

this final rule in making future adjustments.

(Catalog of Federal Domestic Assistance Program No. 59.012)

#### List of Subjects in 13 CFR Part 120

Loan programs—business, Small businesses.

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), SBA amends part 120, chapter I, title 13, Code of Federal Regulations, as follows:

### PART 120—BUSINESS LOANS

1. The authority citation for Part 120 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6) and 636(a) and (h).

2. Section 120.410 is amended by removing “; and” at the end of paragraph (c), removing the period at the end of paragraph (d) and adding “; and” in its place, and adding a new paragraph (e) to read as follows:

#### § 120.410 Requirements for all participating Lenders.

\* \* \* \* \*

(e) In order to make Low Documentation loans, be:

(1) A bank or thrift institution which has executed an SBA Form 750, Loan Guaranty Agreement, and which has at least 20 qualified loans outstanding as of the call report date closest to the date of its fiscal year end, or

(2) An institution other than a bank or thrift institution which has executed an SBA Form 750, Loan Guaranty Agreement, and which has at least 20 qualified loans outstanding as of its latest fiscal year end. For purposes of this paragraph (e), a qualified loan is one which was initially approved in the amount of \$100,000 or less and is classified as a commercial, industrial or commercial real estate loan for purposes of call reporting. A lender may request an exception to the requirements of this paragraph (e) from the SBA Associate Administrator for Financial Assistance.

Dated: December 30, 1996.

Philip Lader,  
Administrator.

[FR Doc. 97-103 Filed 1-2-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-280-AD; Amendment 39-9868; AD 96-26-52]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 747 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) T96-26-52 that was sent previously to all known U.S. owners and operators of Boeing Model 747 series airplanes by individual telegrams. This AD requires repetitive inspections of the access doors to the midspar/spring beam fuse pins on all engine pylons to detect cracks on the external surface; repetitive inspections of each midspar/spring beam fuse pin to detect if it protrudes beyond its mating nut by a specified distance; and repair of any discrepancy found. This action is prompted by a report indicating that a fuse pin had migrated on an inboard spring beam fitting on the Number 1 engine pylon of a Boeing Model 747-400 airplane. The actions specified by this AD are intended to prevent migration of this fuse pin, which, if not detected and corrected in a timely manner, could result in failure of the engine pylon and consequent separation of the engine from the wing.

**DATES:** Effective January 8, 1997, to all persons except those persons to whom it was made immediately effective by telegraphic AD T96-26-52, issued December 20, 1996, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before March 4, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-280-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Service information pertaining to this rulemaking action 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:

Tamara L. Dow, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055-4056, telephone (206) 227-2771; fax (206) 227-1181.

**SUPPLEMENTARY INFORMATION:** On December 20, 1996, the FAA issued telegraphic AD T96-26-52, which is applicable to certain Boeing Model 747 series airplanes.

That action was prompted by a report indicating that a fuse pin had migrated  $\frac{5}{8}$  inch out of an inboard spring beam fitting on the Number 1 engine pylon of a Boeing Model 747-400 series airplane. In addition, the mating nut to this pin had backed off approximately  $\frac{3}{10}$  inch from full engagement with the pin. The discrepant fuse pin was detected after maintenance personnel observed that the access door (part number 65B94112-43) to this fuse pin protruded outward from its adjacent pylon structure.

At the time this discrepancy was found, the airplane had accumulated 12,446 total hours time-in-service, and accomplished 1,439 total landings. Prior to delivery of this airplane in June 1994, the manufacturer had installed fuse pins in the spring beam fitting that are made of 15-5 corrosion resistant steel (“third generation pins”). These pins replaced existing pins made of 4330 or 4340 steel.

Migration of the fuse pin, if not detected and corrected in a timely manner, could result in failure of the engine pylon and consequent separation of the engine from the wing.

