

The service bulletin also describes procedures for repetitive follow-on visual inspections for cracking of the lower lobe skins from S-15L to S-15R between stations 360 and 1016 and in section 41; replacement of any loose fasteners with new fasteners; an internal eddy current inspection of the skin, tear straps, and lap joint in each adjacent bay for cracking; and repair of any cracking found.

Accomplishment of the actions specified in Service Bulletin 737-53A1210, Revision 1, is intended to adequately address the identified unsafe condition.

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 Service Bulletin 737-53A1210, Revision 1

The service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, but this proposed AD would require the repair of those conditions to be done per a method approved by 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 FAA to make such findings.

The service bulletin recommends that, after installation of a time-limited repair, an internal eddy current inspection should be done at the first "C-check" or within 4,000 flight cycles, whichever is last. Because "C-check" schedules vary among operators, such a nonspecific interval would provide no assurance that operators would do the inspection within the prescribed schedule. This proposed AD would require that the inspection be done within 4,000 flight cycles after the repair installation. We find that a 4,000-flight-cycle interval is appropriate for affected airplanes to continue to operate without compromising safety.

Although the service bulletin recommends that operators report inspection results to the manufacturer, this proposed AD does not contain such a reporting requirement.

Interim Action

This is considered to be interim action for Group 7 airplanes. Although the service bulletin described

previously does not include the inspection of the crown area (upper lobe) for Group 7 airplanes, as specified in paragraph (a) of this proposed AD, the manufacturer has advised that it currently is developing a new service bulletin to address those airplanes. Once the FAA has reviewed and approved the service bulletin, we may consider additional rulemaking to mandate those inspections.

Cost Impact

There are approximately 2,200 airplanes of the affected design in the worldwide fleet. The FAA estimates that 903 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 94 work hours per airplane to accomplish the proposed inspections of the crown area, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of these proposed inspections on U.S. operators is estimated to be \$5,092,920, or \$5,640 per airplane, per inspection cycle.

It would take approximately 96 work hours per airplane to accomplish the proposed inspections of the lower lobe area, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of these proposed inspections on U.S. operators is estimated to be \$5,201,280, or \$5,760 per airplane, per inspection cycle.

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.

Should an operator elect to install the preventive modification, it would take approximately 108 work hours to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the preventive modification is estimated to be \$6,480 per airplane.

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 2001-NM-246-AD.

Applicability: Model 737-200, -200C, -300, -400, and -500 series airplanes, as listed in Boeing Alert Service Bulletin 737-53A1210, Revision 1, dated October 25, 2001; 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 (g) 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.