

of the requirements of paragraph (b) of this AD.

(2) If any cracking is detected, prior to further flight, repair in accordance with the alert service bulletin. Repeat the inspection thereafter at intervals not to exceed 2,200 landings until accomplishment of the requirements of paragraph (b) of this AD.

(b) Within 5 years after the effective date of this AD or prior to the accumulation of 18,000 total landings, whichever occurs later: Perform a penetrant inspection or a high frequency eddy current inspection to detect fatigue cracking of the rear spar cap of the horizontal stabilizer, in accordance with McDonnell Douglas Alert Service Bulletin DC10-55A028, dated April 27, 1998.

(1) If no cracking is detected, prior to further flight, perform the preventive modification of the rear spar cap of the horizontal stabilizer, in accordance with the alert service bulletin. Accomplishment of this modification constitutes terminating action for the requirements of this AD.

(2) If any cracking is detected, prior to further flight, repair, and perform the preventive modification of the rear spar cap of the horizontal stabilizer, in accordance with the alert service bulletin. Accomplishment of the modification constitutes terminating action for the requirements 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, Los Angeles 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, Los Angeles ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles 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) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin DC10-55A028, dated April 27, 1998. 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 The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the

Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on May 21, 1999.

Issued in Renton, Washington, on April 7, 1999.

**Darrell M. Pederson,**

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

[FR Doc. 99-9253 Filed 4-15-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-CE-29-AD; Amendment 39-11130; AD 99-08-21]

RIN 2120-AA64

#### **Airworthiness Directives; Puritan-Bennett Aero Systems Company C351-2000 Series Passenger Oxygen Masks and Portable Oxygen Masks**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to any aircraft equipped with Puritan-Bennett Aero Systems Company (Puritan-Bennett) C351-2000 series passenger oxygen masks and portable oxygen masks. This AD requires inspecting the passenger and portable oxygen masks for tears around the face cushion adjacent to the inner mask housing, and replacing or repairing any torn passenger or portable oxygen mask. This AD is the result of reports received from three airplane manufacturers of defective oxygen masks. The actions specified by this AD are intended to prevent reduced oxygen consumption when passengers are required to use defective oxygen masks, which could result in passenger injury.

**DATES:** Effective June 2, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 2, 1999.

**ADDRESSES:** Service information that applies to this AD may be obtained from Puritan-Bennett Aero Systems Company, 10800 Pflumm Road, Lenexa, Kansas 66215; telephone: (913) 338-9800; facsimile: (913) 338-7353. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules

Docket No. 98-CE-29-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Michael Imbler, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4147; facsimile: (316) 946-4407.

#### SUPPLEMENTARY INFORMATION:

#### Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all aircraft equipped with any Puritan-Bennett C351-2000 series passenger oxygen mask or portable oxygen mask having an elastomer cure date between September 1993 and March 1997 was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 22, 1998 (63 FR 50540). The NPRM proposed to require inspecting the oxygen mask face cushion adjacent to the inner mask housing for any tear, and, if a tear is found, repairing or replacing the passenger or portable oxygen mask with one that has an elastomer cure date later than March 1997.

Accomplishment of the proposed action as specified in the NPRM would be required in accordance with Nelcor Puritan-Bennett Service Bulletin No. C351-2000-35-1, Revision 2, date of original issue: July, 1996; date of first revision: February, 1997; date of current revision: February, 1998.

The NPRM was the result of three airplane manufacturers informing the FAA that the affected oxygen masks were defective.

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

#### **Comment Issue No. 1: List in the AD All Passenger Service Units That Could Contain the Affected Oxygen Masks**

Two commenters recommend that the FAA provide, in the proposed AD, a listing of the passenger service units (PSU) that could contain the affected oxygen masks. The commenters state that it would be difficult to detect whether one of the affected oxygen masks was in their fleet since passenger or portable oxygen masks are not tracked items. As written, the proposed AD would require inspecting all aircraft

and spares in the fleet to determine if the AD applied. The PSU's are equipment that is tracked and including a listing of those would allow the affected operators to check their logbook to determine AD applicability.

