

perform simultaneous detailed visual inspections of the IPGB and of the DDS on flap tracks 1 and 5 on both wings for corrosion and wear detection. For any Type 3 damaged parts on flap tracks 1 and 5, do all applicable corrective actions before further flight. For any Type 2 damaged IPGB parts on flap tracks 1 and 5, do all applicable corrective actions within 18 months after doing the inspection required by paragraph (g)(1)(ii)(A)(2) of this AD.

(B) For wings on which no Type 3 damage is found on the DDS of flap track 2 and 4: Within 18 months after doing the inspection required by paragraph (g)(1)(ii) of this AD, perform simultaneous detailed visual inspections of the IPGB and of the DDS on flap tracks 1, 3, and 5 on both wings for corrosion and wear detection. For any Type 3 damaged parts on flap tracks 1, 3, and 5, do all applicable corrective actions before further flight. For Type 2 damaged IPGB parts on flap tracks 1, 3, and 5, do all applicable corrective actions within 18 months after

doing the inspection required by paragraph (g)(1)(ii) of this AD.

(iii) Within 30 days after performing an initial inspection required by paragraph (g)(1)(i) or (g)(1)(ii) of this AD, or within 30 days after the effective date of this AD, whichever occurs later, report the initial inspection results only, whatever they are, to Airbus as specified in the reporting sheet of the applicable service information listed in Table 1 of this AD.

(iv) Within 6 years after performing the applicable inspection required by paragraph (g)(1)(i) or (g)(1)(ii) of this AD, and thereafter at intervals not exceeding 6 years: Perform simultaneous detailed visual inspections of the IPGB and of the DDS on all flap tracks on both wings for corrosion and wear detection and do all applicable corrective actions. For Type 3 damaged parts, do all applicable corrective actions before further flight. For Type 2 damaged IPGB parts, do all applicable corrective actions within 18 months after doing the inspection.

(2) For airplanes other than those identified in paragraph (g)(1) of this AD: Within 6 years after issuance of the original French standard airworthiness certificate or the date of issuance of the original French or EASA export certificate of airworthiness, or within 20 months after the effective date of this AD, whichever occurs later; and thereafter at intervals not exceeding 6 years; perform simultaneous detailed visual inspections of the IPGB and of the DDS on all flap tracks on both wings for corrosion and wear detection and do all applicable corrective actions. For Type 3 damaged parts, do all applicable corrective actions before further flight. For Type 2 damaged IPGB parts, do all applicable corrective actions within 18 months after doing the inspection.

(3) Actions done before the effective date of this AD in accordance with the applicable service information specified in Table 2 of this AD are acceptable for compliance with the corresponding requirements of this AD.

TABLE 2—CREDIT SERVICE INFORMATION

Airbus mandatory service bulletin—	Revision—	Dated—
A330–27–3151 .....	Original .....	August 9, 2007.
A330–27–3152 .....	Original .....	August 9, 2007.
A330–27–3152 .....	01 .....	March 19, 2008.
A340–27–4151 .....	Original .....	August 9, 2007.
A340–27–4152 .....	Original .....	August 9, 2007.
A340–27–4152 .....	01 .....	March 19, 2008.
A340–27–5040 .....	Original .....	August 9, 2007.
A340–27–5040 .....	01 .....	March 19, 2008.

**Note 1:** Airbus should be contacted in order to get appropriate information for airplanes on which the original delivery date of the airplane is unknown to the operator.

**FAA AD Differences**

**Note 2:** This AD differs from the MCAI and/or service information as follows: No differences.

**Other FAA AD Provisions**

(h) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1138; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective

actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

**Related Information**

(i) Refer to MCAI EASA Airworthiness Directive 2008–0026, dated February 12, 2008, and the service information specified in Table 1 of this AD, for related information.

Issued in Renton, Washington, on March 19, 2010.

**Ali Bahrami,**

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

[FR Doc. 2010–6849 Filed 3–26–10; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA–2010–0277; Directorate Identifier 2009–NM–217–AD]

**RIN 2120–AA64**

**Airworthiness Directives; The Boeing Company Model 767 Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Model 767 airplanes. This proposed AD would require repetitive inspections to detect fatigue cracking in the upper wing skin at the fastener holes common to the inboard and outboard front spar pitch load fittings, and corrective actions if necessary. This proposed AD results from reports of cracking in the upper wing skin at the fastener holes common to the inboard and outboard front spar pitch load fittings. We are proposing this AD to detect and correct fatigue cracking in the upper wing skin at the fastener holes common to the

inboard and outboard front spar pitch load fittings, which could result in the loss of the strut-to-wing upper link load path and possible separation of a strut and engine from the airplane during flight.

