

to reflect the requirements in the engine manuals.

(f) This amendment becomes effective on July 8, 1999.

Issued in Burlington, Massachusetts, on June 1, 1999.

**Mark C. Fulmer,**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket 98-ANE-43-AD; Amendment 39-11188; Ad 99-12-04]

RIN 2120-AA64

#### Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to Pratt & Whitney JT8D-200 series turbofan engines, that requires revisions to the engine manufacturer's Time Limits Section (TLS) of the JT8D-200 Turbofan Engine Manual to include enhanced inspection of selected critical life-limited parts at each piece-part exposure. This amendment will also require an air carrier's approved continuous airworthiness maintenance program to incorporate these inspection procedures. This amendment is prompted by a Federal Aviation Administration (FAA) study of in-service events involving uncontained failures of critical rotating engine parts that indicated the need for improved inspections. The improved inspections are needed to identify those critical rotating parts with conditions that if allowed to continue in service, could result in uncontained failures. The actions specified by this AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

**DATES:** Effective July 8, 1999.

**FOR FURTHER INFORMATION CONTACT:** Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7175, fax (781) 238-7199.

**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 Pratt & Whitney (PW) JT8D-200 series turbofan engines was published in the **Federal Register** on July 28, 1998 (63 FR 40216). That action proposed to require, within the next 30 days after the effective date of this AD, revisions to the Time Limits Section (TLS) of the PW JT8D-200 Turbofan Engine Manual, and, for air carriers, the approved continuous airworthiness maintenance program. The manufacturer of JT8D-200 series turbofan engines has provided the Federal Aviation Administration (FAA) with a detailed proposal that identifies and prioritizes the critical life-limited rotating engine parts with the highest potential to hazard the airplane in the event of failure, along with instructions for enhanced, focused inspection methods. The enhanced inspections resulting from this AD will be conducted at piece-part opportunity, as defined in this AD, rather than specific inspection intervals.

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

One commenter supports the measures outlined in the proposed rule.

Several commenters ask that the FAA clarify the record keeping aspects of the mandatory inspections resulting from the required changes to the Original Equipment Manufacturer's manual and operator's continuous airworthiness maintenance program. Two commenters believe that paragraph (e) of the proposed rule is unclear and suggests that certain preamble language be added to it for clarity and that it be revised by eliminating the word "or" from the first sentence and beginning a second sentence with "In lieu of the record \* \* \*" Two commenters state that the AD should be revised to clearly specify which types of maintenance records must be retained (i.e., inspection results, defect reporting requirements, date of performed maintenance, signature of the person performing the maintenance). These commenters believe that these revisions are necessary in order to avoid potential differences in interpretation between the air carriers and the FAA. And, one commenter states that the AD should clarify that there is no need for a special form to comply with the AD record keeping requirements. The FAA concurs in part. Generally, record keeping requirements are addressed in other regulations and this AD does not change those requirements. In order to allow flexibility from operator to operator, the FAA does not concur that

the AD itself specify the precise nature of the records that will result from the required changes to the manufacturer's manual and operator's maintenance program. The FAA has, however, revised Paragraph (e) of this AD to clarify record keeping aspects of the new mandatory inspections.

One commenter requests that the FAA link the conduct of mandatory inspections on whether the subject part was removed from an engine while the engine was installed on the airplane or while the engine was removed and in an overhaul shop. The commenter wishes to exempt those parts that are removed from installed engines from the focused inspections. The FAA does not concur. The mandatory inspections are based on a single trigger. The trigger is a part being completely disassembled using the engine manual instructions (piece-part opportunity), and is not dependent on whether an engine is installed on the airplane. This final rule mandates that the definition of piece-part opportunity appears in the mandatory section of each affected engine manual. This final rule further mandates that an operator's continuous airworthiness maintenance program be modified to capture those engine manual changes.

One commenter suggests that language be added to the requirements adding a minimum cycles in service threshold after which mandatory inspections would be applicable. The FAA does not concur. The FAA is aware that cracks can be missed during part inspections and that each time a part is processed through an inspection line, the probability of detecting a crack is increased. Commonly used on-condition maintenance plans make it likely that a given part could be returned to service for thousands of cycles without the need for additional focused inspection. Recognizing two opposing aspects of part removal and inspection, i.e., a need for a brief exemption period following conduct of mandatory inspections and the benefits of increased frequency of inspection, FAA established the 100 cycle threshold. No consideration for crack growth time was given in the choice of this number nor was time-since-new (TSN) considered as a possible reason for exempting parts from focused inspection. It is based strictly on keeping the frequency of mandatory inspection as high as practical and therefore increasing the probability of crack detection while providing a brief window of exemption from mandatory inspection if certain conditions are met. Therefore, the 100 cycle limit will remain in the compliance section of the AD and no

exemption will be allowed for low TSN parts.

