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Acting Assistant Chief Counsel for Regulations.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003-NM-205-AD]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 727, 727C, 727-100, and 727-100C Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 727, 727C, 727-100, and 727-100C series airplanes. This proposal would require repetitive detailed and special detailed inspections for cracks in the web, inner chord, and outer chord of the forward and aft frames of the aft cargo door opening; and repair of any crack found. This action is necessary to detect and correct such cracks, which could result in loss of the aft cargo door and rapid decompression of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by January 20, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2003-NM-205-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-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain "Docket No. 2003-NM-205-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 or 2000 or ASCII text.

The service information referenced in the proposed rule 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: Ivan Li, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW, Renton, Washington 98055-4056; telephone (425) 917-6437; fax (425) 917-6590.

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 action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

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 action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2003-NM-205-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-114, Attention: Rules Docket No. 2003-NM-205-AD, 1601 Lind Avenue, SW, Renton, Washington 98055-4056.

Discussion

The FAA has received numerous reports of fatigue cracks associated with the inner and outer chords of the forward and aft frames of the aft cargo door opening on Boeing Model 727 airplanes. The airplanes on which the fatigue cracks were found had accumulated between 24,000 and 51,000 total flight cycles. The fatigue cracks were discovered during the accomplishment of routine inspections and inspections specified in the Boeing 727 Supplemental Structural Inspection Document. This condition, if not detected and corrected in a timely manner, could result in loss of the aft cargo door and rapid decompression of the airplane.

Explanation of Relevant Service Information

We have reviewed and approved Boeing Alert Service Bulletin 727-53A0225, dated September 11, 2003, which describes procedures for repetitive detailed inspections and special detailed (high frequency eddy current) inspections for cracks in the web, inner chord, and outer chord of the forward and aft frames of the aft cargo door opening, and repair of any crack found. The alert service bulletin also recommends that operators contact Boeing for repair instructions. These inspections are recommended on airplanes before they have accumulated 24,000 total flight cycles, or within 3,000 flight cycles after the effective date of the AD, whichever occurs later, and are repeated at intervals not to exceed 3,000 flight cycles. A terminating modification to the repetitive inspections is currently not available.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed AD and Alert Service Bulletin

The service bulletin specifies compliance times relative to the date of the service bulletin; however, this proposed AD would require compliance

with the thresholds after the effective date of the AD.

Although the alert service bulletin specifies that operators may contact the manufacturer for disposition of certain repair conditions, this proposed AD would require operators to repair those conditions per a method approved by the Manager of the Seattle Aircraft Certification Office of the FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager of the Seattle Aircraft Certification Office of the FAA to make such findings.

This proposed AD would also require that, within 12 months following a

repair, operators implement an inspection program for the repair into the 727 maintenance program in accordance with a method and compliance times approved by the Manager, Seattle ACO; or per data meeting 14 CFR 25.571 (Amendment 25-54 or later) approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings. To ensure timely detection of cracking in those areas, we have determined that new inspection methods and compliance times are necessary for areas that have been repaired. The new inspection methods and compliance times should meet the requirements of 14 CFR 25.571 (Amendment 25-54 or later).

Interim Action

We consider this proposed AD interim action. The manufacturer is currently developing a modification that will address the unsafe condition identified in this proposed AD. Once this modification is developed, approved, and available, we may consider additional rulemaking.

Cost Impact

There are approximately 193 airplanes of the affected design in the worldwide fleet. We estimate that 129 airplanes of U.S. registry would be affected by this proposed AD. We provide the following cost estimates for the proposed inspections, per inspection cycle:

TABLE.—COSTS

| Airplanes | Work hours | Hourly labor rate | Parts | Cost per airplane |
|--|------------|-------------------|-------|-------------------|
| Group 1 airplanes not modified per Boeing Service Bulletin 727-53-0045 ... | 2 | \$65 | \$0 | \$130 |
| Group 1 airplanes modified per Boeing Service Bulletin 727-53-0045 | 3 | 65 | 0 | 195 |
| Group 2 airplanes | 3 | 65 | 0 | 195 |

The cost impact figures discussed above are 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 proposed 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 proposed herein would 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 proposal would not have federalism implications under Executive Order 13132.

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 2003-NM-205-AD.

Applicability: Model 727, 727C, 727-100, and 727-100C series airplanes, certificated in any category, as listed in Boeing Alert Service Bulletin 727-53A0225, dated September 11, 2003.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracks in the web, inner chord, and outer chord of the forward and aft frames of the aft cargo door opening, which could result in loss of the aft cargo door and rapid decompression of the airplane, accomplish the following:

Inspections and Corrective Action

(a) Perform a detailed inspection and a special detailed (high-frequency eddy current) inspection for cracks in the web, inner chord, and outer chord of the forward and aft frames of the aft cargo door opening. Do the inspections at the applicable initial compliance time listed in paragraph 1.E., “Compliance,” of Boeing Alert Service Bulletin 727-53A0225, dated September 11, 2003; except, where the service bulletin specifies a compliance time after the effective date of the service bulletin date, this AD requires compliance within the specified compliance time after the effective date of this AD. Do the inspection in accordance with the Accomplishment Instructions of the service bulletin.