**DATES:** We must receive comments on this proposed AD by May 13, 2010.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; e-mail [me.boecom@boeing.com](mailto:me.boecom@boeing.com); Internet <https://www.myboeingfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6577; fax (425) 917-6590.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2010-0277; Directorate Identifier 2009-NM-217-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

#### Discussion

Multiple operators have reported a total of 36 cracks in the upper wing skin at the fastener holes common to the inboard and outboard front spar pitch load fittings. The airplanes had accumulated between 11,700 and 39,900 total flight cycles, and between 28,700 and 83,100 total flight hours. The reported crack lengths were between 0.016 and 0.140 inch. All cracks were found during accomplishment of the open hole high frequency eddy current (HFEC) inspections given in Boeing service bulletins related to strut improvement—Boeing Service Bulletin 767-54-0080, dated October 7, 1999; Boeing Service Bulletin 767-54-0080, Revision 1, dated May 9, 2002; Boeing Service Bulletin 767-54-0081, dated July 29, 1999; Boeing Service Bulletin 767-54-0081, Revision 1, dated February 7, 2002; and Boeing Service Bulletin 767-54-0082, dated October 28, 1999. Further Boeing analysis has determined the cracks to be a result of fatigue due to higher than predicted fastener load and skin stress peaking along the aft fastener row. This cracking, if not detected and corrected, could result in the loss of the strut-to-wing upper link load path and possible separation of a strut and engine from the airplane during flight.

#### Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 767-57A0117, dated October 1, 2009. This service bulletin describes procedures for repetitively inspecting the upper wing skin at the fastener holes common to the inboard and outboard front spar pitch load fittings for cracks and corrective actions.

This service bulletin specifies to use detailed and ultrasonic inspection techniques to inspect the upper wing skin surface. For airplanes on which any cracking is found, the service bulletin also specifies the following corrective actions, as applicable: Removing cracks, installing and replacing new fasteners, repairing freeze plugs, and contacting Boeing for repair instructions and doing the repair.

The compliance time for the initial upper wing skin surface detailed and ultrasonic inspections, or for the open hole HFEC inspection, depends upon the configuration of the airplane as defined in Boeing Alert Service Bulletin 767-57A0117, dated October 1, 2009, and whether the airplane has been modified according to certain service bulletins. That service bulletin specifies the compliance time for the initial upper wing skin surface detailed and ultrasonic inspections as follows:

- For Group 1, Configuration 1 airplanes: Before 18,000 total flight cycles or 54,000 total flight hours (whichever occurs first).
- For Group 1, Configuration 2 airplanes: Within 11,000 flight cycles or 33,000 flight hours after completing the actions specified in Service Bulletin 767-54-0080 (whichever occurs first).
- For Group 2, Configuration 1 airplanes: Before 12,000 total flight cycles or 36,000 total flight hours (whichever occurs first).
- For Group 2, Configuration 2 airplanes: Before 12,000 flight cycles or 36,000 flight hours after completing the actions specified in Boeing Service Bulletin 767-54-0080 (whichever occurs first).
- For Group 3 airplanes: Before 12,000 total flight cycles or 36,000 total flight hours (whichever occurs first).
- For Group 4, Configuration 1 airplanes: Before 25,000 total flight cycles or 75,000 total flight hours (whichever occurs first).
- For Group 4, Configuration 2 airplanes: Within 17,000 flight cycles or 51,000 flight hours after completing the actions specified in Boeing Service Bulletin 767-54-0081 (whichever occurs first).
- For Group 5, Configuration 1 airplanes: Before 18,000 total flight cycles or 54,000 total flight hours (whichever occurs first).
- For Group 5, Configuration 2 airplanes: Within 15,000 flight cycles or 45,000 flight hours after completing the actions specified in Boeing Service Bulletin 767-54-0081 (whichever occurs first).
- For Group 6 airplanes: Before 18,000 total flight cycles or 54,000 total flight hours (whichever occurs first).

- For Group 7 airplanes: Before 18,000 total flight cycles or 54,000 total flight hours (whichever occurs first).

- For Group 8, Configuration 1 airplanes: Before 12,000 total flight cycles or 36,000 total flight hours (whichever occurs first).

- For Group 8, Configuration 2 airplanes: Within 9,000 flight cycles or 27,000 flight hours after completing the actions specified in Boeing Service Bulletin 767-54-0082 (whichever occurs first).

- For Group 9 airplanes: Before 12,000 total flight cycles or 36,000 total flight hours (whichever occurs first).

