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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96–NM–152–AD; Amendment 39–10102; AD 97–17–01]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Boeing Model 737–100 and –200 series airplanes, that requires replacement of certain outboard and inboard wheel halves with improved wheel halves. This amendment also requires 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. This amendment is prompted by a review of the design of the flight control systems on Model 737 series airplanes. The actions specified by this 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:** Effective September 16, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 16, 1997.

**ADDRESSES:** The service information referenced in this AD 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 Westmoor Street, South Bend, Indiana 46628–1373. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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:** David Herron, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2672; fax (425) 227–1181.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Boeing Model 737–100 and –200 series airplanes was published in the **Federal Register** as a supplemental notice of proposed rulemaking (NPRM) on March 14, 1997 (62 FR 12123). That action proposed to require replacement of certain outboard and inboard wheel halves with improved wheel halves. That action also proposed to require 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.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

#### Support for the Proposal

Two commenters support the proposed rule.

#### Request To Withdraw the Proposal

One commenter states that review of the design of the flight control systems on Model 737 series airplanes occurred on a military aircraft, yet military airplanes are often subjected to harsh operating environments and possibly operate with a lower level of inspection than is found in commercial aviation. The commenter states that the existing inspection schedules and inspection techniques in accordance with the latest manufacturer's recommendations are

adequate to prevent an unsafe condition. The FAA infers from these remarks that the commenter requests the proposed supplemental NPRM be withdrawn.

The FAA does not concur with the request to withdraw the supplemental NPRM.

The FAA did not propose rulemaking for the subject unsafe condition based solely on a single event. The FAA review of available service information and the close proximity to the wheels of certain types of equipment were contributing factors in the FAA's finding of the subject unsafe condition. Furthermore, the commenter did not provide any evidence to support its statement that military airplanes may have a lower level of inspection than is found in commercial aviation, nor did the commenter provide any substantiation for the statement that existing inspections schedules and techniques are adequate to prevent an unsafe condition.

#### Request to Remove Certain Airplanes From Applicability

One commenter, an operator, stated that its airplanes are equipped with BF Goodrich main wheels rather than Bendix wheels. The FAA infers that the operator requests that its airplanes be removed from the applicability of this rule.

The FAA concurs that airplanes equipped with other than Bendix wheels are not subject to the requirements of this rule. Since the applicability of this rule clearly states that it applies only to airplanes equipped with Bendix wheels, the FAA finds that no change to the final rule is necessary.

#### Request To Correct Serial Numbers of the Wheel Halves

One commenter, the wheel half manufacturer, requests that the serial numbers of the inboard wheel halves be revised based on its further research into the manufacturing records of the wheel halves. The manufacturer advises that the revised serial numbers reflect the elimination of certain serial numbers of the wheel halves that have been "beefed up;" therefore, those certain serial numbers do not need to be replaced. The manufacturer contends that the correction of the serial numbers will provide an economic benefit to operators as the pool of useable wheel

halves would potentially be increased by 179 for inboard halves and 236 for outboard halves. The wheel half manufacturer also states that it has issued Allied Signal, Aircraft Landing Systems, Service Information Letter (SIL) #619, dated February 26, 1997, that corrects the serial numbers. Specifically, the commenter requests that:

- Paragraph (a) of the proposal be revised to read “\* \* \* with an inboard wheel half with serial number (S/N) B-5898 or lower, or S/N H-1721 or lower; or with an outboard wheel half with S/N B-5898 or lower, or S/N H-0863 or lower \* \* \*”

- Paragraph (b) of the proposal be revised to read “\* \* \* with an inboard wheel half with S/N B-5898 or lower, or S/N H-1721 or lower; or with an outboard wheel half with S/N B-5898 or lower, or S/N H-0863 or lower \* \* \*”

- Paragraph (b)(1) of the proposal be revised to read “\* \* \* and replace it with an inboard wheel half having part number (P/N) 2607046, S/N 5899 or greater, or S/N H-1722 or greater.”

- Paragraph (b)(2) of the proposal be revised to read “\* \* \* and replace it with an outboard wheel half having P/N 2607047, S/N B-5899 or greater, or S/N H-0864 or greater.”

The FAA concurs with the revision of the serial numbers based on the commenter's justification. The final rule has been revised as suggested by the commenter.

Additionally, the FAA has added a new “Note 2” to this final rule to reference the SIL discussed by the commenter as an additional source of service information concerning appropriate wheel half serial numbers.

## Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

## 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 will be affected by this AD.

The FAA estimates that it will take approximately 4 work hours per airplane to accomplish the required replacement of wheel halves at an average labor rate of \$60 per work hour. Required parts will cost approximately

\$20,212 per airplane. Based on these figures, the cost impact of the required replacement on U.S. operators is estimated to be \$4,928,932, or \$20,452 per airplane.

The FAA also estimates that it will take approximately 2 work hours per airplane to accomplish the required cleaning and inspection at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the required 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 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 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.

For the reasons discussed above, I certify that this action (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final evaluation has been prepared for this action and it is contained in the rules docket. A copy of it 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:

**97-17-01 Boeing:** Amendment 39-10102.  
Docket 96-NM-152-AD.

**Applicability:** 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:

**Note 2:** Allied Signal, Aircraft Landing Systems, Service Information Letter #619, dated February 26, 1997, is an additional source of service information for appropriate wheel half serial numbers.

(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-5898 or lower, or S/N H-1721 or lower; or with an outboard wheel half with S/N B-5898 or lower, or S/N H-0863 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.

(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-5898 or lower, or S/N H-1721 or lower; or with an outboard wheel half with S/N B-5898 or lower, or S/N H-0863 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 5899 or greater, or S/N H-1722 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-5899 or greater, or S/N H-0864 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 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) Certain actions shall be done in accordance with Bendix Service Information Letter (SIL) 392, Revision 1, dated November 15, 1979. Certain other actions shall be done in accordance with Allied Signal Service Bulletin No. 737-32-026, dated April 26, 1988. 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 Allied Signal Aerospace Company, Aircraft Landing Systems, 3520 Westmoor Street, South Bend, Indiana 46628-1373. 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 September 16, 1997.

Issued in Renton, Washington, on August 4, 1997.

**John J. Hickey,**

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

[FR Doc. 97-20952 Filed 8-11-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 97-ASW-11]

RIN 2120-AA66

#### Revision of the Legal Description of the Dallas/Fort Worth Class B Airspace Area, TX

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action revises the legal description of the Dallas/Fort Worth (DFW) Class B airspace area by changing its point of origin from the DFW Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) to the VORTAC's present geographical coordinates. The FAA is taking this action due to the planned relocation of the DFW VORTAC  $\frac{3}{4}$  nautical miles (NM) west of its present location. The intent of this action is to facilitate the relocation of the DFW VORTAC without changing the actual dimensions, configuration, or operating requirements of the DFW Class B airspace area.

**EFFECTIVE DATE:** 0901 UTC, September 11, 1997.

**FOR FURTHER INFORMATION CONTACT:** Steve Brown, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; telephone: (202) 267-8783.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 11, 1996, the FAA published in the **Federal Register** a final rule to modify the DFW Class B airspace area (61 FR 47815). Specifically, the rule raised the upper limit of the DFW Class B airspace area from 10,000 feet mean sea level (MSL) to 11,000 feet MSL in some areas, reconfigured the northern and southern sections, and redefined several existing subareas.

The coordinates for this airspace docket are based on North American Datum 83. Class B airspace areas are published in paragraph 3000 of FAA Order 7400.9D, dated September 4,

1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class B airspace area listed in this document will be published subsequently in the Order.

#### The Rule

Due to construction on DFW airport property occurring in close proximity to the DFW VORTAC, the FAA will relocate the VORTAC approximately  $\frac{3}{4}$  NM to the west, effective October 10, 1997. Since the current legal description of the DFW Class B airspace area, as published in the September 11, 1996, final rule, is based on radials and distances from the DFW VORTAC, the relocation will necessitate a change to the legal description of the Class B airspace area. Accordingly, this action changes the point of reference from the DFW VORTAC to the VORTAC's present geographical coordinates. This action will allow for the future relocation of the DFW VORTAC without altering the vertical or lateral limits of the existing DFW Class B airspace area.

Since this action merely involves a change in the legal description of the DFW Class B airspace area, and does not involve a change in the dimensions or operating requirements of that airspace, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows: