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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 certain McDonnell Douglas airplanes was published in the **Federal Register** on April 16, 2003 (68 FR 18567). That action proposed to require an inspection to determine the material composition of the auxiliary spar cap of the lower inboard of the left and right wings. For certain airplanes, that action also proposed to require repetitive detailed and dye penetrant inspections for cracking of the spar cap, and corrective actions if necessary.

Changes to the Notice of Proposed Rulemaking (NPRM)

The FAA has reviewed the descriptive phrase, "auxiliary spar cap of the lower inboard of the left and right wings," as specified in the NPRM, and has determined that the phrase, "the lower inboard auxiliary spar cap of the left and right wing," is more consistent with the wording of McDonnell Douglas DC-8 Service Bulletin 57-85, Revision 1, dated July 5, 1991 (the service bulletin specified in the NPRM). Therefore, we have revised that phrase where it appears in this final rule.

We also have revised paragraph (b) of this final rule to more accurately reflect the intent of the referenced service bulletin by specifying that the detailed inspection and a dye penetrant inspection for cracking be performed on both the lower inboard auxiliary spar caps.

Additionally, we have revised paragraph (b) of the final rule, added new paragraphs (c) and (d) of the final rule, and renumbered subsequent paragraphs accordingly to clarify the follow-on actions required for any cracking that is found.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due

consideration has been given to the comments received.

Request To Clarify Compliance Time

One commenter requests that the FAA clarify the compliance time in paragraph (b) of the Notice of Proposed Rulemaking (NPRM). The commenter suggests that adding the words, "whichever occurs later" would clarify the intention of "Within 2 years or 2,000 flight cycles."

The FAA agrees that clarification is needed. We inadvertently omitted the qualifying phrase after the words, "Within 2 years or 2,000 flight cycles." However, our intention was not to permit the operator to choose whichever compliance time occurred later. We have determined that a compliance time of within 2 years or 2,000 flight cycles, whichever occurs first, is sufficient and adequate time to perform the detailed inspection and dye penetrant inspections required by paragraph (b) of the AD. We point out that the inspections required by paragraph (b) of the AD are required within 2 years or 2,000 flight cycles, whichever occurs first, after accomplishing the inspection required by paragraph (a) of the AD. Paragraph (a) of the AD has a compliance time of within 24 months or 2,000 flight cycles after the effective date of the AD, whichever occurs later. Considering the ample lead time to plan for these inspections, we have determined that a compliance time of 2 years or 2,000 flight cycles, whichever occurs first, after accomplishing the compliance time of paragraph (a) of the AD, is reasonable and provides an adequate level of safety of the affected fleet. We have revised paragraph (b) of the AD to clarify that the qualifying phrase for the compliance time is, "Within 2 years or 2,000 flight cycles, whichever occurs first, after accomplishing the compliance time of paragraph (a)." However, under the provisions of paragraph (e) of the AD, we may approve requests for adjustments to the compliance time if data are submitted to substantiate that such adjustments would provide an acceptable level of safety.

Request To Extend the Repetitive Inspections Intervals

The same commenter also requests that the repetitive inspection interval specified in paragraph (b)(2) of the NPRM be increased from 1,600 flight cycles to 1,800 flight cycles. The commenter explains that such an extension of the repetitive inspection interval would coincide with the "C" check interval for its fleet. In addition, the commenter points out that the FAA

has an obligation to consider many factors, such as other AD requirements and compliance times, when developing an appropriate compliance time. The commenter considers that the proposed repetitive inspection interval also would require scheduling special times to accomplish the inspections—at considerable additional expense.

We do not concur that the repetitive inspection interval should be extended. In developing an appropriate inspection interval for this AD, we considered the manufacturer's recommendation, the degree of urgency associated with the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the inspections. In light of all of these factors, we find that a repetitive inspection interval of 1,600 flight cycles represents an appropriate interval of time for affected airplanes to continue to operate without compromising safety. No change is necessary to the final rule in this regard. However, under the provisions of paragraph (e) of the AD, we may approve requests for adjustments to the repetitive inspection interval if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

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 this change 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

We have reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary to increase the labor rate used in these calculations from \$60 per work hour to \$65 per work hour. The cost impact