard.

#### **Request To Extend Compliance Time**

Two commenters request that the compliance time for the replacement of suspect ballasts be extended beyond the proposed 12 months to allow accomplishment of the replacement during regularly scheduled "C" checks. One of the commenters notes that there has not been a single incident of a fire on McDonnell Douglas DC-10 series airplanes that was attributed to the subject light ballast.

The FAA does not concur with the commenters' request to extend the compliance time. The FAA has considered the severity of the unsafe condition (fire in the passenger compartment resulting from failure of the fluorescent light ballast of the cabin sidewall) and has determined that 12 months after the effective date of this AD represents an appropriate compliance time to ensure the safety of the transport airplane fleet. The FAA also has determined that a sufficient supply of parts is available to allow for accomplishment of the replacement within that timeframe. No change to the final rule is necessary in this regard. However, under the provisions of paragraph (c) of this final rule, the FAA may approve requests for adjustment of the compliance time in cases where the operator presents evidence that an alternate method of compliance would provide an acceptable level of safety.

#### **Request To Allow Use of Alternative Type of Replacement Ballast**

One commenter requests that the FAA allow a new type of replacement ballast, manufactured by Day-Ray, to be installed as an alternative to the light ballasts manufactured by Bruce Industries that were specified in paragraph (a) of the supplemental NPRM. The commenter states that it anticipates FAA approval of the design prior to issuance of the final rule.

The FAA does not concur with the commenter's request to approve the use of a new Day-Ray ballast. The new replacement ballast to which the commenter refers has not been approved as of the issuance of this final rule, and

the FAA cannot approve the installation of a particular part prior to design approval of that part. Furthermore, the FAA finds that to delay this rulemaking action would be inappropriate in light of the identified unsafe condition. However, once a new ballast has been approved, under the provisions of paragraph (c) of this final rule, the FAA may approve requests for an alternative method of compliance to allow use of such a new ballast. No change to the final rule is necessary in this regard.

#### **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 described previously. 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 2,500 transport category airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,800 airplanes of U.S. registry will be affected by this AD.

It will take approximately 25 work hours per airplane to accomplish the required inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$1,500 per airplane.

Should an operator be required to accomplish the replacement of the light ballasts, it will require approximately 50 work hours per airplane, at an average labor rate of \$60 per work hour. Required parts will average approximately \$8,550 per airplane, which represents a cost of \$150 per ballast and an average of 57 ballasts per airplane. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be \$11,550 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.

#### **Regulatory Impact**

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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 adding the following new airworthiness directive:

**99-04-10 Transport Category Airplanes:**

Amendment 39-11034. Docket 96-NM-163-AD.

*Applicability:* Airplanes equipped with Day-Ray Products, Inc., cabin sidewall fluorescent light ballasts having part numbers listed in Table 1 of this AD; including, but not limited to, McDonnell Douglas Model DC-9, DC-10, and C-9 (military) series airplanes; and Boeing Model 707, 727, and 737 series airplanes; certificated in any category.

TABLE 1.—FLUORESCENT LIGHT BALLASTS SUBJECT TO THIS AD

Name	Part No.
Day-Ray .....	69-10
	69-10-1
	69-68
	69-68-1
	69-69
	69-69-1
	70-94
	70-94-1
	83-12
	83-12-1

**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 (c) 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 fire in the passenger compartment resulting from failure of the fluorescent light ballast of the cabin sidewall, accomplish the following:

(a) Within 12 months after the effective date of this AD, perform a one-time visual inspection to determine the type of fluorescent light ballasts installed in the upper and lower cabin sidewall. If any ballast installed has a part number that is listed in Table 1 of this AD, prior to further flight, remove the Day-Ray light ballast and replace it with a light ballast manufactured by Bruce Industries, in accordance with the applicable service bulletin(s) listed in Table 2 of this AD.

TABLE 2.—SERVICE BULLETINS CONTAINING INSTRUCTIONS FOR ACCOMPLISHING THE REQUIREMENTS OF THIS AD

Service bulletin number and date	Affected airplanes
McDonnell Douglas, DC-9 Service Bulletin DC9-33-103, May 30, 1996.	Model DC-9-30, -40, and -50 series airplanes listed in effectivity of service bulletin.
McDonnell Douglas, DC-9 Service Bulletin DC9-33-111, May 6, 1997	Model DC-9-30, -40, and -50 series airplanes listed in effectivity of service bulletin.
McDonnell Douglas, DC-10 Service Bulletin DC10-33-073, June 18, 1996.	Model DC-10-10, -15, -30, and -40 series airplanes and KC-10A airplanes listed in effectivity of service bulletin.
Heath Tecna, Alert Service Bulletin MarkI-33-A2, Revision 1, July 24, 1996.	McDonnell Douglas Model DC-8 series airplanes retrofitted with Heath Tecna Mark I interior.
Heath Tecna, Alert Service Bulletin MarkI-33-A3, Revision 1, July 24, 1996.	Boeing Model 707 series airplanes retrofitted with the Heath Tecna Mark I interior.
Heath Tecna, Alert Service Bulletin MarkI-33-A4, Revision 1, July 24, 1996.	Boeing Model 727 series airplanes retrofitted with the Heath Tecna Mark I interior.
Heath Tecna, Alert Service Bulletin MarkI-33-A5, Revision 1, July 24, 1996.	Boeing Model 737 series airplanes retrofitted with the Heath Tecna Mark I interior.
Heath Tecna, Alert Service Bulletin Spmk-33-A1, Revision 1, July 24, 1996.	Boeing Model 727 series airplanes, retrofitted with the Heath Tecna Spacemaker II or Spacemaker IIa interior.
Heath Tecna, Alert Service Bulletin Spmk-33-A2, Revision 1, July 24, 1996.	Boeing Model 737 series airplanes, retrofitted with the Heath Tecna Spacemaker II or Spacemaker IIa interior.

