Unsafe Condition

e) This AD results from a report of a hole in the fuselage skin common to stringer S–1 and S–2 right, between STA 827 and STA 847 on an airplane that diverted to an alternate airport due to cabin depressurization and subsequent deployment of the egress rodded with no fuel in the egress windows that could result in sudden fracture and failure of the fuselage skin panels, and consequent rapid decompression of the airplane.

Compliance

f) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Initial and Repetitive Inspections

(g) Before the accumulation of 35,000 total flight cycles, or within 500 flight cycles after the effective date of this AD, whichever occurs later: Except as provided by paragraph (i) of this AD, do an external non-destructive inspection (NDI) to detect cracks in the fuselage skin along the chem-mill steps at stringers S–1 and S–2 right, between STA 827 and STA 847, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1301, dated September 3, 2009. If no cracking is found, repeat the inspection thereafter at intervals not to exceed 500 flight cycles, except as provided by paragraph (j) of this AD.

Optional Terminating Action for Repetitive Inspections

(i) Installing an external repair doubler along the chem-milled steps at stringers S–1 and S–2 right, between STA 827 and STA 847, constitutes terminating action for the repetitive inspections required by paragraph (g) of this AD for the repaired area only, provided all of the conditions specified in paragraphs (i)(1), (i)(2), and (i)(3) of this AD are met. The initial inspection required by paragraph (g) of this AD must be accomplished.

1. The repair is installed after September 3, 2009;
2. The repair was approved by the FAA or by a Boeing Company Authorized Representative or the Boeing Commercial Airplanes Organization Designation Authorization (ODA) authorized by the FAA to make such findings; and
3. The repair extends a minimum of three rows of fasteners on each side of the chem-milled line in the circumferential direction.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–1205, FAA, Seattle ACO, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6447; fax (425) 917–6590. Or, e-mail information to 9–ANM–Seattle–ACO–AMOC–Requests@faa.gov.

(k) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

Material Incorporated by Reference

(l) You must use Boeing Alert Service Bulletin 737–53A1301, dated September 3, 2009, to do the actions required by this AD, unless the AD specifies otherwise.

1. The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(d) and 1 CFR part 51.
2. For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; e-mail me.boeing.com@boeing.com; Internet https://www.myboeingfleet.com.
3. You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.
4. You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Issued in Renton, Washington, on December 21, 2009.

Ali Bahrami,
Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–31288 Filed 1–11–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 737–600, –700, –700C, –800, and –900 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: The FAA is revising an existing airworthiness directive (AD), which applies to certain Model 737–600, –700, –700C, –800, and –900 series airplanes. That AD currently requires revising the Airworthiness Limitations (AWLs) section of the Instructions for Continued Airworthiness by incorporating new limitations for fuel tank systems to satisfy Special Federal Aviation Regulation No. 89 requirements. That AD also requires an initial inspection to phase in certain repetitive AWL inspections, and repair if necessary. This AD clarifies the intended effect of the AD on spare and on-airplane fuel tank system components. This AD results from a design review of the fuel tank systems. We are issuing this AD to prevent the potential for ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

DATES: This AD is effective January 27, 2010.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of January 27, 2010.

On June 12, 2008 (73 FR 25986, May 8, 2008), the Director of the Federal Register approved the incorporation by reference of a certain other publication listed in the AD.

We must receive any comments on this AD by February 26, 2010.

ADDRESSES: You may send comments by any of the following methods:

• Federal eRulemaking Portal: Go to http://www.regulations.gov. Follow the instructions for submitting comments.
• Fax: 202–493–2251.
• Mail: U.S. Department of Transportation, Docket Operations, M–
30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- **Hand Delivery:** U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; e-mail me.boecom@boeing.com; or in person at the Docket Office (telephone 800–647–5227) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:**

