

required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) 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.

#### Material Incorporated by Reference

(j) You must use Boeing Alert Service Bulletin 777-57A0069, dated November 5, 2009, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this 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>.

(3) You may review copies of the 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.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Renton, Washington, on June 10, 2010.

Jeffrey E. Duven,

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

[FR Doc. 2010-14977 Filed 6-22-10; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2010-0043; Directorate Identifier 2009-NM-128-AD; Amendment 39-16337; AD 2010-13-06]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC-10-10F, and MD-10-10F Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain Model DC-10-10, DC-10-10F, and MD-10-10F airplanes. This AD requires a

one-time high frequency eddy current inspection of fastener holes for cracks at the left and right side wing rear spar lower cap at station Xors=345, and other specified and corrective actions if necessary. This AD results from a report of three instances of Model DC-10-10F airplanes having fuel leaks in the wing rear spar lower cap at station Xors=345. We are issuing this AD to prevent cracks in the spar cap, which could lead to cracking of the lower wing skin, fuel leaks, and the inability of the structure to sustain limit load.

**DATES:** This AD is effective July 28, 2010.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of July 28, 2010.

**ADDRESSES:** For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800-0019, Long Beach, California 90846-0001; telephone 206-544-5000, extension 2; fax 206-766-5683; e-mail [dse.boecom@boeing.com](mailto:dse.boecom@boeing.com); Internet <https://www.myboeingfleet.com>.

#### 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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800-647-5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

#### FOR FURTHER INFORMATION CONTACT:

Nenita Odesa, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5234; fax (562) 627-5210.

#### SUPPLEMENTARY INFORMATION:

#### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to certain McDonnell Douglas Model DC-10-10, DC-10-10F, and MD-10-10F airplanes. That NPRM was published in the **Federal Register** on January 19, 2010 (75 FR 2831). That NPRM proposed to require a one-time high

frequency eddy current inspection of fastener holes for cracks at the left and right side wing rear spar lower cap at station Xors=345, and other specified and corrective actions if necessary.

#### Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received. FedEx supports the NPRM with the following comment.

#### Request for Clarification Regarding Estimated Costs

FedEx states that the numbers in the Estimated Costs table of the NPRM do not match the numbers in Boeing Alert Service Bulletin DC10-57A157, dated May 12, 2009. FedEx states that the cost per airplane is either \$944 or \$1,319 for parts, and requires 42.4 work-hours, totaling either \$4,711 or \$4,336 per airplane depending on group, according to the service bulletin. FedEx states that the NPRM gives a cost estimate of \$160 per airplane.

We infer that the commenter wants clarification regarding the difference in the estimated costs. Since issuance of the NPRM, we have increased the labor rate used in the Costs of Compliance from \$80 per work-hour to \$85 per work-hour. The Costs of Compliance information, below, reflects this increase in the specified hourly labor rate. The cost of the required inspection is 2 hours at \$85 per work-hour, totaling \$170 per airplane. The service bulletin includes costs for on-condition actions, including \$944 or \$1,319 for the cost of parts and 42.4 work-hours. However, the economic analysis of an AD is limited to the cost of actions that are actually required. The economic analysis does not consider the costs of on-condition actions, such as repairing a crack detected during a required inspection ("repair, if necessary"). Such on-condition repairs would be required—regardless of AD direction—to correct an unsafe condition identified in an airplane and to ensure that the airplane is operated in an airworthy condition, as required by the Federal Aviation Regulations. We have not changed the AD in this regard.

#### Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD as proposed.

#### Costs of Compliance

We estimate that this AD affects 68 airplanes of U.S. registry. The following

table provides the estimated costs for U.S. operators to comply with this AD.

TABLE—ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Cost per product	Number of U.S.-registered airplanes	Fleet cost
Inspection .....	2	\$85	\$170	68	\$11,560

### 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

This AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

- (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.

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.

### Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

#### 2010–13–06 McDonnell Douglas

**Corporation:** Amendment 39–16337.  
Docket No. FAA–2010–0043; Directorate Identifier 2009–NM–128–AD.

#### Effective Date

(a) This airworthiness directive (AD) is effective July 28, 2010.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to McDonnell Douglas Corporation Model DC–10–10, DC–10–10F, and MD–10–10F airplanes, certificated in any category, as specified in Boeing Alert Service Bulletin DC10–57A157, dated May 12, 2009.

#### Subject

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

#### Unsafe Condition

(e) This AD results from a report of three instances of Model DC–10–10F airplanes having fuel leaks in the wing rear spar lower cap at station Xors=345. The Federal Aviation Administration is issuing this AD to prevent cracking in the spar cap, which could lead to cracking of the lower wing skin, fuel leaks, and the inability of the structure to sustain limit load.

#### 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.

#### Inspection

(g) Within 3,000 flight cycles after the effective date of this AD, do a one-time high frequency eddy current inspection for cracking of fastener holes at the left and right

side wing rear spar lower cap at station Xors=345, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin DC10–57A157, dated May 12, 2009.

(1) If no cracking is found, before further flight, cold work open holes and install new second oversize fasteners and nut assemblies in the left and right side wing rear spar lower cap, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin DC10–57A157, dated May 12, 2009.

(2) If any cracking is found during any inspection required by this AD, before further flight, repair the left and right side wing rear spar lower cap using a method approved in accordance with the procedures specified in paragraph (h) of this AD.

#### Alternative Methods of Compliance (AMOCs)

(h)(1) The Manager, Los Angeles Aircraft Certification Office (ACO), 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: Nenita Odesa, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5234; fax (562) 627–5210.

(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 (ODA) that has been authorized by the Manager, Los Angeles ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and 14 CFR 25.571, Amendment 45, and the approval must specifically refer to this AD.

#### Material Incorporated by Reference

(i) You must use Boeing Alert Service Bulletin DC10–57A157, dated May 12, 2009, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800-0019, Long Beach, California 90846-0001; telephone 206-544-5000, extension 2; fax 206-766-5683; e-mail [dse.boecom@boeing.com](mailto:dse.boecom@boeing.com); Internet <https://www.myboeingfleet.com>.

(3) You may review copies of the 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.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Renton, Washington, on June 10, 2010.

**Jeffrey E. Duven,**

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

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0995; Directorate Identifier 2009-NM-123-AD; Amendment 39-16336; AD 2010-13-05]

**RIN 2120-AA64**

**Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700 & 701) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Investigation into a landing gear retraction problem on a production test flight revealed that, during aircraft pressurization and depressurization cycles, the pressure floor in the main landing gear bay deflects to a small extent. This causes relative misalignment

between the [alternate-extension system] AES bypass valve, the downlock assist valve and the summing lever which, in turn, can result in damage to and potential failure of the respective clevis attached to one or both of the valves. Such a clevis failure could remain dormant and, in the subsequent event that use of the AES was required, full landing gear extension may not be achievable.

\* \* \* \* \*

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective June 23, 2010.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 28, 2010.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7318; fax (516) 794-5531.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on October 28, 2009 (74 FR 55493). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Investigation into a landing gear retraction problem on a production test flight revealed that, during aircraft pressurization and depressurization cycles, the pressure floor in the main landing gear bay deflects to a small extent. This causes relative misalignment between the [alternate-extension system] AES bypass valve, the downlock assist valve and the summing lever which, in turn, can result in damage to and potential failure of the respective clevis attached to one or both of the valves. Such a clevis failure could remain dormant and, in the subsequent event that use of the AES was required, full landing gear extension may not be achievable.

This directive gives instructions to replace the clevis, with a new part, for both the bypass and the downlock assist valves. It also gives instructions to install new support brackets for both valves, in order to increase the stiffness of the installations and thus prevent future relative misalignment and potential clevis failure.

You may obtain further information by examining the MCAI in the AD docket.

#### Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

#### Support for the NPRM

The Air Line Pilots Association, International (ALPA), supports the NPRM.

#### Request To Allow Repetitive Clevis Replacements in Lieu of Support Bracket Replacement

Comair, Inc., requests that we revise the NPRM to allow repetitive replacement of the bypass valve clevis and downlock assist valve clevis at 6,000-flight-cycle intervals, until the new support brackets have been installed instead of requiring installation of the support brackets at the compliance times specified in paragraph (f)(3) of this AD. Comair, Inc., explains that Bombardier Alert Service Bulletin A670BA-32-022, dated November 8, 2007, established an initial replacement of the clevises along with a repetitive replacement every 6,000 flight cycles. But with the introduction of Part C of Bombardier Alert Service Bulletin A670BA-32-022, Revision A, dated May 1, 2009, Comair, Inc., asserts that the repetitive interval was removed.

Comair, Inc., states that it initiated the compliance with Parts A and B of Bombardier Alert Service Bulletin A670BA-32-022, dated November 8, 2007, in early 2008. Since the initial compliance time, Comair, Inc., states that nearly 2,900 flight cycles have passed and reasons that by the time the NPRM becomes a final rule, 500 or more flight cycles might pass. Comair, Inc., also explains that because of the proposed compliance times specified in paragraphs (f)(3)(ii) and (f)(3)(iii) of the NPRM, the installation of the new support brackets will be required within approximately 2,600 flight cycles (6,000 flight cycles minus 3,400 cycles).

Comair, Inc., asserts that limiting installation of the new support brackets to 2,600 flight cycles instead of 4,500 flight cycles, as proposed by paragraph (f)(3)(i) of the NPRM, penalizes those operators who have taken early action to comply with Bombardier Alert Service Bulletin A670BA-32-022. To compensate for the loss of flight cycles, Comair, Inc., suggests that we revise paragraphs (f)(1) and (f)(2) of the NPRM to state: “\* \* \* Replacement of the clevises each 6,000 flight cycles from the initial replacement, in order to