

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 97–NM–28–AD.

Applicability: All Model 737–100, –200, –300, –400, and –500 series airplanes, certificated in any category.

Note 2: 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 excessive rudder authority and consequent reduced controllability of the airplane; and malfunctions of the yaw damper system, which could result in sudden uncommanded yawing of the airplane and consequent injury to passengers and crewmembers; accomplish the following:

(a) Within 3 years after the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(1) Install a newly designed rudder-limiting device that reduces the rudder authority at altitudes above 1,500 feet above ground level (AGL).

(2) Install a newly designed yaw damper system that improves the reliability and fault monitoring capability.

(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 ACO. 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 March 7, 1997.

Ronald T. Wojnar,

Manager, Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. 97–6436 Filed 3–13–97; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 96–NM–152–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100 and –200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to all Boeing Model 737–100 and –200 series airplanes, that would have required replacement of certain outboard and inboard wheel halves with improved wheel halves. That action also would have required cleaning and inspecting certain outboard and inboard wheel halves for corrosion, missing paint in large areas, and cracks; and repair or replacement of the wheel halves with serviceable wheel halves, if necessary. That proposal was prompted by a review of the design of the flight control systems on Model 737 series airplanes. This action revises the proposed rule by extending the compliance time, revising the applicability of the AD, and clarifying part and serial numbers of affected wheel assemblies and halves. The actions specified by this proposed AD are intended to prevent failure of the wheel flanges, which could result in damage to the hydraulics systems, jammed flight controls, loss of electrical power, or other combinations of failures; and consequent reduced controllability of the airplane.

DATES: Comments must be received by April 3, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–152–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 Allied Signal Aerospace Company, Bendix Wheels and Brakes Division, South Bend, Indiana 46624; and Bendix, Aircraft Brake and Strut Division, 3520 West Mestmoor Street, South Bend, Indiana 46624. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

David Herron, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2672; 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–152–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-152-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to all Boeing Model 737-100 and -200 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal Register on August 28, 1996 (61 FR 44245). That NPRM would have required replacement of certain outboard and inboard wheel halves with improved wheel halves. That NPRM also would have required cleaning and inspecting certain outboard and inboard wheel halves for corrosion, missing paint in large areas, and cracks; and repair or replacement of the wheel halves with serviceable wheel halves, if necessary. That NPRM was prompted by a review of the design of the flight control systems on Model 737 series airplanes. The actions specified by that NPRM are intended to prevent damage to the wheel flanges, which could result in failure of the hydraulics systems, jammed flight controls, loss of electrical power, or other combinations of failures; and consequent reduced controllability of the airplane.

Actions Since Issuance of Previous Proposal

Due consideration has been given to the comments received in response to the NPRM.

Support for the Proposal

Two commenters support the proposed rule.

Requests to Reopen Comment Period

Several commenters request that the proposal be reissued and the public comment period reopened. The commenters ask that the intent of the proposal be clarified. The commenters state that the proposal appears to require that an inspection and a replacement be accomplished concurrently within 180 days. Allied Signal indicates that it is unclear why operators should be required to replace wheel halves and then inspect those wheel halves that were just removed.

In its justification for the request to reopen the comment period, another commenter states that the issue addressed in the proposed AD arises from a failure that occurred on a military aircraft. The commenter

indicates that, when maintained properly and operated on civilian airliners, certain wheel halves are not subject to the questionable maintenance practices and adverse operational conditions often associated with military hardware. The commenter adds that, in particular, the inspections required at tire replacement occur far more frequently due to utilization differences. The commenter believes that strengthened inspection requirements in accordance with the latest manufacturer's recommendations can provide for safe operation of the older wheels until replacements would normally be available.

The FAA concurs with the commenters' requests to reopen the comment period for this proposed rule and to provide clarification of the intent of the proposal. The intent of this proposed AD is that the affected fleet be equipped eventually with more resilient wheel halves that provide greater tolerance for corrosion and handling damage. Some failures of wheel halves have occurred because indications of corrosion or handling damage were not detected in a timely manner. Therefore, the FAA included a requirement in the original NPRM indicating that, until the time that the existing wheel halves can be replaced with the more resilient wheel halves, repetitive cleaning and inspections of the wheel halves must be performed in accordance with the cleaning/inspection method described in Allied Signal Service Bulletin No. 737-32-026. Accomplishment of these repetitive actions will ensure that an acceptable level of safety is maintained until the wheel halves are replaced.

The FAA has revised this supplemental NPRM to clarify these issues:

- The repetitive inspection requirement, which appeared as paragraph (b) of the original NPRM, is contained in paragraph (a) of this supplemental NPRM. Paragraph (a) of this supplemental NPRM has been revised to clarify that the inspections of the wheel halves must be repeated until the wheel halves are replaced.
- The replacement requirement, which appeared in paragraph (a) of the original NPRM, is contained in paragraph (b) of this supplemental NPRM. Paragraph (b) of this supplemental NPRM has been revised to clarify that accomplishment of the replacement terminates the repetitive inspections required by paragraph (a).

