

proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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 action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2003-NM-91-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-114, Attention: Rules Docket No. 2003-NM-91-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On January 24, 2003, the FAA issued AD 2003-03-15, amendment 39-13039 (68 FR 4892, January 31, 2003), applicable to various Boeing and McDonnell Douglas transport category airplanes, to require revising the Airplane Flight Manual (AFM) to advise the flightcrew to don oxygen masks as a first and immediate step when the cabin altitude warning horn sounds. The requirements of that AD are intended to prevent incapacitation of the flightcrew due to lack of oxygen, which could result in loss of control of the airplane.

Actions Since Issuance of Existing Rule

Since the issuance of that AD, the manufacturer has provided data to the FAA substantiating that, for the McDonnell Douglas airplanes specified in AD 2003-15-03, the positive pressure created with the "Emergency" setting of

the oxygen masks during rapid decompression events is unnecessary. The "Emergency" setting of the oxygen masks would require the flightcrew to do pressure breathing, which makes it difficult for the flightcrew to communicate or concentrate.

In addition, the manufacturer also requested that the words "If the cabin altitude warning occurs" be used for the McDonnell Douglas airplanes specified in AD 2003-15-03 instead of the words currently used, "If the cabin altitude warning horn sounds." The manufacturer advised that not all McDonnell Douglas airplanes specified in AD 2003-15-03 are equipped with cabin altitude warning horns.

Advising the flightcrew to don oxygen masks as a first and immediate step when the cabin altitude warning occurs is necessary to prevent incapacitation of the flightcrew due to lack of oxygen, which could result in loss of control of the airplane.

Explanation of Requirements of 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 proposed AD would revise AD 2003-03-15 to remove reference to the word "Emergency" when specifying "Crew Oxygen Mask—ON/100%," for all the McDonnell Douglas airplanes specified in that AD.

Additionally, the proposed AD would revise AD 2003-03-15 to specify that, for all McDonnell Douglas airplanes, the words "If the cabin altitude warning occurs" be used rather than the words, "If the cabin altitude warning horn sounds."

Editorial Changes

An alternative method of compliance (AMOC) was issued for AD 2003-03-15 on March 12, 2003, for certain McDonnell Douglas airplanes. That AMOC specified the wording "for the AD requirement for oxygen masks to be immediately donned as the first crew action in the event of a rapid 'decompression.'" However, Figures 4, 5, 6, and 8 in that AMOC specify the wording "Cabin Altitude Warning or Rapid Depressurization." Although AD 2003-03-15 uses the wording decompression in Figures 5, 6, and 7, the FAA has changed that wording in this NPRM to read "depressurization" for Figures 5, 6, and 7 of this proposed rule. For the purposes of this AD, we consider that there is no distinction between the meaning of depressurization and the meaning of decompression. The FAA considers that changing the wording in those Figures

will more clearly align with the "pressurization" wording used in the AMOC issued on March 12, 2003. Additionally, such standardization of the term "pressurization" used in the Figures specified for McDonnell Douglas airplanes should assist operators by clarifying the requirements of this proposed AD.

Changes to 14 CFR Part 39/Effect on the Proposed AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance (AMOC). Because we have now included this material in part 39, we no longer need to include it in each individual AD. However, this proposed AD identifies the office authorized to issue AMOCs.

Cost Impact

There are approximately 6,956 airplanes (5,179 Boeing airplanes and 1,777 McDonnell Douglas airplanes) of the affected design in the worldwide fleet. The FAA estimates that 3,601 airplanes (2,392 Boeing airplanes and 1,209 McDonnell Douglas 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 actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$216,060, or \$60 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 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