

- We do not agree to withdraw the proposed AD. As specified in the Discussion section of the proposed AD, "Investigation revealed that terminals within the switch had shorted to the switch shaft. Due to the design of the emergency power system, this switch is not grounded. The capacity of the emergency power switch knob to conduct electricity, if not corrected, could result in delivery of an electrical shock and consequent injury to flightcrew or maintenance personnel." Further, the existing power switch must be replaced with a non-conductive material in order to preclude the possibility of an electrical shock to personnel, which could happen either in flight or before takeoff. The final rule will be issued accordingly.

- We do agree to extend the compliance time somewhat for the replacement of the switch. We have reviewed and approved Boeing Alert Service Bulletin DC9-24A189, Revision 01, dated August 5, 2002, excluding Evaluation Form; and Revision 02, dated October 8, 2002, excluding Evaluation Form; as additional sources of service information for accomplishment of the actions. Revision 02 extends the compliance time recommended in the original issue of the service bulletin from 6 to 12 months, as parts will be available within that timeframe. The changes in Revisions 01 and 02 are not substantive, meaning that airplanes modified per those service bulletins are not subject to any additional work. However, we have changed paragraph (a) of this final rule to refer to Revision 02 of the service bulletin as the appropriate source of service information for the actions in that paragraph. In addition, we have added a new paragraph (b) to the final rule (and reordered subsequent paragraphs accordingly) to give credit for replacements done before the effective date of this AD according to the original issue and Revision 01 of the service bulletin. To follow the compliance time specified in Revision 02 of the service bulletin, we have extended the compliance time for the replacement to within 12 months after the effective date of this AD. Paragraph (a) of this final rule has been changed accordingly.

Request To Extend Compliance Time

Two commenters ask that the compliance time specified in the proposed AD be extended from 6 to 12 months. A third commenter states that, although there are concerns about parts availability, if Boeing can provide an adequate supply of parts to meet the overnight inspection schedule, a

compliance time of 6 months can be met. The two commenters note that although Revision 01 of the referenced service bulletin was released on August 5, 2002, to reset the start date of the original issue of the service bulletin, only 300 parts were available at that time. One commenter adds that the FAA is currently reviewing Revision 02 of the service bulletin which extends the compliance time to 12 months to accommodate availability of parts. Both commenters state that the proposed AD should be changed to reflect the latest revision of the service bulletin with the extended compliance time, which allows time for Boeing to produce an adequate number of parts.

As described previously, we have reviewed and approved Revision 02 of the service bulletin and agree to extend the compliance time for the replacement required by this final rule to within 12 months after the effective date of this AD.

Explanation of Editorial Change

We have changed the service bulletin citation throughout this final rule to exclude the Evaluation Form. (The form is intended to be completed by operators and submitted to the manufacturer to provide input on the quality of the service bulletin; however, this AD does not include such a requirement.)

Conclusion

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.

Cost Impact

There are approximately 1,904 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,079 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required replacement, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$250 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$334,490, or \$310 per airplane.

The 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 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 adopted herein will 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 final rule does not have federalism implications under Executive Order 13132.

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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2002-26-08 McDonnell Douglas:

Amendment 39-12996. Docket 2002-NM-53-AD.

Applicability: Model DC-9-11, DC-9-12, DC-9-13, DC-9-14, DC-9-15, DC-9-15F,