One commenter states that the mandatory manual chapters were modified to require new inspection requirements prior to issuance of the final rule AD and that FAA should provide written notification to Flight Standards Offices that the inspections proposed in the proposed rule are not mandatory until the establishment of an effectivity date in a published final rule AD. Some confusion between Operators, Manufacturers and Principal Maintenance Inspectors was created when the mandatory manual sections were modified prior to the release of a final rule AD. The FAA concurs in part. The manuals were modified prior to issuance of the final rule to minimize implementation delays from lengthy original equipment manufacturer EM revision cycles. FAA will attempt a higher level of coordination of timing the manual revisions so that the revisions follow final rule ADs in the future. Such a notice, however, is beyond the scope of this AD and may well cause additional confusion rather than clarify the present situation.

One commenter suggested that the parts requiring focused inspection be identified by "all" rather than by specific part number. The FAA does not concur. The FAA intentionally allowed each manufacturer to choose a format that fits their products manual. Identification of parts requiring mandatory inspections has been accomplished by either part number identification or use of the word "all". Part number identification was chosen by some manufacturers since the processes and procedures needed to conduct new inspections were not yet developed for all parts of a certain type, i.e., fan disks/hubs. The FAA wants the manufacturers to have flexibility in managing how their manuals are structured within Air Transport Association code requirement.

One commenter states that a "spot focused" fluorescent-penetrant inspection (FPI) should be performed in the rivet area of the fan hub instead of removing rivets, the air seal, and the compressor duct to inspect the fan hub. The commenter believes that rivet removal and replacement may induce stresses and cause cracks. The FAA does not concur. Inspection of the entire fan hub (i.e., bore, all holes, fillet radii, rim slot bottom, upper lug surface, pressure face of dovetail slots) is needed to detect all possible crack indications. Although few cracks have been detected thus far, there is concern that other high stress areas (e.g. dovetail slots) may be affected. Furthermore, removal of the

assembled parts (air seal and compressor duct) will provide assurance that liquids for inspection and cleaning will not become entrapped in the titanium hub.

One commenter states that the phrase "by or related to the cause of its removal from the engine" should be added for clarification to paragraph (2)(b) of Inspection Requirements, paragraph A, in the Compliance Section. The FAA concurs and the phrase has been added.

One commenter states that the affected assembly part number (P/N) in the Compliance Section, paragraph B, Parts Requiring Inspection Table, is in error and should be 5000421-01. The FAA concurs and the P/N has been revised.

One commenter states that AD 97-17-04 compliance requirements relative to the JT8D Engine Manual, P/N 773128, 72-33-31 Insp-02, as specified in the proposed rule should be clarified. The FAA does not concur that a change needs to be made to the AD, but offers the following explanation for clarification purposes. The inspection requirements of AD 97-17-04 remain intact and are not affected by this AD. While the inspection techniques are similar, this AD will require inspections at every piece-part opportunity without having to remove bushings. AD 97-17-04 requires inspections with bushings removed at fixed inspection intervals depending on part serial number.

One commenter states that an existing alternative method of compliance (AMOC) for removal of C1 hub bushings prior to eddy current inspection should be allowed for this AD. The FAA does not concur. Because this AD does not require the removal of bushings at every piece-part opportunity, no AMOC for an alternate bushing removal procedure is required.

One commenter states that the PW JT8D-200 Turbofan Engine Manual section reference in the Parts Requiring Inspection table is in error and should read 72-33-31. The FAA concurs and the table has been revised.

No comments were received on the economic analysis contained in the proposed rule. Based on the analysis, the FAA has determined that the annual per engine cost of \$240 does not create a significant economic impact on small entities.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden

on any operator nor increase the scope of the AD.

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, 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:

**99-12-04 Pratt & Whitney:** Amendment 39-11188. Docket 98-ANE-43-AD.

*Applicability* Pratt & Whitney (PW) JT8D-209, -217, -217A, -217C, and -219 series turbofan engines, installed on but not limited to McDonnell Douglas MD80 series airplanes.