- For all airplanes: The service bulletin specifies a grace period of within 4,000 flight cycles or 12,000 flight hours after the date on the service bulletin, (whichever occurs first).

The service bulletin specifies repetitive intervals that range from 4,000 flight cycles or 12,000 flight hours (whichever occurs first), to 17,000 flight cycles or 51,000 flight hours (whichever occurs first), depending upon the configuration. The compliance time for all corrective actions is before further flight.

#### FAA's Determination and Requirements of This Proposed AD

We are proposing this AD because we evaluated all relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design. This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under "Differences Between the Proposed AD and Service Bulletin."

#### Differences Between the Proposed AD and Service Bulletin

Boeing Alert Service Bulletin 767-57A0117, dated October 1, 2009, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- Using a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization that we have authorized to make those findings.

#### Interim Action

We consider this proposed AD interim action. The manufacturer is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved,

and available, we might consider additional rulemaking.

#### Costs of Compliance

We estimate that this proposed AD would affect 363 airplanes of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with this proposed AD. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of this proposed AD to the U.S. operators to be \$61,710, or \$170 per product.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect 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.

For the reasons discussed above, I certify 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. 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.

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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. The FAA amends § 39.13 by adding the following new AD:

**The Boeing Company:** Docket No. FAA-2010-0277; Directorate Identifier 2009-NM-217-AD.

#### Comments Due Date

(a) We must receive comments by May 13, 2010.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to The Boeing Company Model 767-200, -300, -300F, and -400ER series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 767-57A0117, dated October 1, 2009.

#### Subject

(d) Air Transport Association (ATA) of America Code 57: Wings.

#### Unsafe Condition

(e) This AD results from reports of fatigue cracking in the upper wing skin at the fastener holes common to the inboard and outboard front spar pitch load fittings. The Federal Aviation Administration is issuing this AD to detect and correct fatigue cracking in the upper wing skin at the fastener holes common to the inboard and outboard front spar pitch load fittings, which could result in the loss of the strut-to-wing upper link load path and possible separation of a strut and engine from the airplane during flight.

#### Compliance

(f) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

#### Initial Inspection

(g) Except as provided by paragraph (j) of this AD, at the applicable time specified in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 767-57A0117, dated October 1, 2009: Do upper wing skin surface detailed and ultrasonic inspections, or do an open-hole high-frequency eddy current inspection, to detect cracking in the upper wing skin at the fastener holes common to the inboard

and outboard front spar pitch load fittings, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767-57A0117, dated October 1, 2009, except as required by paragraph (i) of this AD. Do all applicable corrective actions before further flight.

#### Repetitive Inspections

(h) At the applicable time specified in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 767-57A0117, dated October 1, 2009, repeat the applicable inspection required by paragraph (g) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767-57A0117, dated October 1, 2009.

#### Exceptions to the Service Bulletin

(i) If any cracking is found during any inspection required by this AD, and Boeing Alert Service Bulletin 767-57A0117, dated October 1, 2009, specifies to contact Boeing for appropriate action: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(j) Where Boeing Alert Service Bulletin 767-57A0117, dated October 1, 2009, specifies a compliance time after the date on Boeing Alert Service Bulletin 767-57A0117, dated October 1, 2009, this AD requires compliance within the specified compliance time after the effective date of this AD.

#### Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, Seattle Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6577; fax (425) 917-6590. Or, e-mail information to [9-ANM-Seattle-ACO-AMOC-Requests@faa.gov](mailto:9-ANM-Seattle-ACO-AMOC-Requests@faa.gov).

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on March 19, 2010.

**Ali Bahrami,**

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

[FR Doc. 2010-6851 Filed 3-26-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2009-1152; Airspace Docket No. 09-ASW-31]

#### Proposed Amendment of Class E Airspace; Austin, TX

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class E airspace in the Austin, TX area. Additional controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Austin Executive Airport, Austin, TX. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** Comments must be received on or before May 13, 2010.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. You must identify the docket number FAA-2009-1152/Airspace Docket No. 09-ASW-31, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527), is on the ground floor of the building at the above address.

**FOR FURTHER INFORMATION CONTACT:** Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: 817-321-7716.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking

by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2009-1152/Airspace Docket No. 09-ASW-31." The postcard will be date/time stamped and returned to the commenter.

#### Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/airports\\_airtraffic/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking 202-267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

#### The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by adding additional Class E airspace extending upward from 700 feet above the surface in the Austin, TX airspace area, establishing controlled airspace for SIAPs at Austin Executive Airport, Austin, TX. The addition of the RNAV (GPS) RWY 13 and RNAV (GPS) RWY 31 SIAPs at Austin Executive Airport has created the need to extend Class E airspace to the northwest,