

(2) As of the effective date of this AD, no person may reactivate a fuel tank deactivated per section 3.B.2. of Boeing Alert Service Bulletin DC10-28A240 or Boeing Alert Service Bulletin MD11-28A121, both dated January 6, 2003, as applicable, as specified in paragraph (a)(1)(iii) of this AD, unless paragraph (c) of this AD has been accomplished on the fuel boost/transfer pump for that tank.

**Note 2:** AD 2002-13-10, amendment 39-12798, requires repetitive tests for electrical continuity and resistance, and repetitive inspections to detect discrepancies of the fuel boost/transfer pump connectors, and any applicable corrective actions.

Accomplishment of these actions necessitates removal of the fuel boost/transfer pumps from the airplane. After the effective date of this AD, whenever the fuel boost/transfer pumps are removed from the airplane for accomplishment of the tests and inspections required by AD 2002-23-10, they must be inspected and found to have properly routed lead wires before reinstallation, as specified in paragraph (c) of this AD.

#### Alternative Methods of Compliance

(e) 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, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance or Operations Inspector, as applicable, who may add comments and then send it to the Manager, Los Angeles ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

#### Special Flight Permits

(f) 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.

#### Incorporation by Reference

(g) The actions shall be done in accordance with Boeing Alert Service Bulletin DC10-28A239, dated December 3, 2002, and Boeing Alert Service Bulletin DC10-28A240, dated January 6, 2003; or Boeing Alert Service Bulletin MD11-28A120, dated December 3, 2002, and Boeing Alert Service Bulletin MD11-28A121, dated January 6, 2003; as applicable. 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 Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North

Capitol Street, NW., suite 700, Washington, DC.

#### Effective Date

(h) This amendment becomes effective on May 12, 2003.

Issued in Renton, Washington, on April 17, 2003.

**Ali Bahrami,**

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

[FR Doc. 03-9981 Filed 4-24-03; 8:45 am]

**BILLING CODE 4910-13-P**

Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

George Mabuni, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5341; fax (562) 627-5210.

#### 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 McDonnell Douglas MD-90-30 airplanes was published in the **Federal Register** on September 23, 2002 (67 FR 59481). That action proposed to require a one-time inspection for chafing of the RDB wire bundle against the automatic direction finder (ADF) receiver located at the aft end of the forward right radio rack; repair or replacement, if necessary; and modification of the wire bundle.

#### Comment

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

The commenter states that the unsafe condition corrected by the proposed AD only exists when the No. 2 ADF receiver is installed on the airplane, and asks that explicit relief be included in the proposed AD to preclude action if the operator does not use the No. 2 ADF receiver. The commenter notes that without the No. 2 ADF receiver installed, there is no unsafe condition.

The FAA agrees with the commenter, and notes that the referenced service bulletin specified that the chafing condition could exist only on airplanes equipped with the No. 2 ADF receiver. We have changed the applicability in this final rule to add that it is only applicable to airplanes equipped with the No. 2 ADF receiver. In addition, we have changed the term, "ADF receiver" to "No. 2 ADF receiver" throughout the final rule.

#### Explanation of Editorial Change

We have changed the service bulletin citation throughout this final rule to exclude the Evaluation Form. The form is intended to be completed by operators and submitted to the manufacturer to provide input on the quality of the service bulletin; however, this AD does not include such a requirement.

## Conclusion

After careful review of the available data, including the comment and change 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 96 airplanes of the affected design in the worldwide fleet. The FAA estimates that 21 airplanes of U.S. registry will be affected by this AD.

It will take approximately 1 work hour per airplane to accomplish the inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be \$1,260, or \$60 per airplane.

It will take approximately 4 work hours per airplane to accomplish the modification of the RDB wire bundle, at an average labor rate of \$60 per work hour. Parts cost is minimal. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be \$5,040, or \$240 per airplane.

Should an operator be required to accomplish the repair or replacement of the wire bundle, it will take approximately 2 work hours per airplane to accomplish the actions, at an average labor rate of \$60 per work hour. Parts cost is minimal. Based on these figures, the cost impact of the repair or replacement required by this AD is estimated to be \$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. 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 adopted herein will 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 final rule does not have federalism implications under Executive Order 13132.

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:

##### 2003-08-16 McDonnell Douglas:

Amendment 39-13129. Docket 2001-NM-173-AD.

**Applicability:** Model MD-90-30 airplanes equipped with a No. 2 automatic direction finder (ADF) receiver, and listed in McDonnell Douglas Alert Service Bulletin MD90-24A051, Revision 02, dated August 14, 2002; 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 (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 chafing of the RDB wire bundle against the No. 2 ADF receiver, which could result in electrical arcing and consequent smoke and/or fire in the cockpit, accomplish the following:

## Inspection/Repair or Replacement/Modification

(a) Within 6 months after the effective date of this AD, do the requirements specified in paragraphs (a)(1) and (a)(2) of this AD, per McDonnell Douglas Alert Service Bulletin MD90-24A051, Revision 02, excluding Evaluation Form, dated August 14, 2002.

