

have eliminated deactivation of the float switch as an option for complying with the existing AD, and would have required, for all affected airplanes, repetitive inspections of the float switch wiring to detect discrepancies, replacement of the float switch and wiring if necessary, and replacement of the double Teflon sleeving. For certain airplanes, that NPRM also would have added a new requirement for inspection and installation of partial double Teflon sleeving in a certain area. That NPRM was prompted by a report indicating that chafing of the direct current (DC) powered float switch wiring insulation in the center fuel tank occurred on several airplanes. That condition, if not corrected, could result in arcing from the wiring to the in-tank conduit, which could present an ignition source inside the fuel tank and result in consequent fire/explosion.

In the preamble to AD 99-05-12, we stated that the actions required by that AD were considered "interim action" and that we were considering further rulemaking action. We have now determined that further rulemaking action is indeed necessary, and this supplemental NPRM follows from that determination.

Actions Since Issuance of Previous Proposal

Since the issuance of that NPRM, the FAA has reviewed and approved Boeing Alert Service Bulletin 737-28A1141, Revision 1, dated December 19, 2002. That service bulletin describes procedures for replacing the existing float switches with new, improved float switches and installing a conduit liner system in the center fuel tanks, and replacing the float switches and conduit assemblies with new, improved float switches and conduit assemblies in the wing fuel tanks. The new, improved float switches are more resistant to contamination by fuel or moisture, and the new conduit assemblies for the float switch eliminate sharp bends within the conduit and include a conduit liner system that provides added protection against chafing of the float switch wiring. For airplanes on which the float switch for the center fuel tank was deactivated previously, the service bulletin also contains procedures for removal of placards and stencils associated with that deactivation. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Other Relevant Rulemaking

We have previously issued AD 2002-26-18, amendment 39-13006 (68 FR

481, January 6, 2003), which applies to Boeing Model 737-600, -700, -700C, -800, and -900 series airplanes. That AD requires replacement of the existing fueling float switch and conduit assemblies in the main and center fuel tanks with new, improved assemblies. This supplemental NPRM would require similar actions for Model 737-200, -200C, -300, -400, and -500 series airplanes.

Comments

Due consideration has been given to the comments received in response to the original NPRM. Certain comments are no longer relevant because of the issuance of the service bulletin described previously. Certain other comments have revealed a need for clarification, as explained below.

Support for the Original NPRM

Two commenters support the original NPRM.

Request To Provide Credit for Actions Accomplished Previously

One commenter requests that a statement be added to the proposed AD to clarify that credit is given for accomplishment of the proposed initial inspection and replacement prior to the effective date of this AD.

Though the FAA concurs with the commenter's intent, the FAA does not concur that any change to the supplemental NPRM is necessary. Credit for actions accomplished previously is given by means of the phrase in the "Compliance" section of the AD, "Required as indicated, unless accomplished previously."

Request To Provide for Airplanes Grounded for Extended Period

One commenter requests that the original NPRM be revised "to be written in such a manner [that] would not require inspecting airplanes [that] have been grounded for an extended period, until they are prepared for return to service."

The FAA points out that no change to the supplemental NPRM is necessary to meet the intent of the commenter's request. Part 39.3 of the Federal Aviation Regulations (14 CFR 39.3) states that, "No person may operate a product to which an airworthiness directive applies except in accordance with the requirements of that airworthiness directive." This regulation provides relief for airplanes that are not being operated because affected airplanes need only be in compliance prior to their return to service.

Explanation of Change Made to Restatement of AD 99-05-12

As explained in the original NPRM, paragraph (a) of this supplemental NPRM, which is restated from AD 99-05-12, states that the paragraph applies to Model 737-200, -300, -400, and -500 series airplanes having line numbers 1 through 3108 inclusive. Paragraph (a) of AD 99-05-12 did not specify the line numbers affected by that paragraph. The FAA has determined that airplanes having line numbers 3109 and subsequent had double Teflon sleeving installed over the wiring of the float switch during production. Therefore, it is not necessary for operators of these airplanes to accomplish paragraph (a) of this supplemental NPRM.

Explanation of Applicability of Supplemental NPRM

Boeing Model 737-200C series airplanes are not specifically identified in the applicability of the existing AD or the original NPRM. However, certain Model 737-200C series airplanes are included in the effectivity listings of Boeing Alert Service Bulletins 737-28A1132 and 737-28A1141, and those airplanes are subject to the actions specified in those service bulletins. Therefore, for Model 737-200C series airplanes, we have added a new paragraph (f) to this supplemental NPRM to require accomplishment of the actions required by paragraph (b) or (c) of this AD prior to the accumulation of 30,000 flight hours, or within 30 days after the effective date of this AD, whichever is later. If the actions specified in paragraph (b) or (c) of this AD have already been accomplished before the effective date of the AD, no further action would be required by paragraph (f) of this AD.

Also, Model 737-100 series airplanes have been removed from the applicability statement of this supplemental NPRM. These airplanes are not affected by the proposed actions and were inadvertently included in the original NPRM.

Explanation of Additional Changes to Original NPRM

We have changed all references to "detailed visual inspection" in the original NPRM to "detailed inspection" in this supplemental NPRM.

Conclusion

Since certain changes described previously expand the scope of the originally proposed rule, we have determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.