The FAA concurs that listing the PSU's in the proposed AD would allow the operators to check the logbook to determine AD applicability. However, the affected passenger and portable oxygen masks can be installed in any PSU. Therefore, if an operator does not track passenger and portable oxygen masks, the FAA knows of no other way to assure that the unsafe condition does not go undetected than to inspect each PSU to determine if the affected masks are installed.

No changes to the final rule are required as a result of these comments.

#### **Comment Issue No. 2: Cost Impact of the Proposed AD**

Two commenters feel that the FAA's determination of the cost impact on U.S. operators of the airplanes that have the affected passenger or portable oxygen masks installed is misleading. In particular, these comments are as follows:

- One commenter states that the cost to inspect each of his/her fleet's aircraft to determine if the affected oxygen masks are installed on each PSU is 6 workhours per aircraft; and
- The other commenter states that the FAA intended to use the cost calculation of 1 workhour per aircraft for labor time, but instead multiplied that by the number of masks affected.

The FAA concurs that the cost impact of the proposed AD is misleading. The FAA has no way of determining the exact number of affected portable and passenger oxygen masks that would need to be either inspected and, if necessary, repaired or replaced on each airplane. For this reason, the FAA is writing the Cost Impact section in the final rule to account for the cost per mask and not per airplane.

#### **Comment Issue No. 3: Make the Inspection Repetitive**

One commenter recommends that the FAA make the proposed inspections repetitive. This commenter makes this recommendation based on the belief that the unsafe condition is a result of aging and fatigue damage to the affected portable and passenger oxygen masks.

The FAA does not concur that the inspection should be made repetitive. The oxygen masks that are unsafe were torn at the factory due to a manufacturing defect. This FAA has determined the time range of when these torn oxygen masks were

manufactured. The proposed AD would require repair or replacement of any oxygen mask manufactured during a certain time and revealing a tear, and would prohibit future installation of any oxygen mask that has a tear.

Therefore, no changes to the final rule are required as a result of these comments.

#### **Comment Issue No. 4: Extend the Compliance Time**

One commenter recommends that the FAA extend the compliance time of the proposed AD. This commenter states that the 90 calendar day compliance time would be difficult to meet and the economic impact due to unnecessary downtime would be significant. The commenter suggests a 6 calendar month compliance time to coincide with regularly scheduled maintenance.

The FAA concurs. The FAA initially chose 90 calendar days based upon a balance between safety and practicality of implementation. The commenter presents a strong case for extending the compliance time based upon practicality of implementation and the FAA has determined that extending to 6 calendar months will not adversely affect aviation safety.

The compliance time of the final rule has been changed accordingly.

#### **The FAA's Determination**

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for the change in the write-up in the Cost Impact section, the change in compliance time, and minor editorial corrections. The FAA has determined that these changes and the minor editorial corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

#### **Cost Impact**

The FAA estimates that 10,500 oxygen masks will be affected by this AD, that it will take approximately 1 workhour per oxygen mask to accomplish the inspection and replacement, and that the average labor rate is approximately \$60 an hour. Puritan-Bennett will repair or replace oxygen mask assemblies found defective at no cost to the owner/operator of any affected aircraft. Based on these figures, the total cost impact of the inspection is estimated to be \$630,000, or \$60 per mask. The cost per aircraft will vary based on the number of oxygen masks

each aircraft has installed and the number that would require replacement.

#### **Compliance Time**

The compliance time of this AD is presented in calendar time instead of hours time-in-service (TIS).

The FAA has determined that calendar time compliance is the most desirable method because the use of these oxygen masks is not related to hours time-in-service. The unsafe condition exists regardless of whether the aircraft is in operation. Therefore, to assure that the above-referenced condition is corrected within a reasonable period of time, a compliance schedule based upon calendar time instead of hours TIS is utilized.

