

specified in the service bulletin described previously, except as discussed below.

#### **Difference Between the Proposed AD and Alert Service Bulletin**

The service bulletin recommends incorporation of the specified actions at the earliest opportunity where facilities and manpower are available. In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the replacement. In light of all of these factors, the FAA finds a 24-month compliance time for accomplishing the required actions on all affected airplanes to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

#### **Cost Impact**

There are approximately 90 airplanes of the affected design in the worldwide fleet. The FAA estimates that 26 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 12 work hours (6 work hours per engine) per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$12,108 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$333,528, or \$12,828 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 proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

#### **Regulatory Impact**

The regulations proposed herein would not have a substantial direct effect 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,

it is determined that this proposal would not have federalism implications under Executive Order 13132.

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 2001–NM–268–AD.

**Applicability:** Model 767–200 and –300 series airplanes powered by Pratt & Whitney JT9D series engines, 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 (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 failure of the thrust reverser deactivation pins, which could result in

deployment of the thrust reverser in flight and consequent reduced controllability of the airplane, accomplish the following:

#### **Replacement**

(a) Within 24 months after the effective date of this AD, replace the existing deactivation pin, pin bushing in the aft cascade mounting ring, and pin insert on each thrust reverser half, with new, improved components, according to Boeing Alert Service Bulletin 767–78A0089, dated July 19, 2001.

**Note 2:** The new, improved insert flange and pin bushing does not preclude use of a deactivation pin having P/N 315T1604–2 or –5. However, use of deactivation pins having P/N 315T1604–2 or –5 may not prevent the thrust reversers from deploying in the event of a full powered deployment. Therefore, thrust reversers modified per this AD should be installed with the new, longer deactivation pins having P/N 315T1604–6, as specified in the applicable service bulletin.

#### **Alternative Methods of Compliance**

(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. 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.

#### **Special Flight Permit**

(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 November 9, 2001.

**Vi L. Lipski,**

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

[FR Doc. 01–28796 Filed 11–16–01; 8:45 am]

**BILLING CODE 4910–13–U**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. 2001–NM–140–AD]**

**RIN 2120–AA64**

#### **Airworthiness Directives; Bombardier Model DHC–8–400 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 Bombardier Model DHC-8-400 series airplanes. This proposal would require two actions—a modification and a replacement—affecting the fuel tanks in the wings. All affected airplanes would require modification of the clearance of the fuel tank vent lines to the left and the right wing fuel tanks. Some affected airplanes would also require replacement of three existing fuel probes from the center fuel tank on the left and right wings with new production fuel probes. This action is prompted by mandatory continuing airworthiness information from a foreign airworthiness authority. This action is necessary to prevent inadequate clearance between the fuel tank vent lines and the adjacent rib structures of the wings or failure of certain temporary, reworked fuel probes in the center fuel tanks in the wings. Either condition could compromise the airplane's lightning protection system, possibly resulting in a fire or explosion if the airplane were hit by lightning. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by December 19, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket Number 2001-NM-140-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. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: [9-anm-nprmcomment@faa.gov](mailto:9-anm-nprmcomment@faa.gov). Comments sent via fax or the Internet must contain "Docket No. 2001-NM-140-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 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:** James Delisio, Aerospace Engineer, ANE-171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7521; 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 action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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 action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-140-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-114, Attention: Rules Docket No. 2001-NM-140-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### **Discussion**

Transport Canada Civil Aviation (TCCA), which is the airworthiness

authority for Canada, notified the FAA that an unsafe condition may exist on certain Bombardier Model DHC-8-400 series airplanes. TCCA advises that two problems have been identified with the wing fuel tanks which, if not corrected, could compromise the lightning protection of the airplanes. The first problem is a possible lack of clearance between the fuel tank vent lines and the adjacent wing rib structures. The second is possible failure of temporary, reworked fuel probes in the wing center fuel tanks. Either condition, if not corrected, could compromise the airplane's lightning protection system, possibly resulting in a fire or explosion if the airplane were hit by lightning.

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

Bombardier has issued Alert Service Bulletin A84-28-02, dated February 7, 2001, which describes procedures for modification of the fuel tank vent lines by adding Teflon tubing and band clamps to insulate and separate the fuel tank vent lines from the adjacent wing rib structures. Bombardier has also issued Service Bulletin 84-28-01, Revision 'A', dated February 8, 2001, which describes procedures for replacement of existing fuel probes numbers 1, 2, and 5 with new production fuel probes. The existing fuel probes were previously reworked as a temporary solution to potential inadequate clearance between the fuel probes and the structure of the center fuel tanks in the wings. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. TCCA classified these service bulletins as mandatory and issued Canadian airworthiness directive CF-2001-14, dated March 21, 2001, in order to assure the continued airworthiness of these airplanes in Canada.

##### **FAA's Conclusions**

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCCA has kept the FAA informed of the situation described above. The FAA has examined the findings of TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

## Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

## Cost Impact

There are approximately 32 airplanes of the affected design in the worldwide fleet. The FAA estimates that 15 airplanes of U.S. registry would be affected by the proposed AD with 13 airplanes affected by the proposed modification of the clearance of the fuel tank vent line and 7 airplanes affected by the proposed replacement of the numbers 1, 2, and 5 fuel probes.

