

## Inspections

(a) Perform initial and repetitive ultrasonic inspections of HPT stage 1 and 2 disks for subsurface anomalies, identified by serial numbers (S/Ns) in Table 1 of IAE Service Bulletin (SB) V2500-ENG-72-0344, Revision 1, dated February 12, 1999, in accordance with the Accomplishment Instructions of IAE SB V2500-ENG-72-0344, dated December 18, 1998, or Revision 1, dated February 12, 1999, as follows:

(1) Initially inspect at the first opportunity when the engine is at a maintenance base after the effective date of this AD regardless of the planned maintenance or the reason for engine removal.

(2) Thereafter, inspect whenever the HPT stage 1 or stage 2 disks are disassembled from the HPT module.

(3) Remove disks from service if a subsurface anomaly is found, and replace with serviceable parts.

## Return to Service of Certain Disks

(b) HPT stage 1 disks, part numbers (P/N's) 2A1801, S/N's P100421, P100430, P100618, and P100621, may return to service following a successful inspection in accordance with paragraph (a) of this AD.

## Alternative Methods of Compliance

(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, Engine Certification Office (ECO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, which may add comments and then send it to the Manager, ECO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

## Ferry Flights

(d) 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 aircraft to a location where the inspection requirements of this AD can be accomplished.

## Incorporation by Reference

(e) The actions required by this AD shall be done in accordance with International Aero Engines Service Bulletin V2500-ENG-72-0344, dated December 18, 1998, or Revision 1, dated February 12, 1999. The incorporation by reference of IAE SB V2500-ENG-72-0344, dated December 18, 1998, was previously approved by the Director of the Federal Register as of April 30, 1999 (64 FR 9910, March 1, 1999). The incorporation by reference of IAE SB V2500-ENG-72-0344, Revision 1, dated February 12, 1999, 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; telephone +44-1-33-22-46553, fax +44-1-33-22-46302. 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.

(f) This amendment becomes effective on January 7, 2000.

Issued in Burlington, Massachusetts, on November 22, 1999.

**David A. Downey,**

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

[FR Doc. 99-31070 Filed 12-2-99; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-371-AD; Amendment 39-11447; AD 99-25-04]

**RIN 2120-AA64**

### Airworthiness Directives; Lockheed Model 382 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Lockheed Model 382 series airplanes, that requires a one-time visual inspection of the under floor to ring fittings at fuselage station 817E to verify installation of the correct sized fasteners; and follow-on corrective actions, if necessary. This amendment is prompted by notification from the manufacturer indicating that during production incorrect sized fasteners were installed on the under floor to ring fittings at fuselage station 817E. The actions specified by this AD are intended to prevent fatigue cracking of the fastener holes and adjacent fuselage structure due to installation of the incorrect sized fasteners, which could result in reduced structural integrity of the airplane.

**DATES:** Effective January 7, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 7, 2000.

**ADDRESSES:** The service information referenced in this AD may be obtained from Lockheed Martin Aeronautical Systems Support Company (LMASSC), Field Support Department, Dept. 693, Zone 0755, 2251 Lake Park Drive, Smyrna, Georgia 30063. 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, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

### FOR FURTHER INFORMATION CONTACT:

Thomas Peters, Aerospace Engineer, Systems and Flight Test Branch, ACE-116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6063; fax (770) 703-6097.

**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 Lockheed Model 382 series airplanes was published in the **Federal Register** on April 23, 1999 (64 FR 19938). That action proposed to require a one-time visual inspection of the under floor to ring fittings at fuselage station 817E to verify installation of the correct sized fasteners; and follow-on corrective actions, if necessary.

### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

### Request to Revise Compliance Time to Follow Alert Service Bulletin

One commenter requests that the compliance time be revised to read the same as the referenced service bulletin. While the notice of proposed rulemaking (NPRM) proposes a compliance time of 30 days after the effective date of the proposed AD, the service bulletin specifies 30 days after receipt of the service bulletin, which was issued January 30, 1997.

The FAA does not concur. The commenter's request would result in retroactive rulemaking. The FAA does not have the legal authority to impose requirements that place operators in noncompliance based on past actions. Even if the commenter's request was limited to future effect, as discussed in the preamble of the proposed AD, the FAA finds that a compliance time of 30 days after the effective date of this AD is adequate for accomplishment of the inspection and rework in that the FAA has determined that fatigue cracking originating at the fastener holes caused by the installation of incorrect sized fasteners could result in loss of pressurization, but not an "explosive

decompression" or severe structural degradation. In light of this, the FAA finds that it is not necessary to implement an immediate cabin pressurization limit of 8.75 in Hg (4.3 psi) for affected airplanes, which would result in immediate grounding of airplanes, to continue to operate without compromising safety.

#### Explanation of Change Made to Proposal

The FAA has clarified the inspection requirement contained in the proposed AD. Whereas the proposal specified a visual inspection, the FAA has revised this final rule to clarify that its intent is to require a general visual inspection. Additionally, a note has been added to the final rule to define that inspection.

#### Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

#### Cost Impact

There are approximately 112 airplanes of the affected design in the worldwide fleet. The FAA estimates that 18 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$1,080, or \$60 per airplane.

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.

