

AD. However, this AD does not mandate that those actions be accomplished before or concurrent with the requirements of this proposed AD. These two service bulletins give instructions for an optional upgrade of the lower cargo compartment's fire suppression system capability to 240 minutes. The airplane operators requested instructions for this optional upgrade, and the manufacturer provided the instructions to them through the service bulletins. All affected airplanes, whether they incorporate the optional upgrade or not, are still required to comply with the requirements of this proposed AD.

#### Cost Impact

There are approximately 289 airplanes of the affected design in the worldwide fleet. The FAA estimates that 83 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, and that the average labor rate is \$65 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$5,395, or \$65 per airplane.

The cost impact figure discussed above is 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 2002–NM–350–AD.

*Applicability:* Model 777–200 and 777–300 series airplanes, line numbers 002 through 290 inclusive; certificated in any category.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent leakage of fire extinguishing agent through the filter/regulator of the cargo fire extinguishing system, which could result in the inability of the fire extinguishing system to suppress a fire in the cargo compartment of the airplane, accomplish the following:

**Note 1:** The Accomplishment Instructions of Boeing Service Bulletin 777–26–0028, dated November 2, 2000, also refer to the following Water Kidde Service Bulletins as additional sources of service information for accomplishment of the replacement: 473494–26–405, Revision 1, dated November 1, 2000; 473494–26–422, dated April 13, 2000; 473857–26–406, Revision 1, dated November 1, 2000; 473857–1–26–423, dated April 13, 2000; 473995–1–26–424, dated April 13, 2000; and 473995–26–408, Revision 2, dated November 1, 2000.

#### Inspection and Replacement, If Necessary

(a) Within 60 months after the effective date of this AD: Inspect the lower cargo fire extinguishing filter/regulator to determine the part number (P/N). Instead of inspecting the part, a review of airplane maintenance records is acceptable if the P/N of the part can be positively determined from that review.

(1) If no filter regulator P/N 473494–1 (with or without a suffix A), P/N 473857–1 (with or without a suffix A), or P/N 473995–1 (with

or without a suffix A) is found, no further action is required by this paragraph.

(2) If any filter/regulator having P/N 473494–1 (with or without a suffix A), P/N 473857–1 (with or without a suffix A), or P/N 473995–1 (with or without a suffix A) is found, within 60 months after the effective date of this AD, replace the filter/regulator with a new filter/regulator, per the Accomplishment Instructions of Boeing Service Bulletin 777–26–0028, dated November 2, 2000.

#### Parts Installation

(b) As of the effective date of this AD, no person may install on any airplane a filter/regulator with any of the following Walter Kidde Aerospace P/Ns: P/N 473494–1 (with or without a suffix A), P/N 473857–1 (with or without a suffix A), or P/N 473995–1 (with or without a suffix A).

#### Alternative Methods of Compliance

(c) In accordance with 14 CFR 39.19, the Manager, Seattle Aircraft Certification Office (ACO), FAA, is authorized to approve alternative methods of compliance for this AD.

Issued in Renton, Washington, on December 12, 2003.

**Kevin M. Mullin,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000–NM–404–AD]

RIN 2120–AA64

#### Airworthiness Directives; Boeing Model 757–200 and –200CB Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Boeing Model 757–200 series airplanes, that currently requires modifications to the attachment installation of the forward lavatory. This action would add airplanes to the applicability of the existing AD. The actions specified by the proposed AD are intended to prevent failure of the attachment installation of the forward lavatory during an emergency landing, which could result in injury to the crew and passengers. This action is intended to address the identified unsafe condition.