**Note 1:** This airworthiness directive (AD) applies to each engine 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 engines 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, alternation, 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 critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

(a) Within the next 30 days after the effective date of this AD, revise the Time Limit Section (TLS) of the PW JT8D-200 Engine Manual (EM), Part Number 773128, and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following:

“3. Critical Life Limited Part Inspection

#### A. Inspection Requirements

(1) This section has the definitions for individual engine piece-parts and the inspection procedures which are necessary when these parts are removed from the engine.

(2) It is necessary to do the inspection procedures of the piece-parts in Paragraph B when:

(a) The part is removed from the engine and disassembled to the level specified in paragraph B and

(b) The part has accumulated more than 100 cycles since the last piece part inspection, provided that the part is not damaged or related to the cause of its removal from the engine.

(3) The inspections specified in this section do not replace or make unnecessary other recommended inspections for these parts or other parts.

#### B. Parts Requiring Inspection.

**Note:** Piece part is defined as any of the listed parts with all the blades removed.

Description	Section	Inspection
Hub (Disk), 1st Stage Compressor:		
5000501-01 (Hub detail).	72-33-31	-02,-03
5000421-01 (Hub assembly).	72-33-31	-02,-03”

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the TLS of the PW JT8D-200 EM.

(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 Engine Certification Office. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector (PMI), who may add

comments and then send it to the Engine Certification Office.

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

(d) Special flight permits may be issued in accordance with §§ 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.

(e) FAA-certificated air carriers that have an approved continuous airworthiness maintenance program in accordance with the record keeping requirement of § 121.369(c) of the Federal Aviation Regulations [14 CFR 121.369(c)] of this chapter must maintain records of the mandatory inspections that result from revising the Time Limits section of the Instructions for Continuous Airworthiness (ICA) and the air carrier's continuous airworthiness program. Alternately, certificated air carriers may establish an approved system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by § 121.369(c) of the Federal Aviation Regulations [14 CFR 121.369(c)]; however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated. Records of the piece-part inspections are not required under § 121.380(a)(2)(vi) of the Federal Aviation Regulations [14 CFR 121.380(a)(2)(vi)]. All other Operators must maintain the records of mandatory inspections required by the applicable regulations governing their operations.

**Note 3:** The requirements of this AD have been met when the engine manual changes are made and air carriers have modified their continuous airworthiness maintenance plans to reflect the requirements in the engine manuals.

(b) This amendment becomes effective on July 8, 1999.

Issued in Burlington, Massachusetts, on June 1, 1999.

**Mark C. Fulmer,**

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

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## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 5

#### Fees for Applications for Contract Market Designation

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final reduction of certain designation applications fees.

**SUMMARY:** The staff reviews periodically the Commission's actual costs of processing applications for contract market designation (17 CFR Part 5, Appendix B) and adjusts its schedule of fees accordingly. As a result of the most recent review, the Commission, as proposed on April 22, 1999 (64 FR 19730), is establishing reduced fees for a limited class of simultaneously submitted multiple contract designation application filings.

**EFFECTIVE DATE:** June 8, 1999.

#### FOR FURTHER INFORMATION CONTACT:

Richard Shilts, Division of Economic Analysis, (201) 418-5275, Three Lafayette Centre, 1155 21st, Street, NW., Washington, DC 20581. E-mail [Rshilts@cftc.gov].

#### SUPPLEMENTARY INFORMATION:

#### I. History

On August 23, 1983, the Commission established a fee for contract market designation (48 FR 38214). The fee was based upon a three-year moving average of the actual costs and the number of contracts reviewed by the Commission during that period of time. The formula for determining the fee was revised in 1985. At that time, most of the designation applications were for futures contracts rather than option contracts, and the same fee was applied to both futures and option designation applications.

In 1992, the Commission reviewed its data on the actual costs for reviewing designation applications for both futures and option contracts and determined that the cost of reviewing a futures contract designation application was much higher than the cost of reviewing an option contract designation. It also determined that, when designation applications for both a futures contract and an option on that futures contract was submitted simultaneously, the cost for reviewing both together was lower than for reviewing the contracts separately. Based on that finding, three separate fees were established—one for futures alone, one for options alone, and one for combined futures and option contract applications. 57 FR 1372 (January 14, 1992). The combined futures/option designation application fee is set at a level that is less than the aggregate fee for separate futures and option applications to reflect the fact that the cost for review of an option is lower when submitted simultaneously with the underlying future and to create an incentive for contract markets to