#### 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:

**99-25-04 Lockheed:** Amendment 39-11447. Docket 98-NM-371-AD.

**Applicability:** Model 382 airplanes as listed in paragraph 1.A.(1) ("Effectivity") of Lockheed Hercules Alert Service Bulletin A382-53-57, Revision 1, dated January 30, 1997; 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 (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 fatigue cracking of the fastener holes and adjacent fuselage structure due to installation of the incorrect sized fasteners, which could result in reduced structural

integrity of the airplane, accomplish the following:

#### For All Airplanes: Inspection and Corrective Action, If Necessary

(a) Within 30 days after the effective date of this AD, perform a one-time general visual inspection of the under floor to ring fittings at fuselage station 817E to verify installation of the correct sized fasteners, in accordance with Lockheed Hercules Alert Service Bulletin A382-53-57, Revision 1, dated January 30, 1997.

**Note 2:** For the purposes of this AD, a general visual inspection is defined as "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

**Note 3:** Inspections, repairs, or replacements that have been accomplished prior to the effective date of this AD, in accordance with Lockheed Hercules Alert Service Bulletin A382-53-57, dated January 16, 1997, are considered acceptable for compliance with the applicable action specified by this AD.

(1) If all fasteners are the correct size, no further action is required by this AD.

(2) If any fastener is determined to be the incorrect size, prior to further flight, measure the distance between the fastener centers in accordance with the alert service bulletin.

(i) If the distance between the fastener centers is less than 0.57 inch, prior to further flight, repair in accordance with a method approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate.

(ii) If the distance between the fastener centers is greater than or equal to 0.57 inch, prior to further flight, accomplish the requirements of paragraph (b) of this AD.

#### For Certain Airplanes: Removal of Incorrect Sized Fasteners, Inspection, and Follow-On Actions

(b) For all airplanes on which the distance between the fastener centers is greater than or equal to 0.57 inch: Prior to further flight, remove any incorrect sized fastener and perform a one-time visual inspection of the fastener holes and adjacent fuselage structure to detect discrepancies (damage, corrosion, or misdrilled or elongated fastener holes) in accordance Lockheed Hercules Alert Service Bulletin A382-53-57, Revision 1, dated January 30, 1997.

(1) If no discrepancy is detected, prior to further flight, redrill the fastener holes to the correct size and install correct sized fasteners in accordance with the alert service bulletin.

(2) If any discrepancy is detected, prior to further flight, redrill the fastener holes to the correct size and perform an additional one-time visual inspection of the redrilled holes to detect remaining discrepancies (damage, corrosion, or misdrilled or elongated fastener holes) of the affected area, in accordance with the alert service bulletin.

(i) If no remaining discrepancy is detected, prior to further flight, install the correct sized fasteners in accordance with the alert service bulletin.

(ii) If any remaining discrepancy is detected, prior to further flight, repair in accordance with a method approved by the Manager, Atlanta ACO.

#### Alternative Methods of Compliance

(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, Atlanta ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

#### Special Flight Permits

(d) 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.

#### Incorporation by Reference

(e) Except as provided by paragraphs (a)(2)(i) and (b)(2)(ii) of this AD, the actions shall be done in accordance with Lockheed Hercules Alert Service Bulletin A382-53-57, Revision 1, dated January 30, 1997, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1-6 .....	1 .....	January 30, 1997.
7-9 .....	Original .....	January 16, 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 Lockheed Martin Aeronautical Systems Support Company (LMASSC), Field Support Department, Dept. 693, Zone 0755, 2251 Lake Park Drive, Smyrna, Georgia 30063. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on January 7, 2000.

Issued in Renton, Washington, on November 23, 1999.

**D.L. Riggins,**

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

[FR Doc. 99-31071 Filed 12-2-99; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 99-AGL-50]

#### Modification of Class D Airspace and Establishment of Class E Airspace; Dayton, Wright-Patterson AFB, OH

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action modifies Class D airspace and establishes Class E airspace at Dayton, Wright-Patterson AFB, OH. This action amends the effective hours of the Class D surface area to coincide with the airport traffic control tower (ATCT) hours of operation for Wright-Patterson AFB. The purpose of this action is to clarify when two-way radio communication with the ATCT is required. This action also creates a Class E surface area for those times when the ATCT is closed.

**EFFECTIVE DATE:** 0901 UTC, February 24, 2000.

#### FOR FURTHER INFORMATION CONTACT:

Denis C. Burke, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018, telephone (847) 294-7568.

#### SUPPLEMENTARY INFORMATION:

##### History

On Tuesday, September 14, 1999, the FAA proposed to amend 14 CFR part 71 to modify Class D airspace and establish Class E airspace at Dayton, Wright-Patterson AFB, OH (64 FR 49754). The proposal was to amend the effective hours to coincide with the ATCT hours of operation for Wright-Patterson AFB and to create controlled airspace when the ATCT is closed. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class D airspace designations are published in paragraph 5000, and Class E airspace areas designated as a surface area for an airport are published in paragraph 6002 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class D airspace and Class E airspace designations listed in this document will be published subsequently in the Order.

### The Rule

This amendment to 14 CFR part 71 modifies Class D airspace and establishes Class E airspace at Dayton, Wright-Patterson AFB, OH, by amending the hours of operation of the Class D airspace for Wright-Patterson AFB and by creating a Class E surface area during those times when the ATCT is closed. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959-1963 Comp., p. 389.

##### **§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

*Paragraph 5000 Class D airspace.*

\* \* \* \* \*

**AGL OH D Dayton, Wright-Patterson AFB, OH [Revised]**

Dayton, Wright-Patterson AFB, OH