

FAA's Determination

The FAA finds that if, after the effective date of this AD, the airplane is operated without cabin pressurization and a placard that prohibits operation with cabin pressurization is installed in the cockpit in full view of the pilot, the inspections and modification specified in the service bulletins described previously are not necessary.

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 require accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

Since this AD expands the applicability of AD 2002-07-06, the FAA has considered a number of factors in determining whether to issue a new AD or to supersede the "old" AD. The FAA has considered the entire fleet size that would be affected by superseding AD 2002-07-06 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 the additional airplanes. This proposed AD would not supersede AD 2002-07-06 or AD 85-01-02 R1; airplanes listed in the applicability of AD 2002-07-06 and AD 85-01-02 R1 are required to continue to comply with the requirements of those ADs. This proposed AD is a separate AD action, and is applicable only to the McDonnell Douglas Model DC-9-15, DC-9-31, and DC-9-32 airplanes, manufacturer's fuselage numbers 0030, 0094, 0220, 0221, 0863, 0900, 0901, 0913, 0914, 0918, 0923, 0926, and 0930. Once the final rule has been issued and it becomes effective, we plan to rescind AD 85-01-02 R1.

Differences Between the Proposed AD and a Certain Referenced Service Bulletin

McDonnell Douglas DC-9 Service Bulletin 53-165, Revision 3, dated May 3, 1989; and McDonnell Douglas Service Bulletin DC9-53-137, Revision 09, dated January 30, 2003; recommend compliance times with only a "threshold" (*i.e.*, before the airplane accumulates 15,000 total landings, within 15,000 landings after the bulkhead modification, and at the earliest practical maintenance period feasible on airplanes that have accumulated more than 15,000 landings, respectively). These service bulletins do

not provide a "grace period" for airplanes that have already reached (or will soon reach) the 15,000-landing threshold, which would result in some airplanes being in immediate non-compliance with the rule upon reaching the stated number of landings. Therefore, the compliance times specified in paragraphs (a), (d)(1), and (d)(2) of this proposed AD include a grace period of "within 4,000 landings after the effective date of this AD." The FAA finds such a grace period for completing the required actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Operators should note that, although the Accomplishment Instructions of McDonnell Douglas Service Bulletin DC9-53-137, Revision 09, dated January 30, 2003, describe procedures for reporting results of inspections, this proposed AD would not require those actions. The FAA does not need this information from operators.

Cost Impact

There are 13 airplanes of the affected design in the worldwide fleet. The FAA estimates that seven airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 5 work hours per airplane to accomplish the proposed inspections, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$2,275 or \$325 per airplane.

For certain airplanes, it would take approximately between 21 and 26 work hours per airplane depending on the airplane configuration to accomplish the proposed modification specified in McDonnell Douglas DC-9 Service Bulletin 53-165, Revision 3, dated May 3, 1989, at an average labor rate of \$65 per work hour. Required parts would cost approximately between \$3,470 and \$11,831 per airplane, depending on the airplane configuration. Based on these figures, the cost impact of this proposed modification on U.S. operators is estimated to be between \$4,835, or \$13,521 per airplane.

For certain airplanes, it would take approximately 9 work hours per airplane to accomplish the proposed modification specified in McDonnell Douglas DC-9 Service Bulletin 53-157, Revision 1, dated January 7, 1985, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of this proposed modification on U.S. operators is estimated to be \$585 per airplane.

The cost impact figures discussed above are 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 proposed 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 would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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: