

this proposal would add a one-time inspection to determine clearance between the shear plate and the rear spar radii of the elevator rear spar on airplanes on which the terminating action specified in AD 87-24-03 has been accomplished. The proposed AD would also provide for an improved modification or repair of the elevator rear spar, which, if accomplished, would provide terminating action for the repetitive visual inspection requirements. The actions would be required to be accomplished in accordance with the service bulletin described previously.—

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.—

There are approximately 1,531 Model 727 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,102 airplanes of U.S. registry would be affected by this proposed AD.—

The inspections of the elevator rear spar that were previously required by AD 87-24-03, and retained in this proposal, take approximately 12 work hours per airplane to accomplish, at an average of \$60 per work hour. Based on these figures, the total cost impact of this inspection requirement on U.S. operators of previously modified airplanes is estimated to be \$793,440, or \$720 per airplane, per inspection cycle.

The one-time inspection of previously modified airplanes that would be required by this proposal would take approximately 12 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the total cost impact of the one-time inspection requirement of this proposal on U.S. operators of previously modified airplanes is estimated to be \$720 per airplane.

The total cost impact figure discussed above is 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.

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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

##### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-5769 (52 FR 43742), and by adding a new airworthiness directive (AD), to read as follows:

**Boeing:** Docket 94-NM-197-AD. Supersedes AD 87-24-03, Amendment 39-5769.

**Applicability:** Model 727 series airplanes, line numbers 1 through 1719 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 use the authority provided in paragraph (e) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.—

**Compliance:** Required as indicated, unless accomplished previously.

To prevent excessive free play of the elevator control tab and possible tab flutter, accomplish the following: —

(a) For airplanes on which the modification described in Boeing Service Bulletin 727-55-0087, dated June 20, 1986 (the terminating action specified in AD 87-24-03, amendment 39-5769), has not been accomplished: Prior to the accumulation of 27,000 flight hours or within the next 4,000 flight hours after December 24, 1987 (the effective date of AD 87-24-03 amendment 39-5769), whichever occurs later, perform a visual inspection of the elevator rear spar to detect cracking, in accordance with Boeing Service Bulletin 727-55-0087, dated June 20, 1986, or Revision 1, dated March 31, 1994. Repeat the inspection thereafter at intervals not to exceed 4,000 flight hours. After the effective date of this AD, only Revision 1 of this service bulletin shall be used.

(b) If any crack is detected during any inspection required by paragraph (a) of this AD, accomplish paragraphs (b)(1) and (b)(2) of this AD in accordance with Boeing Service Bulletin 727-55-0087, dated June 20, 1986, or Revision 1, dated March 31, 1994. After the effective date of this AD, only Revision 1 of this service bulletin shall be used.—

(1) If any crack is found that is within the specified limits in Part 1 of the Accomplishment Instructions of the service bulletin, accomplish paragraphs (b)(1)(i) and (b)(1)(ii) of this AD.

(i) Prior to further flight, perform a time-limited repair by stop drilling the crack in accordance with the service bulletin. Within 1,600 flight hours after the repair, repeat the inspection required by paragraph (a) of this AD. If any crack growth is detected after the stop drilling, repair prior to further flight, in accordance with Part III of the Accomplishment Instructions of the service bulletin.

(ii) Prior to the accumulation of 3,200 flight hours after stop drilling, repair the elevator rear spar in accordance with Part III of the Accomplishment Instructions of the service bulletin.

(2) If any crack is found that is outside the specified limits of Part 1 of the Accomplishment Instructions of the service bulletin, prior to further flight, repair in accordance with Part III of the Accomplishment Instructions of the service bulletin.