

Boeing 737 Airplane Maintenance Manual (AMM); and

(2) Replace the airplane battery with a new or reconditioned airplane battery in accordance with Chapter 24-31-11 of the Boeing 737 AMM. Thereafter, replace the airplane battery with a new or reconditioned airplane battery at intervals not to exceed 750 flight hours, until the accomplishment of paragraph (f) of this AD.

(b) For Model 737-300, -400, and -500 series airplanes: Within 90 days after September 16, 1999, replace the airplane battery with a new or reconditioned airplane battery in accordance with Chapter 24-31-11 of the Boeing 737 AMM. Thereafter, replace the airplane battery with a new or reconditioned airplane battery at intervals not to exceed 750 flight hours.

(c) For all airplanes: Within 90 days after September 16, 1999, perform a test to determine the condition of diode CR910 of the Generator Control Units (GCU), in accordance with Boeing Telex Message M-7200-99-01528, dated March 5, 1999.

(1) If all diodes pass the test, repeat the diode test thereafter at intervals not to exceed 600 flight hours, until the accomplishment of paragraph (g) of this AD.

(2) If any diode fails the test: Prior to further flight, replace the GCU with a new or serviceable GCU, and the airplane battery with a new or reconditioned airplane battery, and repeat the diode test for the replaced GCU in accordance with the telex message until successful completion of the test is achieved. Repeat the diode test thereafter, at intervals not to exceed 600 flight hours, until the accomplishment of paragraph (g) of this AD.

(d) As of September 16, 1999, no person shall install a battery charger having Boeing P/N 10-60701-1 on any Model 737 series airplane.

(e) Within 10 days after accomplishing the initial diode test required by paragraph (c) of this AD, submit a report of the test results (negative findings, i.e., test failures) to the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; fax (425) 227-1181. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

#### New Requirements of this AD

(f) For Model 737-100 and -200 series airplanes equipped with battery charger Boeing P/N 10-60701-3: Within 90 days after the effective date of this AD, or within 750 flight hours after the last battery replacement accomplished in accordance with paragraph (a)(2) of this AD, whichever occurs later, replace the airplane battery with a new or reconditioned airplane battery in accordance with Chapter 24-31-11 of the Boeing 737 AMM. Thereafter, replace the airplane battery with a new or reconditioned airplane battery at intervals not to exceed 750 flight hours. Accomplishment of this replacement constitutes terminating action for the requirements of paragraph (a)(2) of this AD.

(g) For all airplanes: Within 90 days after the effective date of this AD, or within 90 days after accomplishment of the test required by paragraph (c) of this AD, whichever occurs later, determine the condition of diode CR910 of the GCU, in accordance with the "Alternative Test of Diode CR910," as specified in Boeing Telex Message M-7200-99-01528, dated March 5, 1999. Accomplishment of this action constitutes terminating action for the requirements of paragraph (c) of this AD.

**Note 2:** Any tests performed prior to September 16, 1999, in accordance with Boeing Telex Message M-7200-99-01528, dated February 19, 1999, or dated March 4, 1999, are not considered acceptable for compliance with the applicable action specified by this AD.

(1) If all diodes pass the test, repeat the diode test thereafter at intervals not to exceed 600 flight hours.

(2) If any diode fails the test: Prior to further flight, replace the GCU with a new or serviceable GCU, and the airplane battery with a new or reconditioned airplane battery, and repeat the "Alternative Test of Diode CR910" for the replaced GCU in accordance with the telex message until successful completion of the test is achieved. Repeat the diode test thereafter, at intervals not to exceed 600 flight hours.

#### Alternative Methods of Compliance

(h)(1) 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 ACO. 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.

(2) Alternative methods of compliance with paragraphs (a)(1), (a)(2), or (b) of this AD, approved previously in accordance with AD 99-18-17, amendment 39-11283, are approved as alternative methods of compliance with paragraphs (a)(1), (a)(2), or (b) of this AD.

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

#### Special Flight Permits

(i) 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.

#### Incorporation by Reference

(j) Except as provided by paragraphs (a)(1), (a)(2), (b), and (f) of this AD, the actions shall be done in accordance with Boeing Telex Message M-7200-99-01528, dated March 5, 1999. This incorporation by reference was approved previously by the Director of the Federal Register as of September 16, 1999 (64 FR 47656, September 1, 1999). Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind

Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(k) This amendment becomes effective on December 13, 1999.

Issued in Renton, Washington, on November 17, 1999.

**Vi L. Lipski,**

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

[FR Doc. 99-30516 Filed 11-24-99; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-125-AD; Amendment 39-11431; AD 99-24-07]

RIN 2120-AA64

### Airworthiness Directives; Boeing Model 757 Series Airplanes Equipped With Rolls Royce Engines

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes equipped with Rolls Royce RB211 engines, that requires modification of the nacelle strut and wing structure. This amendment is prompted by reports indicating that the actual operational loads applied to the nacelle are higher than the analytical loads that were used during the initial design. Such an increase in loading can lead to fatigue cracking in primary strut structure prior to an airplane's reaching its design service objective. The actions specified by this AD are intended to prevent fatigue cracking in primary strut structure and consequent reduced structural integrity of the strut.

**DATES:** Effective January 3, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 3, 2000.

**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:** Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1153; 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 757 series airplanes was published in the **Federal Register** on August 20, 1999 (64 FR 45483). That action proposed to require modification of the nacelle strut and wing structure of certain Boeing Model 757 series airplanes equipped with Rolls Royce RB211 engines.

### 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 indicates that it is not affected by the proposed rule.

One commenter states that it plans to accomplish the requirements of the proposed rule.

### 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 as proposed.

### Cost Impact

There are approximately 394 airplanes of the affected design in the worldwide fleet. The FAA estimates that 176 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1,049 work hours per airplane to accomplish the required modification, and that the average labor rate is \$60 per work hour. This work hour figure includes the time it will take to remove and reinstall the struts from the airplane as well as the time to gain and close access to the adjacent wing structure. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be \$11,077,440, or \$62,940 per airplane.

This cost impact figure does not reflect the cost of the terminating actions described in the service bulletins listed in paragraph I.C., Table I, "Strut Improvement Bulletins," on page 6 of Boeing Service Bulletin 757-54-0035, that are required to be accomplished prior to, or concurrently with, the modification of the nacelle strut and wing structure. Since some

operators may have accomplished certain modifications on some or all of the airplanes in its fleet, while other operators may not have accomplished any of the modifications on any of the airplanes in its fleet, the FAA is unable to provide a reasonable estimate of the cost of accomplishing the terminating actions described in the service bulletins listed in Table I of the service bulletin.

The cost impact figure discussed above is 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. However, the FAA has been advised that manufacturer warranty remedies are available for part costs associated with accomplishing the actions required by this proposed AD. Therefore, the future economic cost impact of this rule on U.S. operators may be less than the cost impact figure indicated above.

### 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:

**99-24-07 Boeing:** Amendment 39-11431.  
Docket 99-NM-125-AD.

*Applicability:* Model 757 series airplanes equipped with Rolls Royce engines, line numbers 1 through 735 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 (b) 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 fatigue cracking in primary strut structure and consequent reduced structural integrity of the strut, accomplish the following:

(a) Modify the nacelle strut and wing structure in accordance with Boeing Service Bulletin 757-54-0035, dated July 17, 1997, at the later of the times specified in paragraph (a)(1) or (a)(2). All of the terminating actions described in the service bulletins listed in paragraph I.C., Table I, "Strut Improvement Bulletins," on page 6 of Boeing Service Bulletin 757-54-0035, must be accomplished in accordance with those service bulletins prior to, or concurrently with, the accomplishment of the modification of the nacelle strut and wing structure required by this paragraph.

(1) Prior to the accumulation of 37,500 total flight cycles, or prior to 20 years since the date of manufacture of the airplane, whichever occurs first.

(2) Within 3,000 flight cycles after the effective date of this AD.

#### Alternative Methods of Compliance

(b) 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.

#### Special Flight Permits

(c) 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.

#### Incorporation by Reference

(d) The modification shall be done in accordance with Boeing Service Bulletin 757-54-0035, dated July 17, 1997. 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 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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on January 3, 2000.

Issued in Renton, Washington, on November 17, 1999.

**D.L. Riffin,**

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

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## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### 15 CFR Part 774

[Docket No. 990701179-9301-02]

**RIN 0694-AB90**

#### Expansion of License Exception CIV Eligibility for "Microprocessors" Controlled by ECCN 3A001 and Graphics Accelerators Controlled by ECCN 4A003

**AGENCY:** Bureau of Export Administration, Commerce.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Bureau of Export Administration (BXA) maintains the Commerce Control List (CCL), which identifies those items subject to Department of Commerce export licensing requirements. Consistent with technological changes, this interim rule adjusts the License Exception CIV eligibility level for microprocessors controlled by Export Control Classification Number (ECCN) 3A001 from a composite theoretical performance (CTP) of equal to or less

than 1900 million theoretical operations per second (MTOPS) to a CTP of equal to or less than 3500 MTOPS. This rule also adjusts the License Exception CIV eligibility level for graphics accelerators controlled by Export Control Classification Number (ECCN) 4A003 from 10 million vectors per second to 75 million vectors per second. License Exception CIV is available for exports and reexports to civil end-users for civil end-uses in Country Group D:1.

In light of rapid technological advancement in microprocessors, the United States will review the eligibility level for microprocessors in January 2000 to determine if further adjustments are warranted. If further adjustments are warranted, BXA anticipates publishing the revision in Spring 2000.

**DATES:** This rule is effective November 26, 1999. Comments on this rule must be received on or December 27, 1999.

**ADDRESSES:** Written comments should be sent to Hillary Hess, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

#### FOR FURTHER INFORMATION CONTACT:

James Lewis, Director, Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, Telephone: (202) 482-4196.

**SUPPLEMENTARY INFORMATION:** Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect the EAR, and, to the extent permitted by law, the provisions of the EAA in Executive Order 12924 of August 19, 1994, as extended by the President's notices of August 15, 1995 (60 FR 42767), August 14, 1996 (61 FR 42527), August 13, 1997 (62 FR 43629), August 13, 1998 (63 FR 44121), and August 10, 1999 (64 FR 44101, August 13, 1999).

#### Rulemaking Requirements

1. This interim rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid OMB Control Number. This rule involves a collection of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) This collection has been

approved by the Office of Management and Budget under control number 0694-0088.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this interim rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

However, because of the importance of the issues raised by these regulations, this rule is issued in interim form and comments will be considered in the development of final regulations.

Accordingly, the Department encourages interested persons who wish to comment to do so at the earliest possible time to permit the fullest consideration of their views.

The period for submission of comments will close on December 27, 1999. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the person submitting the comments and will not consider them in the development of final regulations. All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form.

Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the