

4. AD 95-02-02, amendment 39-9121 (60 FR 4074, January 6, 1995), requires an inspection of the tailcone release locking cable fitting assembly, and modification or replacement, if necessary.

However, this proposed AD would not affect the current requirements of any of those previously issued AD's.

#### Cost Impact

There are approximately 878 McDonnell Douglas Model DC-9 series airplanes and C-9 (military) series airplanes of the affected design in the worldwide fleet. The FAA estimates that 590 airplanes of U.S. registry would be affected by this proposed AD.

The proposed modification of the emergency internal release system would take approximately 7 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$6,660 per airplane. Based on these figures, the cost impact of this modification proposed by this AD on U.S. operators is estimated to be \$4,177,200, or \$7,080 per airplane.

The proposed modification of the accessory compartment would take approximately 10 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. For the 395 airplanes identified as "Group 1" in the referenced service bulletin, required parts would cost approximately \$1,777 per airplane. For the 195 airplanes identified as "Group 2" in the referenced service bulletin, required parts would cost \$5,369 per airplane. Based on these figures, the cost impact of this modification proposed by this AD on U.S. operators of Group 1 airplanes is estimated to be \$938,915, or \$2,377 per airplane; and on U.S. operators of Group 2 airplanes is estimated to be \$1,163,955, or \$5,969 per airplane.

The cost impact figures discussed above are 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. However, the FAA has been advised that 1 U.S.-registered airplanes has been inspected in accordance with the requirements of this AD. Therefore, the future economic cost impact of this rule on U.S. operators has been reduced by that amount.

#### Regulatory Impact

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. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 96-NM-95-AD.

*Applicability:* Model DC-9-10, -20, -30, -40, and -50 series airplanes and C-9 (military) series airplanes; as listed in McDonnell Douglas DC-9 Service Bulletin 53-257, Revision 1, dated February 9, 1996, and McDonnell Douglas DC-9 Service Bulletin 25-331, dated December 10, 1993; operating in a passenger or passenger/cargo configuration; certificated in any category.

Note 1: The requirements of this AD become applicable at the time an airplane operating in an all-cargo configuration is converted to a passenger or passenger/cargo configuration.

Note 2: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 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, 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, unless accomplished previously.

To ensure that the emergency internal release system of the tailcone performs its intended function in the event of an emergency evacuation, accomplish the following:

(a) For airplanes listed in McDonnell Douglas DC-9 Service Bulletin 53-257, Revision 1, dated February 9, 1996: Within 36 months after the effective date of this AD, modify the emergency internal release system of the tailcone in accordance with the service bulletin.

(b) For airplanes listed in McDonnell Douglas DC-9 Service Bulletin 25-331, dated December 10, 1993: Within 36 months after the effective date of this AD, modify the accessory compartment in accordance with the service bulletin.

(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.

(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.

Issued in Renton, Washington, on September 6, 1996.

James V. Devany,

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

[FR Doc. 96-23445 Filed 9-12-96; 8:45 am]

BILLING CODE 4910-13-U

### 14 CFR Part 39

[Docket No. 96-NM-156-AD]

RIN 2120-AA64

### Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes

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

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

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737-300, -400, and -500 series airplanes. This proposal would require modification of the system that detects a loss of tension in the cable controlling the flaps by removing the shim from behind the bracket for the proximity switch; and by trimming this bracket. This proposal is prompted by reports that the bracket could impair the movement of a pulley arm mechanism, ultimately preventing the detection system from operating. The actions specified by the proposed AD are intended to prevent such impairment, which could result in movement of the flaps without action by the pilot, and ultimately cause reduced controllability of the airplane.

**DATES:** Comments must be received by October 24, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-156-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Kristin Larson, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227-1760; fax (206) 227-1181.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic,

environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96-NM-156-AD." The postcard will be date stamped and returned to the commenter.

##### **Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-156-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### **Discussion**

The FAA has received reports of a discrepancy identified in the system that detects a loss of tension in the cable controlling the flaps (hereinafter called "the detection system"), which is installed on certain Boeing Model 737-300, -400 and -500 series airplanes. Should an uncontained engine failure result in severing of the cable, this system detects the resultant loss of tension in the cable and turns off the hydraulic power that operates the flaps. Consequently, the flaps remain in the position in which they had been set prior to engine failure.

A loss of tension in the cable causes a pulley arm mechanism in the detection system to move a magnet away from the proximity switch. This enables the switch to provide a ground to the relay that supplies electrical power for closing a bypass valve. When this valve is closed, hydraulic power to the flap power unit is turned off.

An analysis of the detection system, performed by the manufacturer, showed that the pulley arm mechanism may not have sufficient clearance to move the magnet far enough from the proximity switch to activate the system. This condition, if not corrected, could cause movement of the flaps without action by the pilot, and ultimately could reduce the pilot's ability to control the airplane.

##### **Explanation of Relevant Service Information**

The FAA has reviewed and approved Boeing Alert Service Bulletin 737-27A1199, dated June 20, 1996, which

describes procedures for removing a shim, if installed, from behind the proximity switch; and trimming the bracket for the proximity switch. These modifications will enable the pulley arm mechanism to move the magnet the distance necessary for activating the detection system.

##### **Explanation of Requirements of Proposed Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require removal of the shim behind the proximity switch, if installed; and trimming of the bracket for the proximity switch. The actions would be required to be accomplished in accordance with the service bulletin described previously.

##### **Cost Impact**

There are approximately 1,619 Model 737-300, -400, and -500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 685 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 7 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$287,700, or \$420 per airplane.

The 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.

##### **Regulatory Impact**

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. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 96–NM–156–AD.

*Applicability:* Model 737–300, –400 and –500 series airplanes having line production numbers 1001 through 2765, 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 otherwise 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 request approval for an alternative method of compliance in accordance with paragraph (b) 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, unless accomplished previously.

To prevent movement of the flaps from their last set position without action by the pilot, which could reduce controllability of the airplane, accomplish the following:

(a) Within 18 months or 3,200 hours time-in-service after the effective date of this AD, whichever occurs first, remove the shim, if installed, from behind the bracket of the proximity switch in the system which detects a loss of tension in the cable controlling the flaps; and trim this bracket; in accordance with Boeing Alert Service Bulletin 737–27A1199, dated June 20, 1996.

(b) 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, Seattle

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, Seattle ACO.

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

(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 airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on September 6, 1996.

James V. Devany,

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

[FR Doc. 96–23444 Filed 9–12–96; 8:45 am]

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### 14 CFR Part 39

[Docket No. 96–NM–58–AD]

### Airworthiness Directives; de Havilland Model DHC–8–102, –103, and –301 Series Airplanes

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

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

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain de Havilland Model DHC–8–102, –103, and –301 series airplanes. This proposal would require a one-time inspection for wear and breakage of wire segments of the individual lighting units of the ceiling and sidewall lights, and replacement of any damaged wiring. This proposal also would require installation of teflon spiral wrap on the wiring of the ceiling and sidewall lights. This proposal is prompted by reports of chafing found on the electrical wiring of the cabin ceiling lighting system. The actions specified by the proposed AD are intended to prevent the possibility of a fire on an airplane due to such chafing and consequent short circuiting, overheating, and smoking of the wires on the aircraft structure.

**DATES:** Comments must be received by October 24, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–58–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this

location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York.

**FOR FURTHER INFORMATION CONTACT:** Peter Cuneo, Electrical Engineer, New York Aircraft Certification Office, Systems & Flight Test Branch (ANE–172), FAA, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7506; fax (516) 568–2716.

### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket Number 96–NM–58–AD.” The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No.