

with confirmed crack-free fittings in accordance with the service bulletin. After such replacement, the inspections required by this paragraph must continue at intervals not to exceed 1,000 landings until the modification required by paragraph (b) of this AD is accomplished.

(3) If any fitting attachment bolt is found to be loose during the initial inspection, prior to further flight, replace the fasteners (nut, washer, and bolt) that secure the fitting, in accordance with the service bulletin. After such replacement, the inspections required by this paragraph must continue at intervals not to exceed 1,000 landings until the modification required by paragraph (b) of this AD is accomplished.

(4) If any fastener is found to be loose during any repetitive inspection required by this AD, prior to further flight, tighten the bolt to the value specified in the service bulletin.

(b) Within 6 months after the effective date of this AD, install Modification 8/2139 in accordance with de Havilland Service Bulletin S.B. 8-53-49, dated June 30, 1995. Installation of this modification constitutes terminating action for the inspection requirements of this AD.

(c) Installation of Modification 8/2139, in accordance with de Havilland Service Bulletin S.B. 8-53-49, dated June 30, 1995, constitutes terminating action for the inspections required by this AD.

(d) 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, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

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

(e) 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.

(f) The actions shall be done in accordance with de Havilland DHC-8 Alert Service Bulletin S.B. A8-53-40, Revision 'A', dated June 12, 1992 Revision 'B', dated February 24, 1993, Revision 'D', dated June 30, 1995; and de Havilland Service Bulletin S.B. 8-53-49, dated June 30, 1995. The incorporation by reference of de Havilland DHC-8 Alert Service Bulletin S.B. A8-53-40, Revision 'A', dated June 12, 1992; and Revision 'B', dated February 24, 1993, was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of May 27, 1993 (58 FR 25549, April 27, 1993). The incorporation by reference of de Havilland DHC-8 Alert Service Bulletin S.B. A8-53-40, Revision 'D', dated June 30, 1995; and de Havilland Service Bulletin S.B. 8-53-49, dated June 30, 1995, is 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 Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on December 27, 1996.

Issued in Renton, Washington, on November 5, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-28869 Filed 11-21-96; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 96-NM-261-AD; Amendment 39-9818; AD 96-23-51]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) T96-23-51 that was sent previously to all known U.S. owners and operators of Boeing Model 737 series airplanes by individual telegrams. This AD requires repetitive tests to verify proper operation of the rudder power control unit (PCU), and replacement of the PCU, if necessary. This amendment is prompted by tests of the main rudder PCU, conducted by the manufacturer, which demonstrated a potential failure scenario that was previously unknown. The actions specified by this AD are intended to prevent rudder motion in the opposite direction of the rudder command.

DATES: Effective November 27, 1996, to all persons except those persons to whom it was made immediately effective by telegraphic AD T96-23-51, issued November 1, 1996, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 27, 1996.

Comments for inclusion in the Rules Docket must be received on or before January 21, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-261-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The applicable service information 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kenneth W. Frey, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2673; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: As part of its Continuing Operational Safety Program, the FAA has become aware of new information related to the safety of Boeing Model 737 series airplanes. Recent tests of the main rudder power control unit (PCU), conducted at Boeing, demonstrated a potential failure scenario that was previously unknown. These tests revealed that rudder pedal input can cause deformation in the linkage leading to the primary and secondary slides of the servo valve of the main rudder PCU, if the secondary slide of the PCU jams in certain positions; this situation could result in rudder motion in the opposite direction of the rudder command.

The intent of the original design of the PCU dual servo valve, in compliance with certification requirements, is to allow either the primary or secondary slide to neutralize the effect of a jam of the other slide. If the secondary slide of the servo valve of the main rudder PCU jams and the primary slide does not neutralize the effects of the jam, under certain conditions, a rudder pedal command could result in rudder motion in the opposite direction of the rudder command and lead to reduced controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 737-27A1202, dated November 1, 1996. The alert service bulletin describes procedures for performing a test to verify proper operation of the rudder PCU, and replacement of the rudder PCU with a new unit, if necessary. The

test procedure will ensure that the servo valve does not have a latent jam.

Explanation of Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, the FAA issued Telegraphic AD T96-23-51 to prevent rudder motion in the opposite direction of the rudder command. The AD requires repetitive tests to verify proper operation of the rudder PCU, and replacement of the rudder PCU with a new unit, if necessary. The actions are required to be accomplished in accordance with the alert service bulletin described previously.

The AD also requires that operators submit a report of the test results to the FAA.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued on November 1, 1996, to all known U.S. owners and operators of Model 737 series airplanes. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Differences Between the AD and the Relevant Service Information

Operators should note that the Boeing alert service bulletin specifies that it pertains only to airplanes that have certain serial numbers. However, this AD (as well as the previously-issued telegraphic version of it) is applicable to *all* Model 737 series airplanes. It is the FAA's intent that the entire fleet of Model 737's be inspected in accordance with the requirements of this AD. Where there are differences between the manufacturer's service information and the AD, it is the stipulations of the AD that prevail.