Request for Extended Compliance Time

Three commenters express concern that replacement of certain outboard and inboard wheel halves with

improved halves cannot be supported within the proposed compliance time of 180 days. One of these commenters, Allied Signal, suggests that the compliance time be extended to 365 days, and that paragraph (c) of the original NPRM be deleted. Allied Signal indicates that the lead time necessary to order and receive forgings, machine, finish, and ship replacement wheels involves approximately 120 days, which is a significant portion of the proposed 180-day compliance time. Allied Signal states that it does not have sufficient information to determine how many wheels need replacement, and may not have this information until a final rule is effective and orders for replacements arrive.

In light of these requests, the FAA has reconsidered the compliance times proposed in the original NPRM. The FAA considers that the compliance time of 180 days (and thereafter at each tire change) for inspections of the wheel halves, as proposed in paragraph (b) of the original NPRM, is appropriate. The FAA considers that these repetitive inspections must be accomplished at the originally proposed intervals in order to provide an acceptable level of safety until the replacement can be accomplished.

However, in consideration of parts availability, the FAA has determined that the compliance time for replacement of the wheel halves can be extended from 180 days to two years without compromising safety, and that paragraph (c) of the original NPRM can be removed from this supplemental NPRM. Given this revised compliance time for accomplishment of the replacement, the FAA estimates that approximately four tire changes would be accomplished in the two-year period prior to the time the replacement would be required. The compliance time specified in paragraph (b) of this supplemental NPRM has been revised accordingly. In addition, paragraph (c) of the original NPRM has been removed from this supplemental NPRM.

Requests for Clarification of Part Numbering System

Two commenters request clarification of the part numbering system specified in the proposal. Further, Allied Signal recommends that serial number H-1049 be used in all places where serial number H-999 appeared in the NPRM to avoid numerical discrepancies and to ensure adequate coverage of these wheel halves. Allied Signal submits two sets of suggested changes to the NPRM: one set based on an intent to remove all affected wheels from service, and the other set based on an intent to inspect all affected

wheels and remove from service only those with cracks.

Allied Signal states that a misunderstanding exists with regard to the serial numbering system used by Aircraft Landing Systems (formerly Bendix). Allied Signal clarifies that wheels having a "B" prefix serial number are original equipment wheels shipped from the factory. Individual inboard and individual outboard wheel halves are given the same "B" serial number on the final production line and mated together to form a complete wheel assembly. Wheel halves having serial numbers with an "H" prefix are replacement service halves. Availability of a service wheel half allows an operator to replace a damaged wheel half instead of the entire wheel assembly. Individual inboard and outboard service halves are not mated together to form a complete assembly; they are shipped independently of each other.

Allied Signal also clarifies that Bendix Service Information Letter (SIL) 392, Revision 1, dated November 15, 1979, and Allied Signal Service Bulletin No. 737-32-026, dated April 26, 1988, apply to both the "H" and "B" prefix serial numbers, not just the "H" prefix serial numbers used in the "B" prefix wheel assemblies.

The FAA agrees that clarification of the part and serial numbers specified in the original NPRM is necessary. As stated previously, the FAA intends that all affected wheels be removed from service; the FAA concurs with the changes suggested by Allied Signal based on that intent. Paragraphs (a) and (b) of this supplemental NPRM reflect the appropriate part and serial numbers provided by Allied Signal. In addition, serial number H-1049 has been specified in this supplemental NPRM in place of serial number H-999.

Request to Revise the Applicability of the Proposed AD

The Air Transport Association (ATA) of America, on behalf of one of its members, requests that the applicability of the proposed AD be limited only to the Bendix main wheel assemblies that prompted the airworthiness concern. The ATA states that the proposed applicability affects even operators with BFGoodrich brakes. The commenter concludes that, unless operators of airplanes equipped with BFGoodrich brakes submit a request for and receive approval of an alternative method of compliance (AMOC), those operators are considered in noncompliance with the AD.

The FAA concurs with the commenter's request to revise the

applicability of the original NPRM. This FAA has revised the applicability of this supplemental NPRM to specify that the proposed rule applies only to Boeing Model 737-100 and -200 series airplanes equipped with Bendix main wheel assemblies having part number 2601571-1. Paragraphs (a) and (b) of the supplemental NPRM specify the serial numbers of the inboard and outboard wheel halves that are affected.

The FAA also clarifies that operators of airplanes equipped with BFGoodrich brakes would not be required to submit a request for approval of an AMOC. Although the applicability of the original NPRM identified the affected airplanes as "all Model 737-100 and -200 series airplanes," paragraphs (a) and (b) specified clearly that only those airplanes equipped with Bendix main wheel assemblies having certain part and serial numbers are affected by the proposed rule. Therefore, operators of airplanes equipped with other main wheel assemblies are not subject to the requirements of this AD, and would have no reason to apply for approval of an AMOC.

Request to Revise Statement of Findings of Critical Design Review Team

One commenter requests the second paragraph of the Discussion section that appeared in the preamble to the proposed rule be revised to accurately reflect the findings of the Critical Design Review (CDR) team. The commenter asks that the FAA delete the one sentence in that paragraph, which read: "The recommendations of the team include various changes to the design of the flight control systems of these airplanes, as well as correction of certain design deficiencies." The commenter suggests that the following sentences should be added: "The team did not find any design issues that could lead to a definite cause of the accidents that gave rise to this effort. The recommendations of the team include various changes to the design of the flight control systems of these airplanes, as well as incorporation of certain design improvements in order to enhance its already acceptable level of safety."

