a location where the requirements of this AD can be accomplished.

(f) The actions shall be done in accordance with CASA Flight Operation Instructions COM 212–245, Revision 1, dated November 16, 1993; and CASA Service Bulletin SB–212–27–47, Revision 1, dated April 13, 1994, which contains the following list of effective pages:

| Page number | Revision level shown on page | Date shown on page |
|---|---|---|
| 1–5, 8, 14–17, 19–23, 26, 34, 35. | 1 ..... | April 13, 1994. |
| 6, 7, 9–13, 18, 24, 25, 27–33. | Original .. | September 14, 1993. |

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 Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. 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.

(g) This amendment becomes effective on March 14, 1997.

Issued in Renton, Washington, on January 29, 1997.

Darrell M. Pederson,

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

[FR Doc. 97–2674 Filed 2–6–97; 8:45 am]

**BILLING CODE 4910–13–U**

## 14 CFR Part 39

**[Docket No. 96–NM–148–AD; Amendment 39–9919; AD 97–03–14]**

**RIN 2120–AA64**

## Airworthiness Directives; Boeing Model 737–300 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737–300 series airplanes, that requires an inspection to detect fatigue cracking, base trim, and upper flange over-trim of the pulley brackets of the aileron control cables. This amendment also requires, if necessary, replacement of the pulley brackets with new pulley brackets, and replacement of the two button-head rivets with flush-head rivets. 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 fatigue cracking or fracturing of the pulley brackets, which could result in slack in the cables and consequent reduced ability of the flightcrew to control the aileron.

**DATES:** Effective March 14, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 14, 1997.

**ADDRESSES:** 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 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:** Don Kurle, Senior Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2798; fax (206) 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 certain Boeing Model 737–300 series airplanes was published in the Federal Register on August 28, 1996 (61 FR 44237). That action proposed to require a visual inspection to detect fatigue cracking, base trim, and upper flange over-trim of the pulley brackets of the aileron control cables. That action also proposed to require, if necessary, replacement of the pulley brackets with new pulley brackets, and replacement of the two button-head rivets with flush-head rivets.

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

One commenter supports the proposed rule.

### Request To Revise Statement of Findings of Critical Design Review Team

One commenter requests the second paragraph of the Discussion section that appeared in the preamble to the proposed rule be revised to accurately reflect the findings of the Critical Design Review (CDR) team. The commenter asks that the FAA delete the one sentence in that paragraph, which read: ''The recommendations of the team include various changes to the design of the flight control systems of these airplanes, as well as correction of certain design deficiencies.'' The commenter suggests that the following sentences should be added: ''The team did not find any design issues that could lead to a definite cause of the accidents that gave rise to this effort. The recommendations of the team include various changes to the design of the flight control systems of these airplanes, as well as incorporation of certain design improvements in order to enhance its already acceptable level of safety.''

The FAA does not find that a revision to this final rule in the manner suggested by the commenter is necessary, since the Discussion section of a proposed rule does not reappear in a final rule. The FAA acknowledges that the CDR team did not find any design issue that could lead to a definite cause of the accidents that gave rise to this effort. However, as a result of having conducted the CDR of the flight control systems on Boeing Model 737 series airplanes, the team indicated that there are a number of recommendations that should be addressed by the FAA for each of the various models of the Model 737.

### Request To Extend Compliance Time

The Air Transport Association (ATA) of America, on behalf of one of its members, requests that the proposed compliance time be extended from 18 months to four years. The ATA member indicates that the consequences of bracket failure are minimal since a dual control path exists. The commenter adds that, even in the event of total cable input failure on one side of the control path, control of the aircraft would not be lost. The commenter points out that the referenced service bulletin states that resultant cable slack will cause sluggish aileron control, which should be apparent to the flightcrew in the event of failure of a bracket. The commenter also states that the adoption of an 18-month compliance time would pose an unnecessary burden on operators, and that a compliance time of four years is adequate to address the unsafe condition. The ATA states that it does not view the identified unsafe condition as an airworthiness concern. However, in the interest of enhancing safety, the ATA requests that the rule be adopted with the extended compliance time.

The FAA does not concur. The FAA acknowledges that a dual control path exists, and that in the event of failure of a bracket, the second load path will

allow operation of the aileron. However, under heavy flightcrew workload conditions, the ability of the flightcrew to control the airplane would be reduced; the FAA has determined that this poses a potential unsafe condition that must be corrected in a timely manner.

In developing an appropriate compliance time for the proposed inspection, the FAAs' intent is that it be performed during a regularly scheduled maintenance visit for the majority of the affected fleet when the airplanes would be located at a base where special equipment and trained personnel would be readily available, if necessary. The FAA finds that 18 months corresponds closely to the interval representative of most of the affected operators' normal maintenance schedules. Additionally, since the service bulletin cited in this AD was issued in 1988, the FAA anticipates that a majority of the pulley brackets and rivets that require replacement have already been replaced. Finally, in light of the fact that the required actions take only one work hour per airplane to accomplish, the FAA is puzzled by the commenter's assertion that the 18-month compliance time imposes an ''unnecessary burden'' on affected operations. The FAA considers that an 18-month compliance time is appropriate and will provide an acceptable level of safety.

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 as proposed.

Cost Impact

There are approximately 262 Model 737–300 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 169 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $10,140, or $60 per airplane.

The cost impact figure discussed above is 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.

Should an operator be required to accomplish the replacement of pulley brackets and rivets, it will take approximately 15 work hours per airplane to accomplish those actions, at an average labor rate of $60 per work hour. Required parts will cost approximately $713 per airplane. Based on these figures, the cost impact of any necessary replacement action is estimated to be $1,613 per airplane.

