door/cap seal and seal mating surface for wear or damage that may cause leakage. Any worn or damaged seal must be replaced and any damaged seal mating surface must be repaired or replaced, prior to further flight, in accordance with the valve manufacturer's maintenance manual.

(3) For flush/fill lines: Within 5,000 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 5,000 flight hours, accomplish either of the following procedures:

(i) Conduct a leak check of the flush/fill line cap. This leak check must be made with a minimum of 3 PSID applied across the cap. Or

(ii) Replace the seals on the toilet tank anti-siphon (check) valve and the flush/fill line cap. Additionally, perform a leak check of the toilet tank anti-siphon (check) valve with a minimum of 3 PSID across the valve.

Note 4: The Inspection/Check procedure specified in DC–10 Maintenance Manual, chapter 38–30–00, pages 601 and 602, dated June 1, 1993, may be referred to as guidance for the procedures required by this paragraph.

(4) Provide procedures for accomplishing visual inspections to detect leakage, to be conducted by maintenance personnel at intervals not to exceed 4 calendar days or 45 flight hours, which ever occurs later.

(5) Provide procedures for reporting leakage. These procedures shall provide that any ''horizontal blue streak'' findings must be reported to maintenance and that, prior to further flight, the leaking system shall either be repaired, or be drained and placarded inoperative.

(6) Provide training programs for maintenance and servicing personnel that include information on ''Blue Ice Awareness'' and the hazards of ''blue ice.''

(c) For operators who elect to comply with paragraph (b) of this AD: Any revision to (i.e., extension of) the leak check intervals required by paragraph (b) of this AD must be approved by the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate. Requests for such revisions must be submitted to the Manager of the Los Angeles ACO through the FAA Principal Maintenance Inspector (PMI), and must include the following information:

(1) The operator's name;

(2) A statement verifying that all known cases/indications of leakage or failed leak tests are included in the submitted material;

(3) The type of valve (make, model, manufacturer, vendor part number, and serial number);

(4) The period of time covered by the data;

(5) The current FAA leak check interval;

(6) Whether or not seals have been replaced between the seal replacement intervals required by this AD;

(7) Whether or not leakage has been detected between leak check intervals required by this AD, and the reason for leakage (i.e., worn seals, foreign materials on sealing surface, scratched or damaged sealing surface or valve, etc.);

(8) Whether or not any leak check was conducted without first inspecting or cleaning the sealing surfaces, changing the seals, or repairing the valve. [If such activities have been accomplished prior to conducting the periodic leak check, that leak check shall be recorded as a ''failure'' for purposes of the data required for this request submission. The exception to this is the normally scheduled seal change in accordance with paragraph (b)(1) of this AD. Performing this scheduled seal change prior to a leak check will not cause that leak check to be recorded as a failure.]

Note 5: Requests for approval of revised leak check intervals may be submitted in any format, provided that the data give the same level of assurance specified in paragraph (c) of this AD.

Note 6: For the purposes of expediting resolution of requests for revisions to the leak check intervals, the FAA suggests that the requester summarize the raw data; group the data gathered from different airplanes (of the same model) and drain systems with the same kind of valve; and provide a recommendation from pertinent industry group(s) and/or the manufacturer specifying an appropriate revised leak check interval.

(d) For all airplanes: Within 5,000 flight hours after the effective date of this AD, install a lever/lock cap on the flush/fill lines for all lavatory service panels. The cap must be either an FAA-approved lever/lock cap; or a lever/lock cap installed in accordance with McDonnell Douglas Service Bulletin 38–65 (for Model DC–10 series airplanes) or Service Bulletin 38–39 [for Model MD–11F series airplanes (freighter)], as applicable.

(e) For any affected airplane acquired after the effective date of this AD: Before any operator places into service any airplane subject to the requirements of this AD, a schedule for the accomplishment of the leak checks required by this AD shall be established in accordance with either paragraph (e)(1) or (e)(2) of this AD, as applicable. After each leak check has been performed once, each subsequent leak check must be performed in accordance with the new operator's schedule, in accordance with either paragraph (a) or (b) of this AD as applicable.

(1) For airplanes previously maintained in accordance with this AD, the first leak check to be performed by the new operator must be accomplished in accordance with the previous operator's schedule or with the new operator's schedule, whichever would result in the earlier accomplishment date for that leak check.

(2) For airplanes that have not been previously maintained in accordance with this AD, the first leak check to be performed by the new operator must be accomplished prior to further flight, or in accordance with a schedule approved by the FAA PMI, but within a period not to exceed 200 flight hours.

(f) 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, Los Angeles ACO, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA PMI, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 7: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Note 8: For any valve that is not eligible for the extended leak check intervals of this AD: To be eligible for the leak check interval specified in paragraphs (a)(1) and (b)(2)(i), the service history data of the valve must be submitted to the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate, with a request for an alternative method of compliance with this AD. The request should include an analysis of known failure modes for the valve, if it is an existing design, and known failure modes of similar valves. Additionally, the request should include an explanation of how design features will preclude these failure modes, results of qualification tests, and approximately 25,000 flight hours or 25,000 flight cycles of service history data, including a winter season, collected in accordance with the requirements of paragraph (c) of this AD or a similar program.

(g) 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.

