

Explanation of New Requirements of Proposal

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, this second supplemental NPRM would require accomplishment of the actions specified in Boeing Service Bulletin 737-53-1179, Revision 2, described previously, except as discussed below.

Explanation of Applicability

The applicability statement of this second supplemental NPRM includes Model 737-100, -200, -200C, -300, -400, and -500 series airplanes; having line numbers 1 through 2947 inclusive. As explained in the first supplemental NPRM, in determining the applicability of this proposed AD, we considered the possibility that any airplane delivered prior to October 1, 1997, might be equipped with an improperly processed skin panel. We have determined that line number 2947 corresponds to a delivery date of October 1, 1997.

Differences Between Second Supplemental NPRM and Service Bulletin

Operators also should note that, although the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this second supplemental NPRM would require the repair of those conditions to be accomplished in accordance with a method approved by the FAA; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle Aircraft Certification Office, to make such findings.

Additionally, the service bulletin specifies that certain inspections may be accomplished in accordance with "an equivalent" procedure. However, this second supplemental NPRM would require that those inspections be accomplished in accordance with the procedures specified in the chapter of the 737 Nondestructive Test Manual specified in the service bulletin. An "equivalent" procedure may be used only if approved as an alternative method of compliance in accordance with the provisions of paragraph (i) of this second supplemental NPRM.

Conclusion

Since certain changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period

to provide additional opportunity for public comment.

Cost Impact

There are approximately 2,083 airplanes of the affected design in the worldwide fleet. The FAA estimates that 863 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 10 work hours per airplane to accomplish the proposed external general visual and detailed inspections, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of these external inspections proposed by this AD on U.S. operators is estimated to be \$517,800, or \$600 per airplane, per inspection cycle.

It would take approximately 360 work hours per airplane to accomplish the proposed internal detailed and ultrasonic inspections, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this inspection proposed by this AD on U.S. operators is estimated to be \$18,640,800, or \$21,600 per airplane.

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 98-NM-11-AD.

Applicability: Model 737-100, 737-200, -200C, -300, -400, and -500 series airplanes; line numbers (L/N) 1 through 2947 inclusive; certified 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 (i) 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 skin doublers (tear straps) from delaminating from their skin panels, which could result in fatigue cracks in the skin doublers and skin panels and consequent rapid decompression of the airplane, accomplish the following:

Initial and Repetitive Inspections (L/N 611 through 2725 inclusive)

(a) For airplanes having L/N 611 through 2725 inclusive: Accomplish the actions required by paragraphs (a)(1) and (a)(2) of this AD on any bonded skin panel assembly that has NOT been replaced with any new or serviceable bonded skin panel assembly, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737-53-1179, Revision 2, dated October 25, 2001.

Note 2: For the purposes of this AD, bonded skin panels consist of skin doublers