#### Other Relevant Rulemaking

The FAA previously had issued AD 95-13-05 [amendment 39-9285 (60 FR 33333, dated June 28, 1995; as corrected at 60 FR 35452, July 7, 1995)], which applies to certain Boeing Model 747 series airplanes equipped with Rolls Royce Model RB211 series engines. The FAA also had issued AD 95-13-06 [amendment 39-9286 (60 FR 33338, June 28, 1995; as corrected at 60 FR 37500, July 20, 1995)], which applies to certain Model 747 series airplanes equipped with General Electric Model CF6-80C2 series engines or Pratt & Whitney Model PW4000 series engines. These AD's, which are almost identical, require modification of the nacelle strut and wing structure of the applicable airplanes. Among the actions required by both AD's is the installation of a mechanical secondary retention to prevent the fuse pins for the midspar/spring beam fittings from migrating.

At the time the discrepancy described above was discovered, the nacelle strut and wing modification had not yet been accomplished on the incident airplane;

consequently, the secondary retention device had not yet been installed either. (The secondary retention device has been installed during production of airplanes beginning at line number 1047.)

#### 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 T96-26-52 to prevent migration of this fuse pin, subsequent failure of the engine pylon, and consequent separation of the engine from the wing. The AD requires repetitive detailed visual inspections of the access doors to the midspar/spring beam fuse pins on all engine pylons to detect cracks on the external surface, and repair, if necessary. In addition, the AD requires repetitive detailed visual inspections of each midspar/spring beam fuse pin to detect if it protrudes beyond its mating nut by a specified distance, and repair, if necessary. These inspections are to be repeated until the terminating modifications currently required by AD 95-13-05 or AD 95-13-06, as applicable, are accomplished.

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 December 20, 1996, to all known U.S. owners and operators of Boeing Model 747 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.

#### 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-280-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, 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:

96-26-52 Boeing; Amendment 39-9868. Docket 96-NM-280-AD.

*Applicability:* Model 747 series airplanes having line numbers 1 through 1046, inclusive; certificated in any category; that meet all of the following criteria:

- equipped with Pratt & Whitney Model PW4000 series engines, or General Electric Model CF6-80C2 series engines, or Rolls Royce Model RB211 series engines;
- on which fuse pins having part numbers 310U2301-101, -116, -117, or -120 ("third generation" fuse pins) are installed at the midspar/spring beam fittings of the engine pylon; and
- on which the modification of the nacelle strut and wing structure in accordance with Boeing Alert Service Bulletin 747-54A2156 or Boeing Alert Service Bulletin 747-54A2157, as applicable, has not been accomplished.

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 engine pylon and consequent separation of the engine from the wing, due to migration of the fuse pins installed at the midspar/spring beam fittings of the pylon, accomplish the following:

- (a) Within 15 days after the receipt of this AD, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.
  - (1) Perform a detailed visual inspection of the access doors to each midspar/spring beam fuse pin on each engine pylon to detect cracks on the external surface of the doors.
    - (i) If no cracking is detected during the inspection, repeat that inspection at intervals not to exceed 150 landings or 1,000 hours time-in-service, whichever occurs first.
    - (ii) If any cracking is detected during the inspection, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office

(ACO), FAA, Transport Airplane Directorate. Thereafter, repeat the inspection at intervals not to exceed 150 landings or 1,000 hours time-in-service, whichever occurs first.

(2) Gain access through the aft fairing doors of each engine pylon to each midspar/spring beam fuse pin and its mating, self-locking nut, and perform a detailed visual inspection of each fuse pin to verify that at least one thread of the fuse pin protrudes beyond its mating, self-locking nut.

(i) If no discrepancy is detected during the inspection, repeat that inspection at intervals not to exceed 150 landings or 1,000 hours time-in-service, whichever occurs first.

(ii) If the inspection reveals that at least one thread does not protrude beyond its mating, self-locking nut, prior to further flight, repair in accordance with a method approved by the Manager, Seattle ACO, FAA, Transport Airplane Directorate. Thereafter, repeat the inspection at intervals not to exceed 150 landings or 1,000 hours time-in-service, whichever occurs first.

