

DATES: Effective October 27, 2003.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 27, 2003.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Boeing Model 767 series airplanes was published in the **Federal Register** on April 24, 2003 (68 FR 20087). That action proposed to require repetitive inspections and tests for discrepancies of the drainage system of the canted pressure deck located in the wheel wells of the main landing gear (MLG) of the left and right wings, and corrective actions if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Withdraw the Proposed AD

One commenter requests that, rather than issue an AD to require the inspections proposed in the Notice of Proposed Rulemaking (NPRM), the inspections be incorporated into the Maintenance Planning Document (MPD). The commenter states that since certain of the proposed inspections (the Phase 2 inspection) are already specified as tasks in the MPD, it is unnecessary to require them by AD action. Additionally, the commenter points out the amount of work and time necessary to gain access (removal of several rows of seats, floor panels, and partitions) for the existing MPD inspections would also be required by the inspections proposed in the NPRM.

The FAA does not agree that the NPRM should be withdrawn. The

repetitive intervals in Section 8 of the MPD are a baseline inspection program and are written in terms of "check" intervals. The check intervals may be extended by an FAA-approved maintenance program revision. Some operators have had "C" checks extended from 18 to 24 months. For some operators, Section 8 of the MPD may be different than the manufacturer's baseline program. We have determined that the unsafe condition addressed in this AD requires inspections at the intervals specified in the NPRM. To ensure those specific inspection intervals are adhered to, an AD must be issued.

Request To Revise the Unsafe Condition

One commenter, the manufacturer, requests that the unsafe condition be revised to clarify that the AD actions also are required to prevent ice accumulation on components. (The NPRM specified prevention of ice on the lateral flight control cables.) The commenter also requests that the unsafe condition be revised to specify that the unsafe condition "could result in 'degraded' or loss of controllability of the airplane."

The FAA agrees that addition of the words "and/or components" clarifies the unsafe condition, and has revised the final rule to reflect this change. We do not agree that the word "degraded" should be added to the unsafe condition statement. The phrase "loss of controllability of the airplane" adequately describes the end-level effect on the airplane. "Degraded controllability" would not necessarily result in loss of control of the airplane, unless there were other contributing factors. We do not list all possible conditions that could result from ice accumulation, only the end-level effect. No change to the final rule is necessary in this regard.

Requests To Revise Compliance Times

One commenter requests that the compliance times stated in paragraphs (a) and (b) of the NPRM be expressed in terms of "C" checks rather than months. The commenter explains that its "C" checks are every 24 months so that inspections would occur at 24 months, 48 months, and 72 months, respectively. The commenter states that the compliance time intervals specified in the NPRM of 18, 36, and 54 months would require its fleet to have special maintenance visits scheduled in addition to the normally scheduled "C" checks. The commenter points out that the cost of special visits and downtime would be considerable.

The FAA does not agree with the commenter's request. The commenter did not provide any justification to show that increasing the compliance time intervals would provide an acceptable level of safety. However, under the provisions of paragraph (e) of the final rule, we may approve requests for adjustments to the compliance times if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety. No change to the final rule is necessary in this regard.

Another commenter requests that, for airplanes specified in Work Package 2, the repetitive inspection compliance times be extended from intervals not to exceed 36 months as proposed in the NPRM, to intervals not to exceed 72 months. The commenter explains that the actions specified in Work Package 2 will require significant cabin disassembly. Therefore, the commenter would like to perform the proposed inspections at its "4C" (72 months) heavy maintenance visits.

The FAA does not agree that the repetitive inspection interval should be extended. The commenter provided no technical justification to show that a 72-month interval would provide an acceptable level of safety. However, under the provisions of paragraph (e) of the final rule, we may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety. No change to the final rule is necessary in this regard.

Request To Revise the Threshold for Work Package 2

One commenter points out that new airplanes already have the improved drain systems. Additionally, the commenter notes that it is unlikely that the area inside the canted pressure deck has been contaminated with debris on new airplanes, since that area should not have been disturbed from years of service or by heavy maintenance activities. The commenter objects to the amount of work and time necessary to gain access (removal of several rows of seats, floor panels, and partitions) to perform inspections that the commenter does not consider necessary.

The FAA does not agree. As explained in the preamble of the NPRM, we have received reports of ice accumulation around control cables on Boeing Model 767 series airplanes. We point out that we have also received similar reports on Boeing Model 747 series airplanes, one of which was a report of an event that occurred on the airplane approximately three years after the date of manufacture. Therefore, we consider that the service history demonstrates