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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39 [60 FR 8295 NO. 30 2/14/95]

Docket No. 94-NM-80-AD; Amendment 39-9127; AD 95-02-08

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT

ACTION: Final rule

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, that requires modification of certain fuselage support structure for the number 2 galley. This amendment is prompted by results of engineering tests and analyses which revealed that certain fuselage support structure for the number 2 galley is unable to support certain loads that may occur during emergency landing conditions. If the fuselage support structure breaks, the galley may shift and cause blockage of the forward service door (galley door). The actions specified by this AD are intended to prevent inability of passengers and crew to exit the airplane through this door after an emergency landing.

DATES: Effective March 16, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 16, 1995.

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: Thomas Rodriguez, Aerospace Engineer, Airframe Branch, ANM-120S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2779; fax (206) 227-1181.

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 certain Boeing Model 737 series airplanes was published in the Federal Register on September 1, 1994 (59 FR 45249). That action proposed to require modification of certain fuselage support structure for the number 2 galley.

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

Two commenters support the proposed rule.

One commenter requests that the issuance of the proposed AD be delayed until a revision to the referenced service bulletin is issued by the manufacturer. The commenter states that by the time the revision is issued, which is expected to be in the second quarter of 1995, the manufacturer will be able to supply required modification parts "that fit." The FAA does not concur. The FAA does not consider that delaying this action until after the release of the manufacturer's planned service bulletin is warranted, since sufficient technology currently exists to perform the modification within the compliance time. Neither the manufacturer nor any operator has notified the FAA of any problems involving improper fit of parts for the required modification. However, paragraph (b) of the final rule does provide affected operators the opportunity to request an adjustment of the compliance time if a situation were to arise where ample required parts were not available.

One commenter requests that the proposed compliance time of 18 months be extended for an additional 18 months to allow operators to schedule a heavy maintenance visit in which to accomplish the required modification. The FAA does not concur. In developing an appropriate compliance time for this action, the FAA considered not only the safety implications, but the availability of required parts, as well as normal maintenance schedules for timely accomplishment of the modification. The FAA determined that an 18-month compliance time provides sufficient time within which the majority of affected operators can schedule a heavy maintenance visit, and an acceptable level of safety can be maintained. However, paragraph (b) of the final rule does provide affected operators the opportunity to apply for an adjustment of the compliance time if sufficient data are presented to justify such an adjustment.

One commenter requests that certain editorial changes be made to the rule. The commenter notes that the proposed rule refers to "the forward service door," but the commenter suggests that the term, "galley door," is a more commonly recognized term when referring to the right-hand forward door. The FAA concurs that clarification is necessary, and has revised the final rule to express the term, "galley door," parenthetically after each mention of the forward service door.

This commenter also requests that the rule be clarified to show that the results of engineering tests and analyses revealed that the "fuselage support structure" is unable to support certain loads, rather than the "galley support structure" or "overhead tie rods," as indicated in the preamble to the proposed rule. The FAA concurs, and the description of the unsafe condition has been revised in this final rule to reflect this clarification.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been added to this final rule to clarify this requirement.

The FAA has recently reviewed the figures it has used over the past several years in calculating the economic impact of AD activity. In order to account for various inflationary costs in the airline industry, the FAA has determined that it is necessary to increase the labor rate used in

these calculations from \$55 per work hour to \$60 per work hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 613 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 139 airplanes of U.S. registry will be affected by this AD, that it will take approximately 64 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$1,205 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$701,255, or \$5,045 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations adopted herein will not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89. § 39.13 - [Amended]
2. Section 39.13 is amended by adding the following new airworthiness directive:

AIRWORTHINESS DIRECTIVE

Aircraft Certification Service
Washington, DC



U.S. Department
of Transportation
**Federal Aviation
Administration**

The following Airworthiness Directive issued by the Federal Aviation Administration in accordance with the provisions of Federal Aviation Regulations, Part 39, applies to an aircraft model of which our records indicate you may be the registered owner. Airworthiness Directives affect aviation safety and are regulations which require immediate attention. You are cautioned that no person may operate an aircraft to which an Airworthiness Directive applies, except in accordance with the requirements of the Airworthiness Directive (reference FAR Subpart 39.3).

95-02-08 BOEING: Amendment 39-9127. Docket 94-NM-80-AD.

Applicability: Model 737 series airplanes; as listed in Boeing Service Bulletin 737-53-1154, dated November 11, 1993; equipped with rectangular intercostal support structures from Body Station (BS) 344 to BS 360 (inclusive) and a number 2 galley weight exceeding 1,170 pounds (including any attached equipment that imposes loads on the galley), or equipped with triangular intercostal support structures from BS 344 to BS 360 (inclusive) and a number 2 galley weight exceeding 1,050 pounds (including any attached equipment that imposes loads on the galley); 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 use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent inability of passengers and crew to exit the forward service door (galley door) during an emergency landing condition, accomplish the following:

(a) Within 18 months after the effective date of this AD, modify the airplane support structure from BS 344 to BS 360 (inclusive), in accordance with Boeing Service Bulletin 737-53-1154, dated November 11, 1993.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their

requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

NOTE 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle, ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with Boeing Service Bulletin 737-53-1154, dated November 11, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 16, 1995.

SUPERSEDED