**SUPPLEMENTARY INFORMATION:**

**Discussion**

On April 29, 2008, we issued AD 2008–10–10, Amendment 39–15516 (73 FR 25986, May 8, 2008). That AD applied to certain Model 737–600, –700, –700C, –800, and –900 series airplanes. That AD required revising the Airworthiness Limitations (AWLs) section of the Instructions for Continued Airworthiness (ICA) by incorporating new limitations for fuel tank systems to satisfy Special Federal Aviation Regulation No. 88 requirements. That AD also requires an initial inspection to phase in certain repetitive AWL inspections, and repair if necessary. That AD resulted from a design review of the fuel tank systems. The actions specified in that AD are intended to prevent the potential for ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Critical design configuration control limitations (CDCCLs) are limitation requirements to preserve a critical ignition source prevention feature of the fuel tank system design that is necessary to prevent the occurrence of an unsafe condition. The purpose of a CDCCL is to provide instruction to retain the critical ignition source prevention feature during configuration change that may be caused by alterations, repairs, or maintenance actions. A CDCCL is not a periodic inspection.

**Actions Since AD Was Issued**

Since we issued that AD, we have determined that it is necessary to clarify the AD’s intended effect on spare and on-airplane fuel tank system components, regarding the use of maintenance manuals and instructions for continued airworthiness.

Section 91.403(c) of the Federal Aviation Regulations (14 CFR 91.403(c)) specifies the following:

No person may operate an aircraft for which a manufacturer’s maintenance manual or instructions for continued airworthiness has been issued that contains an airworthiness limitation section unless the mandatory * * * * procedures * * * have been complied with.

Some operators have questioned whether existing components affected by the new CDCCLs must be reworked. We did not intend for the AD to retroactively require rework of components that had been maintained using acceptable methods before the effective date of the AD. Owners and operators of the affected airplanes therefore are not required to rework affected components identified as airworthy or installed on the affected airplanes before the required revisions of the AWLs. But once the CDCCLs are incorporated into the AWLs, future maintenance actions on components must be done in accordance with those CDCCLs.

**Relevant Service Information**

AD 2008–10–10 cites Boeing Temporary Revision 09–020, dated March 2008, to the Boeing 737–600/700/800/900 MPD Document, D626A001–CMR, Revision March 2008. AD 2008–10–10 also allowed the use of later revisions of the Boeing 737–600/700/800/900 MPD Document, D626A001–CMR. Those provisions have been removed from this AD. Allowing the use of “a later revision” or “later FAA-approved revisions” of specific service documents violates Office of the Federal Register regulations for approving materials that are incorporated by reference. Affected operators, however, may request approval to use a later revision or an alternative CDCCL, inspection, or interval, that is part of a later revision of the referenced service documents as an alternative method of compliance, under the provisions of paragraph (m) of this AD.

We have revised paragraphs (g)(1), (g)(2), (g)(3), and (h) of this AD to remove the term “Revision March 2008 of the MPD,” which is defined in paragraph (f) of this AD. We have provided the full document citation throughout this AD to avoid any confusion about which specific document is being referenced. However, we have not removed the “Service Information Reference” paragraph from this AD. Because this AD revises AD 2008–10–10, we cannot change paragraph references, which would adversely affect compliance. Therefore, we have determined that leaving paragraph (f) of this AD unchanged is a
less burdensome approach for operators, while still adhering to standard drafting guidance.

We have revised this AD to identify the legal name of the manufacturer as published in the most recent type certificate data sheet for the affected airplane models.

**Costs of Compliance**

This revision imposes no additional economic burden. The current costs for this AD are repeated for the convenience of affected operators, as follows:

<table>
<thead>
<tr>
<th>Action</th>
<th>Work hours</th>
<th>Parts</th>
<th>Cost per airplane</th>
<th>Number of U.S.-registered airplanes</th>
<th>Fleet cost</th>
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<td>AWLs revision</td>
<td>8</td>
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<td>$640</td>
<td>682</td>
<td>$436,480</td>
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<tr>
<td>Inspection</td>
<td>8</td>
<td>None</td>
<td>$640</td>
<td>682</td>
<td>$436,480</td>
</tr>
</tbody>
</table>

**FAA’s Justification and Determination of the Effective Date**

This revision merely clarifies the intended effect on spare and on-airplane fuel tank system components, and makes no substantive change to the AD’s requirements. For this reason, it is found that notice and opportunity for prior public comment for this action are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

**Comments Invited**

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2009–1226; Directorate Identifier 2009–NM–149–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to http://www.regulations.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency’s authority.