The FAA acknowledges that the CDR team did not find any design issue that could lead to a definite cause of the accidents that gave rise to this effort. However, as a result of having conducted the CDR of the flight control systems on Boeing Model 737 series airplanes, the team indicated that there are a number of recommendations that should be addressed by the FAA for each of the various models of the Model 737. In reviewing these

recommendations, the FAA has concluded that they address unsafe conditions that must be corrected through the issuance of AD's. Therefore, the FAA does not concur that these design changes merely "enhance [the Model 737's] already acceptable level of safety."

Conclusion

Since these changes provide significant clarification of the intent and requirements of the originally proposed rule, the FAA has determined that it is in the public interest to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

There are approximately 634 Boeing Model 737-100 and -200 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 241 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 4 work hours per airplane to accomplish the proposed replacement of wheel halves, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$20,212 per airplane. Based on these figures, the cost impact of the proposed replacement on U.S. operators is estimated to be \$4,928,932, or \$20,452 per airplane.

The FAA also estimates that it would take approximately 2 work hours per airplane to accomplish the proposed cleaning and inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed cleaning and inspection on U.S. operators is estimated to be \$28,920, or \$120 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.

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-152-AD.

Applicability: Boeing Model 737-100 and -200 series airplanes equipped with Bendix main wheel assemblies having part number 2601571-1, 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 (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 prevent failure of the wheel flanges, which could result in damage to the hydraulics systems, jammed flight controls, loss of electrical power, or other combinations of failures; and consequent reduced controllability of the airplane, accomplish the following:

(a) For airplanes equipped with a Bendix main wheel assembly having part number (P/

N) 2601571-1 with an inboard wheel half with serial number (S/N) B-5999 or lower, or S/N H-1799 or lower; or with an outboard wheel half with S/N B-5999 or lower, or S/N H-1049 or lower; accomplish the following:

(1) Within 180 days after the effective date of this AD, and thereafter at each tire change until the replacement required by paragraph (b) of this AD is accomplished:

Accomplish the actions specified in paragraphs (a)(1)(i), (a)(1)(ii), and (a)(1)(iii) of this AD, in accordance with the Accomplishment Instructions of Allied Signal Service Bulletin No. 737-32-026, dated April 26, 1988, including Attachments 1 and 2.

(i) Clean any inboard and outboard wheel half specified in paragraph (a) of this AD. And

(ii) Inspect the wheel halves for corrosion or missing paint. If any corrosion is found, or if any paint is missing in large areas, prior to further flight, strip or remove paint, and remove any corrosion. And

(iii) Perform an eddy current inspection to detect cracks of the bead seat area.

(2) If any cracking is found during the inspections required by this paragraph, prior to further flight, repair or replace the wheel halves with serviceable wheel halves in accordance with procedures specified in the Component Maintenance Manual.

(b) For airplanes equipped with a Bendix main wheel assembly having P/N 2601571-1 with an inboard wheel half with S/N B-5999 or lower, or S/N H-1799 or lower; or with an outboard wheel half with S/N B-5999 or lower, or S/N H-1049 or lower; accomplish the following: Within 2 years after the effective date of this AD, accomplish the actions specified in paragraphs (b)(1) and (b)(2) of this AD, in accordance with Bendix Service Information Letter (SIL) 392, Revision 1, dated November 15, 1979. Accomplishment of the replacement constitutes terminating action for the repetitive inspections required by paragraph (a) of this AD.

(1) Remove any inboard wheel half specified in paragraph (b) of this AD, and replace it with an inboard wheel half having P/N 2607046, S/N B-6000 or greater, or S/N H-1800 or greater. And

(2) Remove any outboard wheel half specified in paragraph (b) of this AD, and replace it with an outboard wheel half having P/N 2607047, S/N B-6000 or greater, or S/N H-1050 or greater.

(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, 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.

(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. Issued in Renton, Washington, on March 7, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-6438 Filed 3-13-97; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 97-NM-29-AD]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of two existing airworthiness directives (AD), applicable to certain Boeing Model 737 series airplanes, that currently require tests of the main rudder power control unit (PCU) to detect excessive internal leakage of hydraulic fluid, stalling, or reversal, and to verify proper operation of the PCU; and replacement of the PCU with a unit having a different part number, if necessary. This action would add requirements for replacement of the PCU and the vernier control rod bolt with newly designed units. This action also would add a requirement for leak tests of the PCU, and replacement of the PCU with a serviceable or newly designed unit, if necessary. This proposal is prompted by reports of fracturing of the vernier control rod bolts as a result of the shank of the bolt running into the threads on the nutplate during installation of the rod. The actions specified by the proposed AD are intended to prevent such fracturing, which could result in uncommanded movements of the rudder, and consequent reduced controllability of the airplane.

DATES: Comments must be received by April 23, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-29-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.