(1) If no crack is found: Repeat the inspection within the interval listed in paragraph 1.E., “Compliance,” of the service bulletin.

(2) If any crack is found: Repair it before further flight in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved, the approval must specifically refer to this AD. Within 12 months following a repair, implement an inspection program for the repair into the 727 maintenance program in accordance with a

method and compliance times approved by the Manager, Seattle ACO; or per data meeting 14 CFR 25.571 (Amendment 25-54 or later) approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings.

Alternative Methods of Compliance

(b) In accordance with 14 CFR 39.19, the Manager, Seattle ACO, is authorized to approve alternative methods of compliance (AMOCs) for this AD.

Issued in Renton, Washington, on November 12, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-CE-46-AD]

RIN 2120-AA64

Airworthiness Directives; Raytheon Aircraft Company Model 1900, 1900C, 1900C (C-12J), and 1900D Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of the comment period.

SUMMARY: The FAA proposes to revise an earlier proposed airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) Model 1900, 1900C, 1900C (C-12J), and 1900D airplanes that do not have canted bulkhead Kit No. 129-4005-1 S incorporated. The earlier NPRM would have required you to repetitively inspect the canted bulkhead located at Fuselage Station (FS) 588.10 for cracks. If cracks are found that exceed certain limits, the NPRM would have required you to incorporate canted bulkhead Kit No. 129-4005-1 S as terminating action for the proposed AD repetitive inspection requirement. When Kit No. 129-4005-1 S is incorporated, no further action is required. The earlier NPRM resulted from numerous reports of multi-site cracks occurring in the canted bulkhead at Fuselage Station 588.10. The NPRM contradicts the FAA's policy to disallow airplane operation when known cracks exist in primary structure. You should have the kit incorporated anytime a crack is found and we are revising the NPRM accordingly. Since this action imposes an additional burden over that proposed in the earlier NPRM, we are

reopening the comment period to allow the public the chance to comment on these revised actions.

DATES: We must receive any comments on this proposed AD by January 16, 2004.

ADDRESSES: Use one of the following to submit comments on this proposed AD:

- *By mail:* FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 95-CE-46-AD, 901 Locust, Room 506, Kansas City, Missouri 64106.
- *By fax:* (816) 329-3771.
- *By e-mail:* 9-ACE-7-Docket@faa.gov.

Comments sent electronically must contain "Docket No. 95-CE-46-AD" in the subject line. If you send comments electronically as attached electronic files, the files must be formatted in Microsoft Word 97 for Windows or ASCII.

You may get the service information identified in this proposed AD from Raytheon Aircraft Company, 9709 E. Central, Wichita, Kansas 67201-0085; telephone: (800) 429-5372 or (316) 676-3140.

You may view the AD docket at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 95-CE-46-AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Office hours are 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Wichita, Kansas 67209; telephone: (316) 946-4124; facsimile: (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

How Do I Comment on This Proposed AD?

We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. 95-CE-46-AD" in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it. We will date-stamp your postcard and mail it back to you.

Are There Any Specific Portions of This Proposed AD I Should Pay Attention To?

We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. If you contact us

through a nonwritten communication and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend this proposed AD in light of those comments and contacts.

Discussion

What Events Have Caused the Earlier Proposed AD?

The FAA has received numerous reports of multi-site cracks in the canted bulkhead at Fuselage Station (FS) 588.10 on 3 Raytheon Model 1900, 1900C, and 1900D airplanes. These cracks were found at the outer flange radius and outer flange stringer cutouts of the canted bulkhead.

Has FAA Taken Any Action to This Point?

We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Raytheon Model 1900, 1900C, 1900C (C-12J), and 1900D airplanes that do not have canted bulkhead Kit No. 129-4005-1 S incorporated. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on October 4, 1995 (60 FR 51944). The earlier NPRM proposed to require you to:

—repetitively inspect the canted bulkhead located at FS 588.10 for cracks; and

—incorporate canted bulkhead Repair Kit No. 129-4005-1 S if cracks exceed certain limits and as a terminating action for the repetitive inspection requirement.

Was the Public Invited To Comment?

The FAA encouraged interested persons to participate in the making of this amendment. We received two comments in support of the proposed rule.

What Has Happened To Initiate This Supplemental NPRM?

As currently written, the existing NPRM allows continued flight if cracks are found in the canted bulkhead located at FS 588.10 that do not exceed certain limits. The NPRM contradicts the FAA's policy to disallow airplane operation when known cracks exist in primary structure, unless the ability to sustain ultimate load with these cracks is proven. The canted bulkhead located at FS 588.10 is considered primary structure, and the FAA has not received any analysis to prove that ultimate load can be sustained with cracks in this