**Adoption of the Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA 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. The FAA amends § 39.13 by removing Amendment 39–15516 (73 FR 25986, May 8, 2008) and adding the following new AD:

   **2008–10–10 R1 The Boeing Company: Amendment 39–16164.**

   **Effective Date**

   (a) This airworthiness directive (AD) is effective January 27, 2010.

   **Affected ADs**

   (b) This AD revises AD 2008–10–10, Amendment 39–15516.

   **Applicability**

   (c) This AD applies to The Boeing Company Model 737–600, –700, –700C, –800, and –900 series airplanes, certificated in any category, with an original standard airworthiness certificate or original export certificate of airworthiness issued before March 31, 2006.

   **Note 1:** Airplanes with an original standard airworthiness certificate or original export certificate of airworthiness issued on or after March 31, 2006, must already be in compliance with the airworthiness limitations specified in this AD because those limitations were applicable as part of the airworthiness certification of those airplanes.

   **Note 2:** This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR...
91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (m) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Unsafe Condition

(d) This AD results from a design review of the fuel tank systems. We are issuing this AD to prevent the potential for ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Restatement of Requirements of AD 2008–10–10, With Revised Service Information

Service Information Reference


Revision to Airworthiness Limitations (AWLs) Section

(g) Before December 16, 2008, revise the AWLs section of the Instructions for Continued Airworthiness (ICA) by incorporating into the MPD the information in the subsections specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD; except that the initial inspection required by paragraph (h) of this AD must be done at the applicable compliance time specified in that paragraph.


(k) Subsection G. “AIRWORTHINESS LIMITATIONS—FUEL SYSTEM AWLs.” AWLs No. 28–AWL–01 through No. 28–AWL–22 inclusive, of Boeing TR 09–020, dated March 2008, to the Boeing 737–600/700/800/900 MPD Document, D626A001–CMR, Revision March 2008; or Section 9, Revision September 2009, dated September 2009, of the Boeing 737–600/700/800/900 MPD Document, D626A001–CMR, also may be incorporated into the AWLs section of the ICA.

Initial Inspection and Repair if Necessary

(h) At the later of the compliance times specified in paragraphs (h)(1) and (h)(2) of this AD, do a special detailed inspection of the lighting shield to ground termination on the out-of-tank fuel quantity indication system (FQIS) wiring to verify functional integrity, in accordance with AWL No. 28–AWL–03 of Subsection G of Boeing TR 09–020, dated March 2008, to the Boeing 737–600/700/800/900 MPD Document, D626A001–CMR, Revision March 2008; or Section 9, Revision September 2009, dated September 2009, of the Boeing 737–600/700/800/900 MPD Document, D626A001–CMR.


Credit for Actions Done According to Previous Revisions of the MPD

(i) Actions done before June 12, 2008, in accordance with the following MDPs are acceptable for compliance with the corresponding requirements of paragraphs (g) and (h) of this AD: Section 9 of the Boeing 737–600/700/700C/700CFW/800/900 MPD Document, D626A001–CMR, Revision March 2006; Revision May 2006; Revision October 2006; Revision November 2006; or Revision November 2006 R1; or Section 9 of the Boeing 737–600/700/800/900 MPD Document, D626A001–CMR, Revision March 2007; Revision March 2007 R1; Revision March 2007 R2; or Revision February 2008.

Terminating Action for AD 2008–06–03, Amendment 29–15415

(k) Incorporating AWLs No. 28–AWL–21, No. 28–AWL–22, and No. 28–AWL–24 into the AWLs section of the ICA in accordance with paragraph (g) of this AD terminates the action required by paragraph (h)(1) of AD 2008–06–03.

New Information

Explanation of CDCCL Requirements

Note 4: Notwithstanding any other maintenance or operational requirements, components that have been identified as airworthy or installed on the affected airplanes before the revision of the AWLs, as required by paragraph (g) of this AD, do not need to be reworked in accordance with the CDCCLs. However, once the AWLs have been revised, future maintenance actions on these components must be done in accordance with the CDCCLs.