Issued in Renton, Washington, on October 26, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–27073 Filed 11–1–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–NM–111–AD]

Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 737–300 and –400 series airplanes, that currently requires either repetitive leak checks on the forward lavatory service system and repair as necessary, or draining of the system and placarding the lavatory inoperative. This action would expand the applicability of the rule to include all Model 737 series airplanes. It would also add a requirement to perform leak checks of other lavatory drain systems; provide for the option of revising the FAA-approved maintenance program to include a schedule of leak checks; require the installation of a cap or vacuum break on the flush/fill line; and require either a periodic replacement of the seal for the cap and tank anti-siphon valve or periodic maintenance of the

vacuum break in the flush/fill line. This proposal is prompted by continuing reports of damage to engines and airframes, separation of engines from airplanes, and damage to property on the ground, caused by ''blue ice'' that forms from leaking lavatory drain systems on transport category airplanes and subsequently dislodges from the airplane fuselage. The actions specified by this proposed AD are intended to prevent such damage associated with the problems of ''blue ice.''

DATES: Comments must be received by January 30, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–111–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Don Eiford, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington; telephone (206) 227–2778; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–111–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–111–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion of the Existing AD

On May 9, 1989, the FAA issued AD 89–11–03, amendment 39–6223 (54 FR 21933, May 22, 1989), applicable to certain Boeing Model 737–300 and –400 airplanes, to require repetitive leak checks of the forward lavatory service system at intervals of 200 hours time-in-service, and repair, if necessary. That AD also provides operators with an optional action in lieu of performing these periodic checks, which entails draining the system, locking the lavatory, and placarding the lavatory inoperative. That action was prompted by several reports of leakage from the forward lavatory service system on in-service transport category airplanes that resulted in the formation of ''blue ice'' on the fuselage. In some instances, the ''blue ice'' subsequently dislodged from the fuselage and was ingested into an engine. In one incident, ''blue ice'' was ingested into the right engine and resulted in the loss of an engine fan blade, severe engine damage, and an in-flight shutdown of the engine. The requirements of that AD are intended to prevent such ingestion of ''blue ice'' into the engine, which could consequently result in damage to the engine and potential separation of the engine from the airplane.

New Incidents Prompting This Proposed Action

Since the issuance of that AD, the FAA has continued to receive reports of engine damage on transport category airplanes caused by ''blue ice'' that has formed from leaking lavatory waste systems or flush/fill lines and is ingested in to the engine(s) of the airplane.

The FAA also has received reports of at least three incidents of damage caused by foreign objects from the forward toilet drain valve and flush/fill line on certain airplanes. One report was of a dent on the right horizontal stabilizer leading edge on a Model 737 series airplane that was caused by ''blue ice'' that had formed from leakage through a flush/fill line; in this case, the flush/fill cap was missing from the line at the forward service panel. Numerous operators of Model 737 series airplanes have stated that leakage from the flush/fill line is a significant source of the type of ''blue ice'' problems addressed by the current AD action.

Additionally, there have been numerous reports of ''blue ice'' dislodging from airplanes and striking houses, cars, buildings, and other occupied areas on the ground. Although there have been no reports of any person being struck by ''blue ice,'' the FAA considers that the large number of reported cases of ''blue ice'' falling from lavatory drain system is sufficient to support the conclusion that ''blue ice'' presents an unsafe condition to people on the ground. Demographic studies have shown that population density has increased around airports, and probably will continue to increase. These are populations that are at greatest risk of damage and injury due to ''blue ice'' dislodging from an airplane during descent. Without actions to ensure that leaks from the lavatory drain systems are detected and corrected in a timely manner, ''blue ice'' incidents could go unchecked and eventually someone may be struck, perhaps fatally, by falling ''blue ice.''

In light of these continuing incidents and the data received concerning them, the FAA has determined that the inspections currently required by AD 89–11–03 are not adequate to positively address the unsafe condition(s) associated with ''blue ice.''

Additionally, since the lavatory systems on Model 737–100, –200, and –500 series airplanes are similar to those installed on Model 737–300 and –400 series airplanes (the models currently subject to AD 89–11–03), the FAA has determined that the potential unsafe condition exists with regard to all of these models.

Description of the 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 FAA proposes to issue a new AD to supersede AD 89–11–03.

Paragraph (a) of the proposed AD would require various repetitive leak checks of the dump valve and drain valve (either service panel or in-line drain valve). The intervals for performing these leak checks would vary from the currently required 200 flight hours to 4,500 flight hours,

depending upon the type of valve installed at each location. If any leak is discovered during a leak check, operators would be required either to repair the leak, or drain the lavatory system and placard the lavatory inoperative.

Proposed paragraph (a) also would require replacement of certain seals on the toilet tank anti-siphon (check) valve and flush/fill line cap; and replacement or cleaning of the vacuum break vent line.

Paragraph (b) of this proposed AD would provide an optional procedure for complying with the rule, which would entail revising the FAA-approved maintenance program to incorporate a schedule and procedure to conduct leak checks of the lavatory drain systems. However, operators electing to comply with this option would be required to accomplish the actions required by paragraph (a) of the proposal until their maintenance program is revised.

Additionally, operators electing to comply with this option would be required to obtain approval from the Manager of the FAA's Seattle Aircraft Certification Office (ACO) for any revision to the leak check intervals. Requests for such revisions must be accompanied by certain data when submitted to the ACO [through the appropriate FAA Principal Maintenance Inspector (PMI)] for approval. In paragraph (c) of the proposed rule, the FAA proposes a ''data collection format'' for these requests. Data submitted in accordance with the proposed format, if favorable to an increase in the leak check interval, will allow the FAA to justify increasing the leak check interval with assurance that the valves involved have the required reliability. The data provided also will be important in assisting the FAA in making future determinations of appropriate leak check intervals for new valves that have shown promising, but not conclusive, service data.

This proposal also includes a process for terminating the leak checks of waste drain systems for those operators who have installed in-line drain (ball) valves and elect to comply with the proposed AD via the ''maintenance program option.'' The FAA has determined that these types of valves are currently the best solution to the addressed problems, and provide very reliable operation. In combination with a normal maintenance program, these valves provide a system that is superior in reliability to the combination of less reliable valves and the proposed leak checks. Further, the FAA has been advised that additional versions of the in-line drain valve may become available for aft lavatory and flush/fill line applications. This could make it possible to install in-line drain type valves in all drain systems and flush/fill line locations. Assuming the new versions are designed, certified, and found acceptable, based upon the guidelines of NOTE 9 of the proposed AD, it eventually could be possible to obtain terminating action for all systems addressed by the AD.

Paragraph (d) of the proposed AD would require that a lever/lock cap or a vacuum break be installed for the forward, aft, and executive lavatories.

Paragraph (e) of the proposed AD would require that, before an operator places an airplane subject to the AD into service, the operator must establish a schedule for accomplishment of the leak checks. This provision is intended to ensure that transferred airplanes are inspected in accordance with the AD on the same basis as if there were continuity in ownership, and that scheduling of the leak checks for each airplane is not delayed or postponed due to a transfer of ownership. Airplanes that have previously been subject to the AD would have to be checked in accordance with either the previous operator's or the new operator's schedule, whichever would result in the earlier accomplishment date for that leak check. Other airplanes would have to be inspected before an operator could begin operating them or in accordance with a schedule approved by the FAA PMI, but within a period not exceeding 200 flight hours.

Related AD's

On November 9, 1994, the FAA issued AD 94–23–10, amendment 39–9073 (59 FR 59124, November 16, 1994), which is applicable to Boeing Model 727 series airplanes. That AD contains numerous requirements that are similar to those proposed in this action applicable to Model 737 series airplanes. In fact, several of the proposed requirements of this action are based on alternative methods of compliance that the FAA had previously approved for compliance with AD 94–23–10.

The FAA is currently considering additional rulemaking to address the problems associated with ''blue ice'' on other transport category airplanes.

Economic Impact

There are approximately 2,410 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,031 airplanes of U.S. registry and 110 U.S. operators would be affected by this proposed AD.

The proposed waste drain system leak check and outer cap inspection would take approximately 6 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the total cost impact on U.S. operators of these proposed requirements of this AD is estimated to be $371,160, or $360 per airplane, per check/inspection.

Certain airplanes (i.e., those that have ''donut'' type of drain valve installed) may be required to be leak checked as many as 15 times each year. Certain other airplanes having other valve configurations would be required to be leak checked as few as 3 times each year. Some airplanes that have various combinations drain valves installed would require approximately 2 leak checks of one drain valve and 3 leak checks of the other drain valve each year. Based on these figures, the total annual (recurring) cost impact of the required repetitive leak checks on U.S. operators is estimated to be between $1,080 and $5,400 per airplane per year.

The FAA estimates that it would take approximately 1 work hour per airplane lavatory drain to accomplish a visual inspection of the service panel drain valve cap/door seal and seal mating surfaces, at an average labor cost of $60 per work hour. As with leak checks, certain airplanes would be required to be visually inspected as many as 15 times or as few as 3 times each year. Based on these figures, the total annual (recurring) cost impact of the required repetitive visual inspections on U.S. operators is estimated to be between $180 and $900 per airplane per year.

The proposed installation of the flush/fill line cap would take approximately 1 hour per cap to accomplish, at an average labor rate of $60 per work hour. The cost of required parts would be $275 per cap. There are an average of 2.5 caps per airplane. Based on these figures, the total cost impact on U.S. operators of these proposed requirements of this AD is estimated to be $863,463, or $838 per airplane.

The number of required work hours, as indicated above, is presented as if the accomplishment of the actions proposed in this AD were to be conducted as ''stand alone'' actions. However, in actual practice, these actions could be accomplished coincidentally or in combination with normally scheduled airplane inspections and other maintenance program tasks. Therefore, the actual number of necessary ''additional'' work hours would be minimal in many instances. Additionally, any costs associated with special airplane scheduling should be minimal.

In addition to the costs discussed above, for those operators who elect to

comply with proposed paragraph (b) of this proposed AD action, the FAA estimates that it would take approximately 40 work hours per operator to incorporate the lavatory drain system leak check procedures into the maintenance programs, at an average labor cost of $60 per work hour. Based on these figures, the total cost impact of the proposed maintenance revision requirement of this AD action on the 110 U.S. operators is estimated to be $264,000, or $2,400 per operator.

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

The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent operators would accomplish the required actions even if they were not required to do so by the AD.

A full cost-benefit analysis has not been accomplished for this AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this AD, makes a finding of an unsafe condition, this means that the original cost-beneficial level of safety is no longer being achieved and that the required actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this AD would be redundant and unnecessary.

Regulatory Impact

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6223 (54 FR 21933, May 22, 1989), and by adding a new airworthiness directive (AD), to read as follows:

Boeing. Docket 95–NM–111–AD. Supersedes AD 89–11–03, Amendment 39–6223.

Applicability: Boeing Model 737 series 100, 200, 300, 400 and 500 airplanes, 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 (f) of this AD 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 previously accomplished.