(1) Do a one-time general visual inspection for chafing of the RDB wire bundle against the No. 2 ADF receiver located at the aft end of the forward right radio rack. If any chafing is found, before further flight, repair or replace the affected wire bundle.

**Note 2:** For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

(2) Modify the RDB wire bundle (including installation of three new tie mounts using new screws and clip nuts, removal of the existing tie straps and splitting the wire bundle into two separate bundles, installation of six new straps, and verification of adequate clearance between the wire bundle and the ADF receiver), and do the return-to-service test.

(b) Accomplishment of the actions specified in paragraphs (a)(1) and (a)(2) of this AD, per McDonnell Douglas Alert Service Bulletin MD90-24A051, dated October 28, 1999; or Revision 01, dated March 26, 2001; before the effective date of this AD, is considered acceptable for compliance with the requirements of this AD.

## 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, Los Angeles 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, Los Angeles ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles 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.

**Incorporation by Reference**

(e) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD90-24A051, Revision 02, excluding Evaluation Form, dated August 14, 2002. 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 Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

**Effective Date**

(f) This amendment becomes effective on May 30, 2003.

Issued in Renton, Washington, on April 18, 2003.

**Michael J. Kaszycki,**

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

[FR Doc. 03-10116 Filed 4-24-03; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

**[Docket No. 2002-NM-329-AD; Amendment 39-13128; AD 2003-08-15]**

**RIN 2120-AA64**

**Airworthiness Directives; Boeing Model 737-200, -200C, -300, -400, and -500 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 737-200, -200C, -300, -400, and -500 series airplanes. This action requires a one-time mid-frequency eddy current (MFEC), a low-frequency eddy current (LFEC), and a detailed inspection for damage or cracking of stringer S-4L and S-4R lap joints and stringer clips

between body station (BS) 540 and BS 727, and follow-on inspections and repair if necessary. This action is necessary to find and fix cracking of the fuselage lap joints, which could result in sudden decompression of the airplane.

**DATES:** Effective May 12, 2003.

The incorporation by reference of Boeing Alert Service Bulletin 737-53A1255, dated October 17, 2002, as listed in the regulations, is approved by the Director of the Federal Register as of May 12, 2003.

The incorporation by reference of Boeing Service Bulletin 737-53A1177, Revision 6, dated May 31, 2001, as listed in the regulations, was approved previously by the Director of the Federal Register as of May 17, 2002 (67 FR 17917, April 12, 2002).

Comments for inclusion in the Rules Docket must be received on or before June 24, 2003.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2002-NM-329-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Comments may be inspected at this location between 9 a.m. and 3 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-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2002-NM-329-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 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:**

Duong Tran, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6452; fax (425) 917-6590.

**SUPPLEMENTARY INFORMATION:****Related AD**

On April 2, 2002, the FAA issued AD 2002-07-08, amendment 39-12702 (67

FR 17917, April 12, 2002), applicable to certain Boeing Model 737 series airplanes. That AD specifies Boeing Service Bulletin (SB) 737-53A1177, Revision 6, dated May 31, 2001, as an appropriate source of service information for that AD. That AD requires repetitive inspections to find cracking of the lower skin at the lower row of fasteners in the lap joints of the fuselage, and repair of any cracking found. That AD also requires modification of the fuselage lap joints at certain locations, which constitutes terminating action for certain repetitive inspections of the modified areas. Additionally, that AD requires repetitive inspections and requires replacement of a certain preventive modification with an improved modification. That AD was prompted by our determination that, in light of crack findings, certain modifications of the fuselage lap joints do not provide an adequate level of safety. The actions specified by that AD are intended to find and fix cracking of the fuselage lap joints, which could result in sudden decompression of the airplane.

**Since the Issuance of That AD**

We have received a report indicating that, during a walk-around inspection on a Model 737-200 series airplane with 60,333 total flight cycles, a 23-inch-long crack was found in the lower row of the stringer S-4L lap joint between body station (BS) 616 and BS 639. The crack was noticed above the over-wing exit because the lower skin was pushed outward approximately 1 inch with the crack ends turning downward at the tear straps. The flight crew did not report any pressurization problems, and the passengers and cabin crew did not report any abnormal noise in that area. Further external and internal non-destructive testing methods for cracking of the lap joint revealed additional cracking. The possible extent of cracking both forward and aft of the 23-inch-long cracked section is a concern. Cracks were found in between the tear straps and in the skin locations common to the tear straps. The intact tear straps were able to turn the cracks as they were designed to do; however, due to the condition of the skin at the tear straps forward and aft of the 23-inch crack area, it is likely that similar crack link-up just forward in an area that had a higher percentage of cracked fastener holes could have resulted in an uncontained decompression. Of particular concern is the total number and length of cracks found at that particular lap joint. The damage found apparently exceeds all prior in-service crack findings and also exceeds the