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:

97–03–14 Boeing: Amendment 39–9919. Docket 96–NM–148–AD.

*Applicability:* Model 737–300 series airplanes; as listed in Boeing Service Bulletin 737–27–1154, dated August 25, 1988; 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 fatigue cracking or fracturing of the pulley brackets, which could result in slack in the cables and consequent reduced ability of the flightcrew to control the aileron, accomplish the following:

(a) Within 18 months after the effective date of this AD: Perform a visual inspection to detect fatigue cracking, base trim, or upper flange over-trim of the pulley brackets, part number (P/N) 65C25555–3, 65C25555–501, or 69–73479–1, of the aileron control cables, in accordance with Boeing Service Bulletin 737–27–1154, dated August 25, 1988.

(b) If any cracking or over-trim of the pulley brackets is detected: Prior to further flight, replace the pulley brackets with new pulley brackets; and replace the two existing button-head rivets with flush-head rivets; in accordance with Boeing Service Bulletin 737–27–1154, dated August 25, 1988.

(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 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) The inspection and replacement shall be done in accordance with Boeing Service Bulletin 737–27–1154, dated August 25, 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 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 March 14, 1997.

Issued in Renton, Washington, on January 29, 1997.

Darrell M. Pederson,

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

[FR Doc. 97–2675 Filed 2–6–97; 8:45 am]

**BILLING CODE 4910–13–P**

## 14 CFR Part 39

**[Docket No. 96–NM–57–AD; Amendment 39–9922; AD 97–03–17]**

**RIN 2120–AA64**

## Airworthiness Directives; Boeing Model 747 and 757 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Boeing Model 747 and 757 series airplanes, that requires repetitive visual inspections to detect discrepancies of the wire terminal assembly, electrical connector, and wire insulation on the fuel pump; and replacement of the fuel pump with a new fuel pump, if necessary. This amendment also requires repetitive insulation resistance tests of the fuel pump wiring. This amendment is prompted by reports of fuel leaks at the fuel boost and override/jettison pumps due to corrosion. The actions specified by this AD are intended to prevent such a fuel leakage, which could result in a fire at the location of the affected fuel pump.

**DATES:** Effective March 14, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 14, 1997.

**ADDRESSES:** 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 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:** G. Michael Collins, Aerospace Engineer, Seattle Aircraft Certification Office, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2689; fax (206) 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 747 and 757 series airplanes was published in the Federal Register on August 14, 1996 (61 FR 42195). That action proposed to require a visual inspection to detect discrepancies of the wire terminal assembly, electrical connector, and wire insulation on the fuel pump; and replacement of the fuel pump with a new fuel pump, if necessary. That action also proposed to require repetitive insulation resistance tests of the fuel pump wiring.

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

One commenter supports the proposed AD.

Request To Allow Credit for Use of Previous Versions of Service Bulletins

Several commenters request that the proposal be revised to provide credit to those operators who have already initiated the inspections in accordance with the original versions of Boeing Service Bulletins 747–28A2194 and 757 28A0043. One of these commenters, states that Revision 1 of both of these service bulletins, which are referenced in the proposal, contain essentially the same inspection and test procedures of the subject fuel pumps as is contained the original versions.

The FAA concurs partially with the commenters' request:

The FAA finds that both the original version and Revision 1 of Boeing Service Bulletin 757 28A0043, which is applicable to Model 757 series airplanes, contain essentially identical inspection procedures. Therefore, operators of those airplanes will be given credit for any inspections conducted in accordance with the original version of the service bulletin accomplished prior to the effective date of this AD. The final rule has been revised to indicate this.

However, the FAA finds that Revision 1 of Boeing Service Bulletin 747–28A2194, which is applicable to Model 747 series airplanes, is substantively different from the original version, in that Revision 1 adds a continuity check of the pin 4 bonding strap internal to the pump (the pump ground wire). Although the manufacturer asserts that this continuity check ''does not affect the result of the key insulation resistance test which determines the condition of the pump connector,'' the FAA maintains that the continuity check is an important step, without which the resistance test cannot be considered adequate. Therefore, operators who previously have performed the resistance tests in accordance with the original version of that service bulletin will not be granted credit for those tests as compliance with the applicable requirements of this AD.

Request To Clarify Applicability of Requirements to New Airplanes

One commenter requests that the proposal be revised to clarify what inspection actions would be required of new airplanes that are delivered after the effective date of the AD. The commenter states that the proposal is not clear whether the AD applies to these new airplanes or not, and, if it does apply, when the first inspection is required.

The FAA does not consider that any further clarification of the applicability of the AD is necessary. The applicability statement of the AD clearly indicates that it is applicable to ''all Model 747 and 757 airplanes.'' This includes airplanes delivered now or in the future; it is not limited to any range of existing airplanes. Since the configuration of the subject area on all of these airplanes, from the earliest manufactured to the most recent, is similar, all are subject to the unsafe condition addressed by this AD.

To clarify the commenter's concern as to when the first inspection of new airplanes is required, the FAA points out that any airplane that is manufactured and/or delivered after 120 days after the effective date of this AD, will have to be inspected in accordance with the AD prior to its delivery, as required by the Federal Aviation Regulations (FAR). The AD stipulates in its compliance provisions that the actions are required at the time specified in the AD, ''unless [those actions have been] accomplished previously.'' The inspection of the pumps that is conducted previous to the delivery of the new airplanes is considered to be the initial inspection required by the AD.

Request To Extend Compliance Time for Initial Inspection

Several commenters request that the proposal be revised to extend the proposed compliance time of 120 days for the initial inspection to as much as 9 months. Most of these commenters are airline operators, and request the extension in order to accommodate the inspection during their regular maintenance schedules. One of these