#### **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 copy of the final 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, 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 a new airworthiness directive (AD) to read as follows:

**99-08-21 Puritan-Bennett Aero Systems**

**Company:** Amendment 39-11130;  
Docket No. 98-CE-29-AD.

**Applicability:** Puritan-Bennett C351-2000 series passenger oxygen masks and portable oxygen masks, part numbers as listed below, that (1) have elastomer cure dates between September 1993 and March 1997; and (2) are installed in aircraft that are certificated in any category:

**Passenger Masks**

C351-2000-00  
C351-2000-02  
C351-2000-21  
C351-2000-38  
C351-2000-52  
C351-2000-59  
C351-2000-63  
114006-01  
174006-16  
174006-30  
174006-31  
174290-21  
174290-22  
174290-24  
174290-26  
174291-21  
174291-23  
174291-24  
174501-00  
174504-01 (C351-2000-205)  
174505-01 (C351-2000-201)  
174506-00 (C351-2000-223)  
174509-00 (C351-2000-302)  
174510-01 (C351-2000-224)  
174510-08 (C351-2000-231)  
174510-09 (C351-2000-232)  
174510-10 (C351-2000-233)  
174510-11 (C351-2000-234)

**Drop-Out Box Assemblies**

115055-04  
115055-10  
175011-01  
175015-00  
175016-00  
175105-00  
175109-00  
175112-10  
175112-11  
175112-21  
175112-90  
175205-00  
175210-00  
175215-01  
175222-11  
175222-13  
175222-20  
175222-21  
175222-90  
175224-00  
175242-00  
175242-01  
175242-02  
175303-00  
175308-00

**Emergency Oxygen Portable Assemblies**

176960-13  
176960-14

176980-00  
176965-SMB2  
176965-SCOB2  
176965-SMO2  
176965-SCMB2

**Note 1:** This AD applies to each aircraft equipped with an oxygen mask 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 aircraft 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 (d) 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 in the body of this AD, unless already accomplished.

To prevent reduced oxygen consumption when passengers are required to use defective oxygen masks, which could result in passenger injury, accomplish the following:

(a) Within the next 6 calendar months after the effective date of this AD, inspect the passenger or portable oxygen masks for any tear in the face cushion in accordance with the ACCOMPLISHMENT INSTRUCTIONS section in Nellcor Puritan-Bennett Service Bulletin No. C351-2000-35-1, Revision 2, date of original issue: July, 1996; date of first revision: February, 1997; date of current revision: February, 1998. The face cushion is adjacent to the inner mask housing. If a tear is found, prior to further flight, replace or repair the mask in accordance with the service bulletin.

(b) As of the effective date of this AD, no person may install, in any aircraft, Puritan-Bennett C351-2000 series passenger oxygen masks and portable oxygen masks that are specified in the Applicability section of this AD, unless they have been inspected and found airworthy in accordance with paragraph (a) of this AD.

(c) 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 requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(e) The inspection and replacement or repair required by this AD shall be done in

accordance with Nellcor Puritan-Bennett Service Bulletin No. C351-2000-35-1, Revision 2, date of original issue: July, 1996; date of first revision: February, 1997; date of current revision: February, 1998. 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 Puritan-Bennett Aero Systems Company, 10800 Pflumm Road, Lenexa, Kansas 66215. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(f) This amendment becomes effective on June 2, 1999.

Issued in Kansas City, Missouri, on April 7, 1999.

**Carolanne L. Cabrini,**

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

[FR Doc. 99-9251 Filed 4-15-99; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 96-CE-60-AD; Amendment 39-11129; AD 97-15-13 R2]

RIN 2120-AA64

**Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment revises Airworthiness Directive (AD) 97-15-13 R1, which currently requires installing lubrication fittings in the airstair door handle and latch housing mechanisms on certain Raytheon Aircraft Company (Raytheon) Beech Models 1900, 1900C, and 1900D airplanes. Since issuance of AD 97-15-13 R1, Raytheon has revised the applicable service information to correct the reference to the number of parts each owner/operator of the affected airplanes should order and to change an incorrect reference to a maintenance manual. This AD retains the actions of AD 97-15-13 R1, and incorporates the revised service bulletin into the AD. The actions specified by this AD are intended to continue to prevent moisture from accumulating and freezing in the airstair door handle and latch housing, which could result in the door freezing shut and passengers not being able to evacuate the airplane in an emergency situation.