**Note 2:** Replacement of light ballasts on McDonnell Douglas Model DC-9-30, -40, and -50 series airplanes; in accordance with McDonnell Douglas Service Bulletin DC9-33-103, dated May 30, 1996; is acceptable for compliance with the requirements of paragraph (a) of this AD, provided that no

protective covers are installed on the light ballasts.

(b) As of the effective date of this AD, no person shall install in the upper or lower cabin sidewall of any airplane a Day-Ray fluorescent light ballast having a part number listed in Table 1 of this AD.

(c) 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, Los Angeles 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, Los Angeles ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(d) Special flight permits may be issued in accordance with §§ 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.

(e) The replacement shall be done in accordance with the following McDonnell Douglas and Heath Tecna service bulletins, as applicable, which contain the specified list of effective pages:

Service bulletin referenced and date	Page No.	Revision level shown on page	Date shown on page
McDonnell Douglas, DC9-33-103, May 30, 1996 .....	1-10 .....	Original .....	May 30, 1996.
McDonnell Douglas, DC9-33-111, May 6, 1997 .....	1-10 .....	Original .....	May 6, 1997.
McDonnell Douglas, DC10-33-073, June 18, 1996 .....	1-9 .....	Original .....	June 18, 1996.
Heath Tecna, Alert Service Bulletin, MarkI-33-A2, Revision 1, July 24, 1996 .....	1-3,5 .....	New .....	April 3, 1996.
	4 .....	1 .....	July 24, 1996.
Heath Tecna, Alert Service Bulletin, MarkI-33-A3, Revision 1, July 24, 1996 .....	1-2 .....	New .....	April 4, 1996.
	3-4 .....	1 .....	July 24, 1996.
Heath Tecna, Alert Service Bulletin, MarkI-33-A4, Revision 1, July 24, 1996 .....	1-2 .....	New .....	April 8, 1996.
	3-4 .....	1 .....	July 24, 1996.
Heath Tecna, Alert Service Bulletin, MarkI-33-A5, Revision 1, July 24, 1996 .....	1-2 .....	New .....	April 9, 1996.
	3-4 .....	1 .....	July 24, 1996.
Heath Tecna, Alert Service Bulletin, Spmk-33-A1, Revision 1, July 24, 1996 .....	1-2 .....	New .....	April 10, 1996.
	3-4 .....	1 .....	July 24, 1996.
Heath Tecna, Alert Service Bulletin, Spmk-33-A2, Revision 1, July 24, 1996 .....	1-2 .....	New .....	April 11, 1996.
	3-4 .....	1 .....	July 24, 1996.

This incorporation by reference was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Day-Ray Products, Inc., 1133 Mission Street, South Pasadena, California 91031; or Hexcel Corporation, Heath Tecna Interiors, 3225 Woburn Street, Bellingham, Washington 98226; or The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60); or Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on March 18, 1999.

Issued in Renton, Washington, on February 4, 1999.

**John J. Hickey,**

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

[FR Doc. 99-3189 Filed 2-10-99; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 98-NM-258-AD; Amendment 39-11035; AD 99-04-11]

RIN 2120-AA64

**Airworthiness Directives; Boeing Model 737-600, -700, and -800 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737-600, -700, and -800 series airplanes, that requires repetitive inspections to detect damage of the aft strut insulation blanket. This AD also requires eventual replacement of the insulation blankets with new, improved blankets, which constitutes terminating action for the requirements of this AD. This amendment is prompted by reports of damaged aft strut insulation blankets. The actions specified by this AD are intended to prevent such damage, which could result in exposure of the lower surface of the strut to extreme high temperatures, consequent creation of a source of fuel ignition, and increased risk of a fuel tank explosion and fire.

**DATES:** Effective March 18, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 18, 1999.

**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:** Bernie Gonzalez, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2682; fax (425) 227-1181.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737-600, -700, and -800 series airplanes was published in the **Federal Register** on October 15, 1998 (63 FR 55343). That action proposed to require repetitive inspections to detect damage of the aft strut insulation blanket. That action also proposed to require eventual replacement of the insulation blankets with new, improved blankets, which would constitute terminating action for the requirements of the AD.

**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.