Interim Action

This is considered to be interim action. The manufacturer has advised that it currently is developing a design modification that will eliminate the need for the repetitive test requirements of this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96-NM-261-AD." The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an

emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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, 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 the following new airworthiness directive:

96-23-51 Boeing: Amendment 39-9818.
Docket 96-NM-261-AD.

Applicability: All Model 737 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane 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 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.

Note 2: The Boeing alert service bulletin that is referenced in this AD specifies that it pertains only to airplanes that have certain serial numbers. However, this AD is applicable to *all* Model 737 series airplanes. Where there are differences between the manufacturer's service information and the AD, it is the stipulations of the AD that prevail.

Compliance: Required as indicated, unless accomplished previously.

To prevent rudder motion in the opposite direction of the rudder command, accomplish the following:

(a) Within 10 days after the effective date of this AD, perform a test to verify proper operation of the rudder power control unit (PCU), in accordance with Boeing Alert Service Bulletin 737-27A1202, dated November 1, 1996.

(1) If the rudder PCU operates properly, repeat the test thereafter at intervals not to exceed 250 flight hours.

(2) If the rudder PCU operates improperly, prior to further flight, replace the rudder PCU with a new rudder PCU, in accordance with the alert service bulletin. Repeat the test thereafter at intervals not to exceed 250 flight hours.

(b) Within 24 hours after accomplishing any test required by paragraph (a) of this AD, submit a report of any finding(s) of discrepancies to the Manager, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2673; fax (206) 227-1181.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(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 3: 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.

(e) The actions shall be done in accordance with Boeing Alert Service Bulletin 737-27A1202, dated November 1, 1996. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on November 27, 1996, to all persons except those persons to whom it was made immediately effective by telegraphic AD T96-23-51, issued on November 1, 1996, which contained the requirements of this amendment.

Issued in Renton, Washington, on November 7, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-29260 Filed 11-21-96; 8:45 am]

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14 CFR Part 39

[Docket No. 96-NM-255-AD; Amendment 39-9829; AD 96-24-03]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 747-400 "Combi" Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing 747-400 series airplanes in the "combi" configuration. This action requires replacing the decompression panels that are located in the smoke barrier between the passenger and main deck cargo compartment, with new panels of an improved design. This amendment is prompted by reports indicating that normal pressurization cycles are causing premature tearing or opening of these decompression panels. The actions specified in this AD are intended to prevent increased airflow in the cargo compartment caused by the tearing or opening of these panels; this condition, if not corrected, could result in delayed fire detection and reduced effectiveness of the cargo compartment fire suppression system.

DATES: Effective December 9, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 9, 1996.

Comments for inclusion in the Rules Docket must be received on or before January 21, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-255-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD 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; or at the Office of

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

FOR FURTHER INFORMATION CONTACT:

Susan Letcher, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227-2670; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: The FAA has received at least four reports indicating that tearing and inadvertent opening of the decompression ("blow-out") panels located in the smoke barrier between the passenger and main deck cargo compartment have occurred on Boeing Model 747-400 "combi" airplanes. One operator reported that the decompression panel on one of its airplanes tore and inadvertently opened during service. A subsequent survey indicated that three other operators had experienced similar in-service incidents. Investigation has revealed that fatigue associated with normal pressurization cycles is causing the premature tearing of the decompression panels.

Tearing and subsequent opening of these decompression panels allows additional air to flow into the cargo compartment. In the event of a fire in the cargo compartment, the additional airflow would dilute the smoke and, consequently, result in delayed detection of the fire. Additionally, the increased airflow would dilute the cargo compartment fire suppression agent below effective concentrations and, thus, degrade the capability of the system to suppress a fire.

This condition is significant specifically for airplanes that are equipped with a "90-minute fire suppression system" installed in accordance with "Option 4" of paragraph (b)(4) of AD 93-07-15, amendment 39-8547 (58 FR 21243, April 20, 1993). That AD requires various actions that are intended to minimize the hazards associated with a fire occurring in the main deck Class B cargo compartment. Paragraph (b)(4) of AD 93-07-15 requires, among other things, installing a cargo compartment fire extinguishing system in the Class B cargo compartment that

* * * provides an initial fire extinguishant concentration of at least 5% of the empty compartment volume of Halon 1301 or equivalent, and a fire suppression extinguishant concentration of at least 3% of the empty compartment volume of Halon 1301 or equivalent, for a period of time not less than 90 minutes.

If additional air flows into the cargo compartment through a torn or open panel and dilutes the amount of