Credit for Actions Done According to Previous Revisions of the MPD

(l) Actions done before the effective date of this AD, in accordance with the following MDPs are acceptable for compliance with the corresponding requirements of paragraphs (g) and (h) of this AD: Section 9 of the Boeing 737–600/700/800/900 MPD Document, D626A001–CMR, Revision March 2008; Revision April 2008; Revision June 2008; Revision February 2009; Revision March 2009; or Revision August 2009.

Alternative Methods of Compliance (AMOCs)

(m) If the Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19, Send information to ATTN: Thomas Thorsen, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6508; fax (425) 917–6590. Or, e-mail information to 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.

(j) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal...
DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64


AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to all Model 747–200F, 747–200C, 747–400, 747–400D, and 747–400F series airplanes. That AD currently requires repetitive inspections for cracking of certain fuselage internal structure (i.e., Sections 42 and 46 fuselage frames, upper deck floor beams, electronic bay access door cutout, nose wheel well, and main entry doors and door cutouts), and repair if necessary. This new AD requires additional repetitive inspections for cracking of certain fuselage structure (i.e., Section 41 fuselage frames where they connect to upper deck floor beams, and Section 41 fuselage frames between stringers (S–8 and S–12)), and related investigative/corrective actions if necessary. This AD also reduces the inspection threshold and repetitive inspection intervals for certain airplanes. This AD results from fatigue tests and analysis that identified additional areas of the fuselage where fatigue cracks can occur. We are issuing this AD to prevent the loss of structural integrity of the fuselage, which could result in rapid depressurization of the airplane.

DATES: This AD becomes effective February 16, 2010.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD, the regulatory docket contains this AD, the regulatory docket contains this AD.

Issued in Renton, Washington, on December 23, 2009.

Ali Bahrami,
Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–31031 Filed 1–11–10; 8:45 am]
BILLING CODE 4910–13–P

Examining the AD Docket

You may examine the AD docket on the Internet at http://www.regulations.gov; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3156; telephone (425) 917–6437; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 2006–05–02, Amendment 39–14499 (71 FR 10605, March 2, 2006). The existing AD applies to all Model 747–200F, 747–200C, 747–400, 747–400D, and 747–400F series airplanes. That NPRM was published in the Federal Register on July 23, 2009 (74 FR 36147). That NPRM proposed to continue to require repetitive inspections for cracking of certain fuselage internal structure (i.e., Sections 42 and 46 fuselage frames, upper deck floor beams, electronic bay access door cutout, nose wheel well, and main entry doors and door cutouts), and repair if necessary. That NPRM proposed to require additional repetitive inspections for cracking of certain fuselage structure (i.e., Section 41 fuselage frames where they connect to upper deck floor beams, and Section 41 fuselage frames between stringers (S–8 and S–12)), and related investigative/corrective actions if necessary. That NPRM also proposed to reduce the inspection threshold and repetitive inspection intervals for certain airplanes. That NPRM resulted from fatigue tests and analysis that identified areas of the fuselage where fatigue cracks can occur.

Comments

We provided the public the opportunity to participate in the development of this AD. We have

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 2006–05–02, Amendment 39–14499 (71 FR 10605, March 2, 2006). The existing AD applies to all Model 747–200F, 747–200C, 747–400, 747–400D, and 747–400F series airplanes. That NPRM was published in the Federal Register on July 23, 2009 (74 FR 36147). That NPRM proposed to continue to require repetitive inspections for cracking of certain fuselage internal structure (i.e., Sections 42 and 46 fuselage frames, upper deck floor beams, electronic bay access door cutout, nose wheel well, and main entry doors and door cutouts), and repair if necessary. That NPRM proposed to require additional repetitive inspections for cracking of certain fuselage structure (i.e., Section 41 fuselage frames where they connect to upper deck floor beams, and Section 41 fuselage frames between stringers (S–8 and S–12)), and related investigative/corrective actions if necessary. That NPRM also proposed to reduce the inspection threshold and repetitive inspection intervals for certain airplanes. That NPRM resulted from fatigue tests and analysis that identified areas of the fuselage where fatigue cracks can occur.

Comments

We provided the public the opportunity to participate in the development of this AD. We have