To prevent engine damage, airframe damage, and/or hazard to persons or property on the ground as a result of ''blue ice'' that has formed from leakage of the lavatory drain system or flush/fill systems and dislodged from the airplane, accomplish the following:

(a) Except as provided by paragraph (b) of this AD, accomplish the applicable requirements of paragraphs (a)(1) through (a)(7) of this AD at the time specified in each paragraph. If the waste drain system incorporates more than one type of valve, only one of the waste drain system leak check procedures (the one that applies to the equipment with the longest leak check interval) must be conducted at each service panel location. The leak check of the in-line drain valve or service panel drain valve must be performed while the airplane is pressurized, unless another leak check method is approved under the provisions of paragraph (f) of this AD.

(1) For each lavatory drain system that has an in-line drain valve installed, Kaiser Electroprecision part number series 2651–329, 2651–334, or 2651–278: Within 4,500 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 4,500 flight hours, accomplish the procedures specified in paragraphs (a)(1)(i) and (a)(1)(ii) of this AD:

(i) Conduct a leak check of the dump valve (in-tank valve that is spring loaded closed and operable by a T-handle at the service panel) and the in-line drain valve. The dump valve leak check must be performed by filling the toilet tank with water/rinsing fluid to a level such that the bowl is approximately half full (at least 2 inches above the flapper in the bowl) and checking for leakage after a period of 5 minutes. The in-line drain valve leak check must be performed with a minimum of 3 pounds per square inch differential pressure (PSID) applied across the valve.

(ii) If a service panel valve or cap is installed, perform a visual inspection of the service panel drain valve outer cap/door seal and the inner seal (if the valve has an inner door with a second positive seal), and the seal mating surfaces, for wear or damage that may allow leakage.

(2) For each lavatory drain system that has a service panel drain valve installed, Kaiser Electroprecision part number series 0218–0032; or Pneudraulics part number series 9527; or Shaw Aero part number/serial number as listed in Table 1 of this AD: Within 1,000 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 1,000 flight hours, accomplish the requirements of paragraphs (a)(2)(i) and (a)(2)(ii) of this AD:

TABLE 1.—SHAW AERO VALVES APPROVED FOR 1,000 FLIGHT HOUR LEAK CHECK INTERVAL

Shaw Waste Drain Valve Part No.	Serial numbers of part number valve approved for 1,000-hour leak check interval
331 Series, 332 Series.	All.
10101000B–A	None.
10101000B–A–1	0207–0212, 0219, 0226 and higher.
10101000BA2	0130 and higher.
10101000B–B	None.
10101000BB2	0011 and higher.
10101000B–C	None.
10101000B–K	0007 and higher.
10101000BJ	0023 and higher.
10101B–577	0254 and higher.
10101B–577–1	None.
10101B587	0009 and higher.
10101000C–A	None.
10101000C–A–1	0277 and higher.
10101000CB	0061 and higher.
10101000C–G	None.
10101000C–J	None.
10101000C–J–2	None.
10101000CJ3	0014 and higher.
10101000CK	0317 and higher.
10101000C–M	0044 and higher.
10101000CN OR C–N.	3649 and higher.
10101000C–R	0191 and higher.
10101C739	0022 and higher.
Certain 10101000B valves.	Any of these ''B'' series valves that incorporate the improvements of Shaw Service Bulletin 10101000B–38–1, dated October 7, 1994, and are marked ''SBB38–1–58''.
Certain 10101000C valves.	Any of these ''C'' series valves that incorporate the improvements of Shaw Service Bulletin 10101000C–38–2 dated October 7, 1994, and are marked ''SBC38–2–58''.

Note 2: Table 1 is a comprehensive list of all approved Shaw Valves, including those valves approved for installation on airplanes other than the airplanes subject to this AD. (Therefore, being listed in this table does not necessarily mean that a particular valve is FAA-approved for installation on the Model 737 airplanes subject to this AD.)

(i) Conduct a leak check of the dump valve and drain valve. The dump valve leak check must be performed by filling the toilet tank with water/rinsing fluid to a level such that the bowl is approximately half full (at least 2 inches above the flapper in the bowl) and checking for leakage after a period of 5 minutes. The service panel drain valve leak check must be performed with a minimum of 3 PSID applied across the valve inner door/closure device.

(ii) Perform a visual inspection of the outer cap/door and seal mating surface for wear or damage that may cause leakage.

(3) For each lavatory drain system that has a service panel drain valve installed, Kaiser Electroprecision part number series 0218–0026; or Shaw Aero Devices part number series 10101000B or 10101000C [except as specified in paragraph (a)(2) of this AD]: Within 600 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 600 flight hours, accomplish the requirements of paragraphs (a)(3)(i) and (a)(3)(ii) of this AD:

(i) Conduct a leak check of the dump valve and the service panel drain valve. The dump valve leak check must be performed by filling the toilet tank with water/rinsing fluid to a level such that the bowl is approximately half full (at least 2 inches above the flapper in the bowl) and checking for leakage after a period of 5 minutes. The service panel drain valve leak check must be performed with a minimum 3 PSID applied across the valve inner door/closure device.

(ii) Perform a visual inspection of the outer cap/door and seal mating surface for wear or damage that may cause leakage.

(4) For each lavatory drain system with a lavatory drain system valve that incorporates either ''donut'' assemblies (or substitute assemblies from another manufacturer) Kaiser Electroprecision part number 4259–20 or 4259–31, or incorporates Kaiser Roylyn part number 2651–194C, 2651–197C, 2651–216, 2651–219, 2651–235, 2651–256, 2651–258, 2651–259, 2651–260, 2651–275, 2651–282, 2651–286: Within 200 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 200 flight hours, conduct leak checks of the dump valve and the service panel drain valve. The dump valve leak check must be performed by filling the toilet tank with water/rinsing fluid to a level such that the bowl is approximately half full (at least 2 inches above the flapper in the bowl) and checking for leakage after a period of 5 minutes. The service panel drain valve leak check must be performed with a minimum 3 PSID applied across the valve. Both the donut and the outer cap/door must be leak checked.

(5) For each lavatory drain system not addressed in paragraph (a)(1), (a)(2), (a)(3) or (a)(4) of this AD: Within 200 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 200 flight hours, accomplish the requirements of paragraphs (a)(5)(i) and (a)(5)(ii) of this AD:

(i) Conduct a leak check of the dump valve and the service panel drain valve. The dump valve leak check must be performed by filling the toilet tank with water/rinsing fluid to a level such that the bowl is approximately half full (at least 2 inches above the flapper in the bowl) and checking for leakage after a period of 5 minutes. The service panel drain valve leak check must be performed with a minimum 3 PSID applied across the valve inner door/closure device.

(ii) Perform a visual inspection of the outer cap/door and seal mating surface for wear or damage that may cause leakage.

(6) For flush/fill lines: Within 5,000 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 5,000 flight hours, perform the requirements of either paragraph (a)(6)(i) or (a)(6)(ii), as applicable.

(i) If a lever lock cap is installed on the flush/fill line of the subject lavatory, replace the seals on the toilet tank anti-siphon (check) valve and the flush/fill line cap. Prior to further flight after replacement, perform a leak check of the toilet tank anti-siphon (check) valve with a minimum of 3 PSID across the valve.

Note 3: The leak test procedure described in Boeing Service Letter 737–SL–38–3–A dated March 19, 1990, may be referred to as guidance for this test.

(ii) If a vacuum break, Monogram part number 3765–175 series or 3765–190 series, is installed on the subject lavatory, replace or clean the vent line in accordance with the manufacturer's maintenance manual.

(7) As a result of the leak checks and inspections required by this paragraph, or if evidence of leakage is found at any other time, accomplish the requirements of paragraph (a)(7)(i), (a)(7)(ii), or (a)(7)(iii), as applicable.

(i) If a leak is discovered, prior to further flight, repair the leak. Prior to further flight after repair, perform the leak test. Additionally, prior to returning the airplane to service, clean the surfaces adjacent to where the leakage occurred to clear them of any horizontal fluid residue streaks; such cleaning must be to the extent that any future appearance of a horizontal fluid residue streak will be taken to mean that the system is leaking again.

Note 4: For purposes of this AD, ''leakage'' is defined as any visible leakage, if observed during a leak test. At any other time (than during a leak test), ''leakage'' is defined as the presence of ice in the service panel, or horizontal fluid residue streaks/ice trails originating at the service panel. The fluid residue is usually, but not necessarily, blue in color.

(ii) If any worn or damaged seal is found, or if any damaged seal mating surface is found, prior to further flight, repair or replace it in accordance with the valve manufacturer's maintenance manual.

(iii) In lieu of performing the requirements of paragraph (a)(7)(i) or (a)(7)(ii): Prior to further fight, drain the affected lavatory system and placard the lavatory inoperative until repairs can be accomplished.

(b) As an alternative to the requirements of paragraph (a) of this AD, operators may revise the FAA-approved maintenance program to include the requirements specified in paragraphs (b)(1) through (b)(7) of this AD. However, until the FAA-approved maintenance program is so revised, operators must accomplish the leak test requirements of paragraph (a) of this AD. Incorporation of the requirements specified in paragraphs (b)(1)(i), (b)(2)(i), (b)(4), (b)(5), (b)(6) and (b)(7) of this AD into the operator's FAA-approved maintenance program constitutes terminating action for waste drain systems that incorporate the ball valves specified in paragraph (b)(1)(i) of this AD. However, the requirements of this AD that affect flush/fill lines and waste drain systems with valves different from those listed in paragraph (b)(1)(i) remain in effect.

(1) Replace the valve seals in accordance with the applicable schedule specified in paragraphs (b)(1)(i) and (b)(1)(ii) of this AD.

(i) For each lavatory drain system that has an in-line drain valve installed, Kaiser Electroprecision part number series 2651–329, 2651–334, or 2651–278: Replace the seals within 5,000 flight hours after revision of the maintenance program in accordance with paragraph (b) of this AD, and thereafter at intervals not to exceed 48 months.

(ii) For each lavatory drain system that has any other type of drain valve: Replace the seals within 5,000 flight hours after revision of the maintenance program in accordance with paragraph (b) of this AD, and thereafter at intervals not to exceed 18 months. Any revision to this replacement schedule must be approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(2) Conduct periodic leak checks of the lavatory drain systems in accordance with the applicable schedule specified in paragraphs (b)(2)(i), (b)(2)(ii), (b)(2)(iii), and (b)(2)(iv) of this AD. Only one of the waste drain system leak check procedures (the one that applies to the equipment with the longest leak check interval) must be conducted at each service panel location. The leak check of the in-line drain valve or service panel drain valve shall be performed while the airplane is pressurized, unless another leak check method is approved under the provisions of paragraph (g) of this AD.

(i) For each lavatory drain system, that has an in-line drain valve installed, Kaiser Electroprecision part number series 2651–329, 2651–334, or 2651–278: Within 5,000 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 24 months or 5,000 flight hours, whichever occurs later, accomplish the procedures specified in paragraphs (b)(2)(i)(A) and (b)(2)(i)(B) of this AD:

(A) Conduct a leak check of the dump valve (in-tank valve that is spring loaded closed and operable by a T-handle at the service panel) and the in-line drain valve. The dump valve leak check must be performed by filling the toilet tank with water/rinsing fluid to a level such that the bowl is approximately half full (at least 2 inches above the flapper in the bowl) and checking for leakage after a period of 5 minutes. The in-line drain valve leak check must be performed with a minimum of 3 pounds per square inch differential pressure (PSID) applied across the valve.

(B) If a service panel valve or cap is installed, perform a visual inspection of the service panel drain valve outer cap/door seal and the inner seal (if the valve has an inner door with a second positive seal), and the seal mating surfaces, for wear or damage that may allow leakage. Any worn or damaged seal must be replaced, and any damaged seal mating surfaces repaired or replaced, prior to further flight, in accordance with the valve manufacturer's maintenance manual.

(ii) For each lavatory drain system that has a service panel drain valve installed, Kaiser Electroprecision part number series 0218–0032, or Kaiser Electroprecision part number series 0218–0026, or Shaw Aero Devices part number series 10101000B, 10101000C, 331-series, 332-series, or Pneudraulics part number series 9527: Within 1,000 flight hours after revising the maintenance program in accordance with paragraph (b) of this AD, and thereafter at intervals not to exceed 1,000 flight hours, accomplish the following:

(A) Conduct leak checks of the dump valve and service panel drain valve . The dump valve leak check must be performed by filling the toilet tank with water/rinsing fluid to a level such that the bowl is approximately half full (at least 2 inches above the flapper in the bowl) and checking for leakage after a period of 5 minutes. The service panel drain valve leak check must be performed with a minimum of 3 PSID applied across the valve inner door/closure device. Any revision to this leak check schedule must be approved by the Manager, Seattle ACO, FAA, Transport Airplane Directorate.

(B) Perform a visual inspection of the outer cap/door and seal mating surface for wear or damage that may cause leakage. Any worn or damaged seal must be replaced and any damaged seal mating surface must be repaired or replaced, prior to further flight, in accordance with the valve manufacturer's maintenance manual.

(iii) For each lavatory drain system with a lavatory drain system valve that incorporates either ''donut'' assemblies (or substitute assemblies from another manufacturer) Kaiser Electroprecision part number 4259–20 or 4259–31, or incorporates Kaiser Roylyn part number 2651–194C, 2651–197C, 2651–216, 2651–219, 2651–235, 2651–256, 2651–258, 2651–259, 2651–260, 2651–275, 2651–282, 2651–286: Within 200 flight hours after revising the maintenance program in accordance with paragraph (b), and thereafter at intervals not to exceed 200 flight hours, conduct leak checks of the dump valve and the service panel drain valve. Both the donut and the outer cap/door must be leak checked. The dump valve leak check must be performed by filling the toilet tank with water/rinsing fluid to a level such that the bowl is approximately half full (at least 2 inches above the flapper in the bowl) and checking for leakage after a period of 5 minutes. The service panel drain valve leak check must be performed with a minimum 3 PSID applied across the valve.

(iv) For each lavatory drain system that incorporates any other type of approved valves: Within 400 flight hours after revising the maintenance program in accordance with paragraph (b) of this AD, and thereafter at intervals not to exceed 400 flight hours, accomplish the following:

(A) Conduct leak checks of the dump valve and the service panel drain valve. The dump valve leak check must be performed by filling the toilet tank with water/rinsing fluid to a level such that the bowl is approximately half full (at least 2 inches above the flapper in the bowl) and checking for leakage after a period of 5 minutes. The service panel drain valve leak check must be performed with a minimum 3 PSID applied across the valve. If the service panel drain valve has an inner door with a second positive seal, only the inner door must be tested.

(B) Perform a visual inspection of the outer cap/door and seal mating surface for wear or damage that may cause leakage. Any worn or damaged seal must be replaced and any damaged seal mating surface must be repaired or replaced, prior to further flight, in accordance with the valve manufacturer's maintenance manual.

(3) For flush/fill lines: Within 5,000 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 5,000 flight hours, perform the requirements of either paragraph (b)(3)(i) or (b)(3)(ii), as applicable.

(i) If a lever lock cap is installed on the flush/fill line of the subject lavatory, replace the seals on the toilet tank anti-siphon (check) valve and the flush/fill line cap. Perform a leak check of the toilet tank anti-siphon (check) valve with a minimum of 3 PSID across the valve.

Note 5: The leak test procedure of Boeing Service Letter 737–SL–38–3–A, dated March 19, 1990, May be referred to as guidance for this test.

(ii) If a vacuum break, Monogram part number 3765–175 series, or 3765–190 series, is installed on the subject lavatory, replace or clean the vent line in accordance with the manufacturer's maintenance manual.

(4) Provide procedures for accomplishing visual inspections to detect leakage, to be conducted by maintenance personnel at intervals not to exceed 4 calendar days or 45 flight hours, which ever occurs later.

(5) Provide procedures for reporting leakage. These procedures shall provide that any ''horizontal blue streak'' findings must be reported to maintenance and that, prior to further flight, the leaking system shall either be repaired, or be drained and placarded inoperative.

(i) For systems incorporating an in-line drain valve, Kaiser Electroprecision part number series 2651–329, 2651–334 or 2651–278: The reporting procedures also must include the following:

(A) Provisions for reporting to maintenance any instances of abnormal operation of the valve handle for the in-line drain valve, as observed by service personnel during normal servicing.

(B) For instances where abnormal operation of the valve handle is identified, instructions to accomplish, prior to further flight, either the in-line drain valve manufacturer's recommended troubleshooting procedures and correction of the discrepancy; or drainage of the lavatory system and placarding it inoperative until the correction of the discrepancy can be accomplished.

(ii) If the drain system also includes an additional service panel drain valve, Kaiser Electroprecision part number series 0218–0026 or 0218–0032 or Shaw Aero Devices series 10101000B, series 10101000C, series 331, or series 332, or Pneudraulics part number series 9527: Indications of abnormal operation of the valve handle for the in-line drain valve need not be addressed immediately if a leak check of the service panel drain valve indicates no leakage or other discrepancy. In these cases, repair of the in-line drain valve must be accomplished within 1,000 flight hours after the leak check of the additional service panel drain valve.

(6) Provide training programs for maintenance and servicing personnel that

include information on ''Blue Ice Awareness'' and the hazards of blue ice.

(7) If a leak is discovered during a leak check required by this paragraph; or if evidence of leakage is found at any other time; or if repair/replacement of a valve (or valve parts) is required as a result of a visual inspection required in accordance with this AD; prior to further flight, accomplish the requirements of paragraph (b)(7)(i), (b)(7)(ii), or (b)(7)(iii), as applicable.

Note 6: For purposes of this AD, ''leakage'' is defined as any visible leakage, if observed during a leak test. At any other time (than during a leak test), ''leakage'' is defined as the presence of ice in the service panel, or horizontal fluid residue streaks/ice trails originating at the service panel. The fluid residue is usually, but not necessarily, blue in color.

(i) Repair the leak and, prior to further flight after repair, perform a leak test. Additionally, prior to returning the airplane to service, clean the surfaces adjacent to where the leakage occurred to clear them of any horizontal fluid residue streaks; such cleaning must be to the extent that any future appearance of a horizontal fluid residue streak will be taken to mean that the system is leaking again.

(ii) Repair or replace the valve or valve parts.

(iii) In lieu of either paragraph (b)(7)(i) or (b)(7)(ii), drain the affected lavatory system and placard the lavatory inoperative until repairs can be accomplished.

(c) For operators who elect to comply with paragraph (b) of this AD: Any revision to (i.e., extension of) the leak check intervals required by paragraph (b) of this AD must be approved by the Manager, Seattle ACO, FAA, Transport Airplane Directorate. Requests for such revisions must be submitted to the Manager of the Seattle ACO through the FAA Principal Maintenance Inspector (PMI), and must include the following information:

(1) The operator's name;

(2) A statement verifying that all known cases/indications of leakage or failed leak tests are included in the submitted material;

(3) The type of valve (make, model, manufacturer, vendor part number, and serial number);

(4) The period of time covered by the data;

(5) The current FAA leak check interval;

(6) Whether or not seals have been replaced between the seal replacement intervals required by this AD;

(7) Whether or not leakage has been detected between leak check intervals required by this AD, and the reason for leakage (i.e., worn seals, foreign materials on sealing surface, scratched or damaged sealing surface or valve, etc.);

(8) Whether or not any cleaning, repairs, or seal changes were performed on the valve prior to conducting the leak check. [If such activities have been accomplished prior to conducting the periodic leak check, that leak check shall be recorded as a ''failure'' for purposes of the data required for this request submission. The exception to this is the normally-scheduled seal change in accordance with paragraph (b)(1) of this AD. Performing this scheduled seal change prior to a leak check will not cause that leak check to be recorded as a failure. Debris removal done as part of normal maintenance for previous flights is also allowable and will not cause a leak check to be recorded as a failure].

Note 7: Requests for approval of revised leak check intervals may be submitted in any format, provided the data give the same level of assurance specified in paragraph (c) above. Results of an Environmental Quality Analysis (EQA) examination and leak test on a randomly selected high-flight-hour valve, with seals that have not been replaced during a period of use at least as long as the desired interval, may be considered a valuable supplement to the service history data, reducing the amount of service data that would otherwise be required.

Note 8: For the purposes of expediting resolution of requests for revisions to the leak check intervals, the FAA suggests that the requester summarize the raw data; group the data gathered from different airplanes (of the same model) and drain systems with the same kind of valve; and provide a recommendation from pertinent industry group(s) and/or the manufacturer specifying an appropriate revised leak check interval.

Note 9: In cases where changes are made to a valve design approved for an extended leak test interval such that a new valve dash number or part number is established for the valve, the FAA may not require extensive service history data to approve the new valve to the same leak check interval as the previous valve design. Similarity of design, the nature of the design changes, the nature and amount of testing, and like factors will be considered by the FAA to determine the appropriate data requirements and leak check interval for a new or revised valve based upon an existing design.

Note 10: If other valve designs achieve the reliability (as demonstrated by equivalent service history and data) of the valves cited in paragraph (b)(2)(i) of this AD, the FAA may consider granting terminating action using the same guidelines.

(d) For all airplanes: Unless already accomplished, within 5,000 flight hours after the effective date of this AD, perform the actions specified in either paragraph (d)(1) or (d)(2) of this AD:

(1) Install a FAA approved lever/lock cap on the flush/fill lines for the forward, aft, and executive lavatories. Or

(2) Install a vacuum break, Monogram part number 3765–175 series or 3765–190 series, in the flush/fill lines for the forward, aft, and executive lavatories.

(e) For any affected airplane acquired after the effective date of this AD: Before any operator places into service any airplane subject to the requirements of this AD, a schedule for the accomplishment of the leak checks required by this AD shall be established in accordance with either paragraph (e)(1) or (e)(2) of this AD, as applicable. After each leak check has been performed once, each subsequent leak check must be performed in accordance with the new operator's schedule, in accordance with either paragraph (a) or (b) of this AD as applicable.

(1) For airplanes previously maintained in accordance with this AD, the first leak check to be performed by the new operator must be accomplished in accordance with the previous operator's schedule or with the new operator's schedule, whichever would result in the earlier accomplishment date for that leak check.

(2) For airplanes that have not been previously maintained in accordance with this AD, the first leak check to be performed by the new operator must be accomplished prior to further flight, or in accordance with a schedule approved by the FAA PMI, but within a period not to exceed 200 flight hours.

(f) Alternative method(s) of compliance with this AD:

(1) 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 ACO, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA PMI, who may add comments and then send it to the Manager, Seattle ACO.

(2) Alternative methods of compliance previously approved for AD 89–11–03, which permit a 4,500-flight hour interval between leak checks of the forward waste drain system for those operators installing the modifications specified in Boeing Service Bulletin 737–38–1028, dated July 18, 1991, and later revisions, are considered acceptable alternative methods of compliance with the requirements of only paragraph (a)(1) of this AD. For those operators, the other requirements of this AD are still required to be accomplished. All other alternate methods of compliance approved for AD 89–11–03 are terminated and are no longer in effect.

Note 11: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Note 12: For any valve that is not eligible for the extended leak check intervals of this AD: To be eligible for the leak check interval specified in paragraphs (a)(1), (a)(2), (b)(2)(i), and (b)(2)(ii), the service history data of the valve must be submitted to the Manager, Seattle ACO, FAA, Transport Airplane Directorate, with a request for an alternative method of compliance. The request should include an analysis of known failure modes for the valve, if it is an existing design, and known failure modes of similar valves, with an explanation of how design features will preclude these failure modes, results of qualification tests, and approximately 25,000 flight hours or 25,000 flight cycles of service history data which include a winter season, collected in accordance with the requirements of paragraph (c) above, or a similar program. One of the factors that the FAA will consider in approving alternative valve designs is whether the valve meets Boeing Specification S417T105 or 10–62213. However, meeting the Boeing specification is not a prerequisite for approval of alternative valve designs.

(g) 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.

Issued in Renton, Washington, on October 26, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–27074 Filed 11–1–95; 8:45 am]

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14 CFR Part 39

[Docket No. 95–SW–14–AD]

Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model BO–105, BO–105A, BO–105C, BO–105S, BO–105LS A–1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Eurocopter Deutschland GmbH (ECD) (Eurocopter) Model BO–105, BO–105A, BO–105C, BO–105S, BO–105LS A–1 helicopters. This proposal would require a ground test and inspection of the tandem hydraulic switch-over system (switch-over system) for component wear and parts replacement, if necessary. This proposal is prompted by incidents involving Model BO–105 series helicopters in which, during the switch-over from Hydraulic System 1 to Hydraulic System 2, a 3-inch drop in the collective occurred, caused by component wear in the switch-over system. The actions specified by the proposed AD are intended to detect switch-over system component wear, which could result in a sudden drop in the collective and a sudden loss of altitude.

DATES: Comments must be received by January 2, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–SW–14–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert McCallister, Aerospace Engineer, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5121, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–SW–14–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–SW–14–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for the Federal Republic of Germany, has notified the FAA that an unsafe condition may exist on Eurocopter Deutschland GmbH (ECD) (Eurocopter) Model BO–105 series helicopters. The LBA advises that excessive wear on tandem hydraulic units may exist on certain Eurocopter Model BO–105 series helicopters. Wear of more than 0.5mm in the switch-over components may prevent normal switching from Hydraulic System 1 to Hydraulic System 2.

Eurocopter has issued MBB-Helicopters Alert Service Bulletin ASB–BO 105–40–102, dated April 20, 1989, applicable to all BO–105 series helicopters with tandem hydraulic units, part numbers 105–45021, 105–45023, or 105–45028, having valve body manifolds D133–756, D133–756E, ZE1–126–I, ZE2–126, or ZE2–126–1, installed on Hydraulic System 1 or Hydraulic System 2. This service bulletin specifies procedures for a ground test of the tandem hydraulic switch-over system to determine whether excessive wear exists. The LBA classified this service bulletin as mandatory and issued AD 89–123/2 MBB, dated October 25, 1989, in order to assure the continued airworthiness of these helicopters in Germany.

This helicopter model is manufactured in Germany and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

There has been a recent occurrence in the United States that may have been attributable to this out-of-tolerance condition. Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter Model BO–105, BO–105A, BO–105C, BO–105S, BO–105LS A–1 helicopters of the same type design registered in the United States, the proposed AD would require that a ground test be conducted of the tandem hydraulic switch-over system to detect component wear and require parts replacement if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 165 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts, if needed, would cost approximately $750. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $173,250.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and