(b) Accomplishment of the modification of the nacelle strut and wing structure in accordance with Boeing Alert Service Bulletin 747-54A2156, Revision 2, dated December 21, 1995, or earlier revisions (for airplanes equipped with General Electric Model CF6-80C2 series engines, or Pratt & Whitney PW4000 series engines); or Boeing Alert Service Bulletin 747-54A2157, Revision 2, dated November 14, 1996, or earlier revisions (for airplanes with Rolls Royce Model RB211 series engines); as applicable; constitutes terminating action for the repetitive detailed visual inspections required by paragraphs (a)(1) and (a)(2) of this AD.

(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 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.

(e) This amendment becomes effective on January 8, 1997, to all persons except those persons to whom it was made immediately effective by telegraphic AD T96-26-52, issued on December 20, 1996, which contained the requirements of this amendment.

Issued in Renton, Washington, on December 23, 1996.

S. R. Miller,

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

[FR Doc. 97-114 Filed 1-2-97; 8:45 am]

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#### 14 CFR Part 39

[Docket No. 96-NM-277-AD; Amendment 39-9870; AD 96-26-06]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes. This action requires a one-time inspection to detect damage of the sleeving and wire bundles of the boost pumps of the numbers 1 and 4 main fuel tanks, and of the auxiliary tank jettison pumps (if installed); replacement of any damaged sleeving with new sleeving; and repair or replacement of any damaged wires with new wires. For airplanes on which any burned wires are found, this action also requires an inspection to detect damage of the conduit, and replacement of any damaged conduit with a serviceable conduit. This amendment is prompted by an FAA determination that an environment conducive to vibration exists in the conduit and wire bundles of the boost pumps and of the auxiliary tank jettison pumps, which can cause abrasion of the Teflon sleeving and subsequent abrasion of the wires in the bundles. The actions specified in this AD are intended to detect and correct such abrasion, which could result in electrical arcing between the wires and the aluminum conduit and subsequent fire or explosion of the fuel tank.

**DATES:** Effective January 21, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 21, 1997.

Comments for inclusion in the Rules Docket must be received on or before March 4, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-277-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:** G. Michael Collins, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2689; fax (206) 227-1181.

**SUPPLEMENTARY INFORMATION:** On July 17, 1996, a Boeing Model 747 series airplane broke up during climb over the Atlantic Ocean after takeoff from John F. Kennedy International Airport, Jamaica, New York. Although the National Transportation Safety Board (NTSB) has not determined the cause of the accident, it has identified mechanical failure as one possible cause. The NTSB also stated that the center fuel tank exploded at some time during the accident. However, the NTSB has not determined if that explosion was the cause of the accident or the result of some other event. Following the accident, the FAA began investigating potential failures that could result in ignition sources in the fuel tanks installed on Model 747 series airplanes.

Other Relevant Rulemaking and Survey

As part of its investigation, the FAA reviewed the actions required by certain existing AD's, and the results of a survey conducted on in-service Model 747 series airplanes, as discussed below.

In 1979, the FAA issued AD 79-05-04, amendment 39-3431 (44 FR 12636, March 8, 1979). That AD was prompted by a report indicating that the fuel pump wires in an aluminum conduit in an auxiliary fuel tank on a Model 747 series airplane chafed through the insulation. Electrical arcing from the chafed wire to the aluminum conduit caused a hole in the conduit; however, the arcing did not cause a fire or explosion. The hole in the conduit was discovered because fuel leaked through the hole and out of the conduit at the rear spar.

AD 79-05-04 required discontinuing the use of the auxiliary fuel tanks, draining fuel from those tanks, and opening and collaring the circuit breakers for the auxiliary tank jettison pumps. Those actions were required to be accomplished prior to further flight. The actions required by that AD affected 10 Model 747-200 series airplanes, unless Teflon sleeving had been installed on the wire bundles in accordance with Boeing Alert Service Bulletin 747-28A2091, Revision 1, dated February 5, 1979, or unless the pumps had been deactivated previously in accordance with Boeing Service