

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-NM-35-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-35-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The FAA received reports from three operators of McDonnell Douglas Model DC-9-80 series airplanes indicating that a nose cowl separated from the engine of the airplane. In addition, the FAA received one report indicating that the nose cowl nearly separated from an airplane equipped with a Pratt & Whitney JT8D-200 series engine. These incidents occurred following severe vibration of the engine due to failure of the engine fan blade. Such vibration of the engine could cause the attach bolts on the nose cowl of the engine to become loose. This condition, if not corrected, could result in separation of the nose cowl from the engine of the airplane.

On December 2, 1994, the FAA issued AD 94-25-06, amendment 39-9090 (59 FR 64566, December 15, 1994), to address this unsafe condition on McDonnell Douglas Model DC-9-80 series airplanes and Model MC-88 airplanes. Subsequently, the FAA has determined that certain Boeing Model 727-100 and -200 series airplanes are equipped with an engine nose cowl installed in accordance with Supplemental Type Certificate (STC) SA4363NM, which is identical to the engine nose cowl installed on the McDonnell Douglas airplanes affected by AD 94-25-06. Therefore, the FAA has determined that these Boeing Model 727-100 and -200 series airplanes also are subject to the addressed unsafe condition.

The FAA has reviewed and approved VALSAN B727-RE Service Bulletin 71-006, Revision 1, dated March 3, 1995, which describes procedures for replacing the attaching nutplates of the No. 1 and No. 3 engine nose cowls with washers and self-locking nuts. The replacement involves removing the attaching nutplates from the No. 1 and No. 3 engine nose cowls, reversing the installation direction of the attach bolt, installing washers and self-locking nuts in place of the removed nutplates, and increasing bolt torque values. Accomplishment of this replacement will minimize the possibility of the attach bolts becoming loose as a result of severe engine vibration, thereby minimizing the possibility of the nose cowl separating from the engine.

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 replacing the attaching nutplates on certain engine nose cowls with washers and self-locking nuts. The actions would be required to be accomplished in accordance with the service bulletin described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

There are approximately 22 Model 727-100 and -200 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 19 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. The cost for required parts would be negligible. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$6,840, or \$360 per airplane.

The total cost impact figure discussed above is 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 AD were not adopted.

The regulations proposed herein would not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

Boeing: Docket 95-NM-35-AD.

Applicability: Model 727-100 and -200 series airplanes equipped with an engine nose cowl installed in accordance with Supplemental Type Certificate (STC) SA4363NM, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been