

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 16, 2003.

Comments for inclusion in the Rules Docket must be received on or before January 30, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2003-NM-08-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: *9-anm-iarcomment@faa.gov*. Comments sent via fax or the Internet must contain "Docket No. 2003-NM-08-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

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 FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or 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: Cheyenne Del Carmen, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5338; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: On October 17, 1997, the FAA issued AD 97-22-05, amendment 39-10176 (62 FR 55730, October 28, 1997), applicable to certain McDonnell Douglas Model DC-9-14, DC-9-15, DC-9-15F, DC-9-21, DC-9-31, DC-9-32, DC-9-32 (VC-9C), DC-9-32F, DC-9-34, DC-9-34F, DC-9-32F (C-9A, C-9B), DC-9-41, and DC-9-51 airplanes, to require modification of the emergency internal release system of the tailcone and the accessory compartment. That action was

prompted by a report that, due to failure of the tailcone release system, the tailcone did not deploy on an airplane during an emergency evacuation. The actions specified by that AD are intended to ensure that the emergency internal release system of the tailcone performs its intended function in the event of an emergency evacuation. The requirements of that AD are also intended to prevent people on board the airplane from striking their heads on exposed metal frames in the tailcone area, which could cause injury and delay or impede their evacuation during an emergency.

Actions Since Issuance of Previous Rule

Since the issuance of AD 97-22-05, the FAA was advised that two Model DC-9-31 airplanes with manufacturer's fuselage numbers 1039 and 1046, and two Model DC-9-32 airplanes with manufacturer's fuselage numbers 0268 and 0505, were omitted inadvertently from the effectivity Section 1.A. of McDonnell Douglas DC-9 Service Bulletin 25-331, dated December 10, 1993, which is one of the two service bulletins referenced in AD 97-22-05.

Therefore, we have determined that it is necessary that the modification of the tailcone accessory compartment described in Boeing Service Bulletin DC9-25-331 be accomplished to adequately address the identified unsafe condition (*i.e.*, prevent people on board the airplane from striking their heads on exposed metal frames in the tailcone area, which could cause injury and delay or impede their evacuation during an emergency) on these additional airplanes.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin DC9-25-331, Revision 02, dated December 10, 2002, which describes procedures for modifying the tailcone accessory compartment.

The modification procedures described in this revision are essentially identical to the procedures in the original issue of the service bulletin, which was referenced in AD 97-22-05 as an appropriate source of service information for accomplishing the required modification of the accessory compartment. However, Revision 02 of the service bulletin adds additional airplanes to the effectivity listing that are subject to the identified unsafe condition. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Accomplishment of the modification of the tailcone accessory compartment specified in AD 97-22-05 is acceptable for compliance with the requirements of this AD.

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 that may be registered in the United States at some time in the future, this AD is being issued to prevent people on board the airplane from striking their heads on exposed metal frames in the tailcone area, which could cause injury and delay or impede their evacuation during an emergency. This AD requires modification of the tailcone accessory compartment. The actions are required to be accomplished in accordance with Boeing Service Bulletin DC9-25-331, Revision 02, dated December 10, 2002.

Since this AD expands the applicability of AD 97-22-05, the FAA has considered a number of factors in determining whether to issue a new AD or to supersede the "old" AD. Although the four additional airplanes included in the applicability of this AD were inadvertently omitted from McDonnell Douglas DC-9 Service Bulletin 25-331, dated December 10, 1993, the other service bulletin referenced in AD 97-22-05 included those additional airplanes in the effectivity. The FAA also has considered the entire fleet size that would be affected by superseding AD 97-22-05 and the consequent workload associated with revising maintenance record entries. In light of this, the FAA has determined that a less burdensome approach is to issue a separate AD applicable only to these additional airplanes. This AD would not supersede AD 97-22-05; airplanes listed in the applicability of AD 97-22-05 are required to continue to comply with the requirements of that AD. This AD is a separate AD action, and is applicable only to Boeing Model DC-9-31 airplanes with manufacturer's fuselage numbers 1039 and 1046, and Model DC-9-32 airplanes with manufacturer's fuselage numbers 0268 and 0505; certificated in any category.

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe