

121360

Ronald J. Hinderberger
Director
Airplane Safety
Commercial Airplanes Group

The Boeing Company
P.O. Box 3707 MC 67-XK
Seattle, WA 98124-2207

DEPT. OF TRANSPORTATION

January 25, 2001
B-H200-17150-ASI

ORIGINAL

01 JAN 26 PM 1:24



BOEING

U.S. Department of Transportation Dockets
Docket No. FAA-1999-6482 - 18
400 Seventh Street SW., Room Plaza 401
Washington, DC 20590

Subject: Request to Delay Release of Final Rule for Revisions to Digital Flight Data Recorder Regulations for Boeing 737 Airplanes

Reference: FAA NPRM 99-19, "Revisions to Digital Flight Data Recorder Regulations for Boeing 737 Airplanes and for Part 125 Operations", dated November 16, 1999

Dear Sirs:

The intent of this letter is to submit a request to the FAA to delay release of the Final Rule resulting from NPRM 99-19 (see reference) until the planned 737 Rudder System Enhancement changes are clearly defined.

Boeing met with the NTSB in Washington, DC on January 16, 2001 to present a detailed description of the 737 Rudder System Enhancement Program (RSEP). The planned 737 RSEP changes are being made to address NTSB recommendation A-99-20 to provide a *"reliably redundant rudder system"*. These changes will result in a 737 rudder system that will be functionally equivalent to a 3-actuator system, like the 757 and 767.

During this meeting, the 737 flight data recorder (FDR) regulation changes proposed in NPRM 99-19 were also discussed. These changes were proposed in response to NTSB recommendations A-99-28 and A-99-29. The following factors were discussed:

- 1) The FDR recommendations had been made assuming the current rudder system remained in place.
- 2) Is there a reason to treat the 737 differently than other models once RSEP is installed?
- 3) Concern was expressed that modifications made by the airlines to retrofit 737 airplanes to comply with NPRM 99-19, before the required 737 rudder retrofit changes are identified, may need to be reworked again a year or two later for the RSEP changes.

Based on these factors, Boeing suggested that the release of the Final Rule for NPRM 99-19 be delayed until the 737 RSEP details are clearly identified and understood. The proposal was to delay release until RSEP Critical Design Review (CDR) had been completed. CDR is currently scheduled for 3rd quarter 2001. At that time, a better assessment will be able to be made regarding whether the basis for the NTSB recommendation on retrofit of the FDR parameters have been mitigated by RSEP, or that 737 unique changes to the FDR would still be warranted. We believe the NTSB reaction was favorable to this request and they agreed to review this proposal with the FAA.



BOEING

Therefore, Boeing respectfully requests the FAA to delay release of the Final Rule for NPRM 99-19 until a review can be held subsequent to CDR for the 737 RSEP. Additionally, Boeing requests that the FAA verify NTSB agreement prior to making a decision on this proposal.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink that reads "Mark H. Smith". The signature is written in a cursive style with a large, sweeping 'M' and 'S'.

Ronald J. Hinderberger
Director, Airplane Safety
Org. B-H200, MC 67-PR
Telex 32-9430, STA DIR AS
Phone (425) 237-8525
Fax (425) 237-8188