It would take approximately 12 work hours to accomplish the proposed modification of the clearance of the fuel tank vent line, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$440 per airplane. Based on these figures, the cost impact of the proposed modification on U.S. operators is estimated to be \$15,080, or \$1,160 per airplane.

It would take approximately 2 work hours to accomplish the proposed replacement of fuel probes numbers 1, 2, and 5, at an average labor rate of \$60 per work hour. The required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the proposed replacement on U.S. operators is estimated to be \$840, 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, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

## Regulatory Impact

The regulations proposed herein would not have a substantial direct effect 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,

it is determined that this proposal would not have federalism implications under Executive Order 13132.

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:

**Bombardier, Inc.** (Formerly de Havilland, Inc.): Docket 2001-NM-140-AD.

**Applicability:** Model DHC-8-400 series airplanes; certificated in any category; serial numbers 4005, 4006, 4008 through 4010 inclusive, 4012 through 4015 inclusive, and 4018 through 4040 inclusive.

**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.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent inadequate clearance between the fuel tank vent line and the adjacent rib structures of the wings or failure of certain temporary, reworked fuel probes in the center fuel tanks in the wings, either of which could compromise the airplane's lightning protection system, possibly resulting in a fire or explosion if the airplane were hit by lightning, accomplish the following:

## Modification of Clearance of Fuel Tank Vent Lines

(a) For airplanes having serial numbers 4005, 4006, 4008 through 4010 inclusive, 4012 through 4015 inclusive, and 4018 through 4040 inclusive: Within 120 days after the effective date of this AD, modify the clearance of the fuel tank vent lines to the left and the right wing fuel tanks by wrapping 1 piece of Teflon tube around the vent line at each of 10 stations (2 pieces at station 191.200) and securing it with a clamping band (2 clamping bands at station 191.200), in accordance with the Accomplishment Instructions (including Table 1) and Figure 1 of Bombardier Alert Service Bulletin A84-28-02, dated February 7, 2001.

## Replacement of Fuel Probes Numbers 1, 2, and 5

(b) For airplanes having serial numbers 4006, 4008, 4012 through 4015 inclusive, and 4018 through 4027 inclusive: Prior to the accumulation of 4,000 flight hours after the effective date of this AD, or within 120 days after the effective date of this AD, whichever occurs later: Replace existing fuel probes numbers 1, 2, and 5 from the center fuel tank on the left and the right wings with new production fuel probes, in accordance with Bombardier Service Bulletin 84-28-01, Revision "A," dated February 8, 2001.

## Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA. 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.

## Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

**Note 3:** The subject of this AD is addressed in Canadian airworthiness directive CF-2001-14, dated March 21, 2001.

Issued in Renton, Washington, on November 9, 2001.

**Vi L. Lipski,**

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

[FR Doc. 01-28797 Filed 11-16-01; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NM-359-AD]

RIN 2120-AA64

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

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

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

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes. The existing AD currently requires repetitive inspections for cracking and corrosion of the pressure bulkhead at body station (BS) 1016, and follow-on actions. This action would expand the applicability of the existing AD to include additional airplanes and require new repetitive inspections to detect cracking and corrosion of the aft pressure bulkhead at BS 1016, and follow-on actions. This action is necessary to detect and correct corrosion or cracking of the aft pressure bulkhead at BS 1016, which could result in loss of the aft pressure bulkhead web and stiffeners and consequent rapid decompression of the fuselage. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by January 3, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-359-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. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-359-AD" in the subject line and need not be submitted

in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

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:** Scott Fung, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1221; fax (425) 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 action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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 action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-359-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-114, Attention: Rules Docket No. 2000-NM-359-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### **Discussion**

On December 6, 1985, the FAA issued AD 84-20-03 R1, amendment 39-5183 (50 FR 51235, December 16, 1985), applicable to certain Boeing Model 737 series airplanes, to require repetitive inspections for cracking and corrosion of the pressure bulkhead at body station (BS) 1016, and follow-on actions. That action was prompted by reports indicating that cracking or corrosion and cracking had been found on several Boeing Model 737-200 series airplanes at the lower central web and stiffeners of the pressure bulkhead at BS 1016. The requirements of that AD are intended to detect and correct such corrosion and cracking, which could result in reduced structural integrity of the aft pressure bulkhead.

#### **Actions Since Issuance of Previous Rule**

Since the issuance of that AD, we have received reports of severe corrosion in the area affected by the existing AD on other Model 737 series airplanes which are not included in the applicability of the existing AD. In addition, we have determined that the instructions for the inspections required by the existing AD are not adequate in defining the inspection level and area, nor are the instructions adequate for gaining access and preparing for the inspection.

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

We have reviewed and approved Boeing Alert Service Bulletin 737-53A1075, Revision 3, dated June 8, 2000. (The existing AD shows Boeing Service Bulletin 737-53-1075, Revision 1, dated September 2, 1983, as the appropriate source of service information for accomplishment of the actions required by that AD.) Revision 3 of the service bulletin describes procedures for repetitive detailed visual inspections for cracking and corrosion of the aft pressure bulkhead at BS 1016, including inspections of the following items: Forward and aft sides of the pressure web, forward and aft sides of the pressure chord, pressure chord radius, forward and aft sides of the angle stiffener, forward and aft chord, stringer end fitting, system penetration doublers, channel stiffeners and fasteners, "Z" stiffeners and fasteners, and fasteners common to the pressure