

of the Federal Register as of September 24, 2003.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Samuel Lee, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5262; fax (562) 627-5210.

**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 various transport category airplanes manufactured by McDonnell Douglas was published in the **Federal Register** on February 20, 2003 (68 FR 8155). That action proposed to require a one-time test of the fire extinguishers for the engine and auxiliary power unit (APU) to determine the capability of the Firex electrical circuits to fire discharge cartridges, and troubleshooting actions if necessary.

#### Comments

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

#### Request for Credit for Actions Accomplished Per Earlier Service Bulletin Revisions

Two commenters request that we revise the proposed AD to give credit for tests accomplished previously per the original issue of McDonnell Douglas Alert Service Bulletin DC9-26A029, dated July 27, 2000; or MD11-26A039, dated July 31, 2000. The proposed AD refers to Revision 01 of those service bulletins as the applicable sources of service information for certain airplanes affected by the proposed AD. The commenters note that the procedures for the test of the electrical circuit are

similar in the original issue and Revision 01 of those service bulletins.

We concur and have added a new paragraph (b) to this final rule (and reidentified subsequent paragraphs accordingly) to state that tests and troubleshooting actions accomplished before the effective date of this AD per the original issue of those service bulletins are acceptable for compliance with the corresponding action required by paragraph (a) of this final rule.

#### Request To Clarify Requirements for Airplanes Without an APU Installed

One commenter requests that we revise the proposed AD to provide for airplanes on which no APU is installed, by changing paragraph (a) of this proposed AD to add the words "if installed" after "APU." The commenter states that it operates certain airplanes included in the effectivity listing of the related service bulletin that do not have an APU installed. The commenter states that it has informed the airplane manufacturer of this issue, and the airplane manufacturer intends to correct the effectivity of the related service bulletin. However, the commenter is concerned that the AD, as proposed, would require it to test an APU that does not exist on these airplanes. The commenter requests that we revise the proposed AD to ensure that it is able to comply with the requirements of the AD.

We concur with the intent of the commenter's request. We have revised paragraph (a) of this final rule to read, "Test the capability of the electrical circuits of the Firex fire extinguishers for the engine and the APU, as applicable." We have made a similar change to the Summary section of this final rule. We have also revised paragraph (a)(1) of this AD to clarify that the actions in that paragraph apply to "any airplane equipped with an APU," and we have revised paragraph (a)(2) of this final rule to clarify that the actions in that paragraph apply to "all airplanes."

#### Explanation of Additional Change to Final Rule

We have revised the applicability section of this final rule to identify the table in that section as "Table 1—Applicability." We have made a corresponding change to paragraph (a) of this final rule.

#### 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.

#### Changes to 14 CFR Part 39/Effect on the 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. However, for clarity and consistency in this final rule, we have retained the language of the NPRM regarding that material.

#### Change to Labor Rate Estimate

After we issued the proposed AD, we reviewed the figures we use to calculate the labor rate to do the required actions. To account for various inflationary costs in the airline industry, we find it appropriate to increase the labor rate used in these calculations from \$60 per work hour to \$65 per work hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

#### Cost Impact

There are approximately 3,311 airplanes of the affected designs in the worldwide fleet. The FAA estimates that 1,553 airplanes of U.S. registry will be affected by this AD, that it will take between 4 work hours and 7 work hours per airplane (depending upon airplane model) to accomplish the required actions, and that the average labor rate is \$65 per work hour. Based on these figures, the cost impact of the requirements of this AD on U.S. operators is estimated to be between \$403,780 and \$706,615, or between \$260 and \$455 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