

(i) If any chafing is found, prior to further flight, replace the chafed cable with a serviceable cable.

(ii) If any incorrect installation is found, prior to further flight, readjust the installation.

(3) Perform an inspection for chafing of the engine control cables and fairleads in the area of the fuselage conduit seal housing and the wing/nacelle fairleads. If any chafing is found, prior to further flight, replace the chafed cable with a serviceable cable.

(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, Standardization Branch, ANM-113, 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, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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 20, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 97-7686 Filed 3-25-97; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 96-NM-31-AD]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 727 and Model 737 Series Airplanes Equipped With J.C. Carter Company Fuel Valve Actuators

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 certain Boeing Model 727 and Model 737 series airplanes, that would have required replacement of the actuator of the engine fuel shutoff valve and the fuel system crossfeed valve with an improved actuator. That proposal was prompted by a report indicating that, during laboratory tests, the actuator clutch on the engine fuel shutoff and crossfeed valves failed to function

properly. This action expands the applicability of the proposed rule by including an additional Kearfott actuator that is subject to the addressed unsafe condition. The actions specified by this proposed AD are intended to prevent improper functioning of these actuators, which could result in a fuel imbalance due to the inability of the flightcrew to crossfeed fuel; improperly functioning actuators also could prevent the pilot from shutting off the fuel to the engine following an engine failure and/or fire.

DATES: Comments must be received by April 14, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-31-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 J.C. Carter Company Inc., Aerospace Components and Repair Service, 673 W. 17th Street, Costa Mesa, California 92627-3605. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Stephen S. Bray, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2175; 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-31-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-31-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 certain Boeing Model 727 and 737 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on March 29, 1996 (61 FR 14034). That NPRM would have required replacement of the actuator having P/N 40574-5 (Kearfott Model 3715-9) on the fuel system crossfeed valve and the engine shutoff valves either with a new actuator having P/N 40574-4, or with an actuator having P/N 40574-2 and a nameplate. That NPRM was prompted by a report indicating that, during laboratory tests, the actuator clutch on the engine shutoff and crossfeed valves failed to function properly. That condition, if not corrected, could result in improper functioning of these actuators, which could result in a fuel imbalance due to the inability of the flightcrew to crossfeed fuel; improperly functioning actuators could also prevent the pilot from shutting off the fuel to the engine following an engine failure and/or fire.

Actions Since Issuance of Previous Proposal

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

Request for Clarification of What Prompted the NPRM

One commenter points out that the description of what prompted the NPRM that appeared in the Summary section of the preamble to the notice states that "during laboratory tests, the actuator clutch on the engine shutoff valves slipped at cold temperatures due

to improper functioning." The commenter states that, during the laboratory tests, some of the Kearfott Model 3715-7 actuators exhibited operational problems (i.e., brush binding) at cold temperatures, but the Kearfott Models 3715-8 and -9 did not. The commenter also states that, during these tests, clutch binding occurred on all three of these Kearfott models; this situation could result in the actuator failing before its normal life-limit.

The FAA finds that clarification of this point is necessary. The commenter is correct in pointing out that, during the subject laboratory tests, brush binding occurred only on the Kearfott Model 3715-7 actuator. However, the FAA finds that the clutch binding occurred only on the Kearfott Models 3715-8 and -9 actuators during these tests, and that the design of the Kearfott Model 3715-7 actuator is subject to clutch binding events like the Kearfott Models 3715-8 and -9 actuators. In order to generalize these points, the FAA has revised the Summary and Discussion sections in the preamble to the Supplemental NPRM to indicate that "the engine shutoff and crossfeed valves failed to function properly."

Request to Revise Discussion Section of the Preamble

The same commenter notes that the Discussion section of the preamble to the NPRM states that, "an additional fuel valve actuator having part number (P/N) 40574-5 (Kearfott Model 3715-9) installed on certain Model 727 and 737 series airplanes is also subject to the same failure * * * addressed in AD 95-15-06." The commenter states that this statement is incorrect. However, the commenter makes no specific request with regard to changing the proposed AD.

The commenter points out that the Kearfott Model 3715-9 actuator has a clutch binding condition, whereas the J.C. Carter P/N 40574-2 actuator (Electromech Model EM 487-2 and -3), addressed by AD 95-15-06, amendment 39-9309 (60 FR 37811, July 24, 1995), has a clutch slippage condition. The commenter also points out that the Electromech Model EM-487-3 actuator has a condition only apparent during cold temperature operation, which returns to normal at warmer temperatures. In addition, the commenter states that the Kearfott Model 3715-9 actuator can result in a hard failure, not a latent failure like the Electromech Model EM 487-2 and -3 actuator.

The FAA acknowledges that the statement quoted by the commenter could be misleading. The FAA is aware

that the two failures associated with the clutch on the Kearfott and Electromech actuators are different in nature; however, both of these failures result in the same unsafe condition (i.e., improperly functioning actuators could result in fuel imbalance due to the inability of the flightcrew to crossfeed fuel; improperly functioning actuators also could prevent the pilot from shutting off the fuel to the engine following an engine failure and/or fire). However, since the Discussion section of the preamble to the originally proposed NPRM is not restated in this supplemental NPRM, no change to the supplemental NPRM is necessary.

Request to Revise Descriptive Language of the Referenced Service Bulletin

The same commenter also notes that the description of the replacement requirements that appeared in the Discussion section of the preamble to the NPRM refers to "actuators having P/N 40574-2 (Kearfott Model 3715-7) with nameplates * * *." The commenter states that this statement is inaccurate since it implies that only actuators manufactured by Kearfott are acceptable for the subject replacement. The commenter suggests that actuators made by Kearfott are not acceptable replacements, and suggests that a more accurate description would be "actuators having P/N 40574-2 with nameplates * * *." The FAA acknowledges that the commenter's wording is more accurate. However, since this portion of the Discussion section of the preamble to the originally proposed NPRM is not restated in this supplemental NPRM, no change to the supplemental NPRM is necessary.

Clarification Concerning Acceptable Replacement Actuators

Paragraph (a) of the original NPRM indicates that "an actuator having P/N 40574-2 with a nameplate identified in paragraph III, Material, of J.C. Carter Company Service Bulletin 61163-28-09, dated September 28, 1995," is considered to be an acceptable replacement part. The FAA points out that paragraph III of the service bulletin includes a statement indicating that only those actuators with nameplates reflecting that they were made by certain manufacturers (and identified as Model 3715-7) are acceptable, except as identified in Figure 1.0 of the service bulletin. That figure specifies that only certain actuators that have not been affected by a manufacturer's recall are considered to be acceptable replacements. The FAA has revised paragraph (a) of the final rule to clarify this information.

Request to Revise the Replacement Requirements of the Proposed Rule

In addition, the same commenter notes that, in the fifth paragraph of the Discussion section of the preamble to the NPRM, the FAA concluded that actuators having P/N 40574-2 (Kearfott Models 3715-7 and -8) currently are required to be replaced in accordance with AD 95-15-06; therefore, the proposed AD would require replacement only of actuators having P/N 40574-5. The commenter points out that Kearfott Models 3715-7 and -8 actuators are not covered under AD 95-15-06. The commenter also points out that these Kearfott actuators have the potential to exhibit the same clutch binding condition as actuators having P/N 40564-5. Therefore, the commenter requests that Kearfott Models 3715-7 and -8 actuators be made subject to the requirements of the proposed rule.

The FAA concurs with the commenter's request. The FAA has reviewed the applicability of AD 95-15-06 and has determined that only actuators having P/N 40574-2 (Electromech Model EM-487-3) are subject to the requirements of that AD. The FAA agrees that actuators having P/N 40574-2 (Kearfott Models 3715-7 and -8) are subject to the requirements of this proposal. In light of this, the FAA has revised the applicability and the replacement requirement specified in paragraph (a) of this supplemental NPRM.

Conclusion

Since this change expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

There are approximately 4,137 Boeing Model 727 and 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 2,190 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would be supplied by J.C. Carter Company at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$394,200, or \$180 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–31–AD.

Applicability: Model 727 and Model 737 series airplanes, equipped with J.C. Carter Company fuel valve actuators having part number (P/N) 40574–2 (Kearfott Models 3715–7 and –8) or 40574–5 (Kearfott Model 3715–9), 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 improper functioning of a certain actuator, which could result in a fuel imbalance due to the inability of the flightcrew to crossfeed fuel, or which could prevent the pilot from shutting off the fuel to the engine following an engine failure and/or fire, accomplish the following:

(a) Within 36 months after the effective date of this AD, replace any actuator having P/N 40574–2 (Kearfott Models 3715–7 and –8) or 40574–5 (Kearfott Model 3715–9) on the fuel system crossfeed valve and the engine shutoff valves with either a new actuator having P/N 40574–4, or an actuator having P/N 40574–2 with a nameplate identified in paragraph III, Material, of J.C. Carter Company Service Bulletin 61163–28–09, dated September 28, 1995, that is not affected by a manufacturer's recall (reference Figure 1.0 of the service bulletin). The replacement shall be done in accordance with J.C. Carter Company Service Bulletin 61163–28–09, dated September 28, 1995.

(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 March 20, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 97–7687 Filed 3–25–97; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 96–ASW–28]

Proposed Establishment of Class E Airspace; New Mexico, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E airspace extending upward from 1,200 feet above ground level (AGL) within Restricted Area R–5107B, and the portion of Restricted Area R–5107A north of latitude 32°18'00"N, located in south/central New Mexico. These White Sands Missile Range restricted areas are currently excluded from Class E airspace extending upward from 1,200 feet AGL within the boundary of the state of New Mexico. The intended effect of this proposal is to provide controlled airspace for aircraft operating within confines of Restricted Area R–5107B and that portion of Restricted Area R–5107A north of latitude 32°18'00"N., White Sands Missile Range, New Mexico, NM.

DATES: Comments must be received on or before May 27, 1997.

ADDRESSES: Send comments on the proposal in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 96–ASW–28, Fort Worth, TX 76193–0530. The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX, between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193–0530; telephone: (817) 222–5593.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory