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14 CFR Part 39

[Docket No. 94-NM-144-AD; Amendment 39-9133; AD 95-02-14]

Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes, and Model C-9 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 series airplanes, and Model C-9 (military) airplanes, that require replacement of the engine nose cowl attaching bolts and the installation of bearing plates on the nose cowl attach ring. This amendment is prompted by incidents in which the nose cowl separated from the airplane due to the elongation and/or breakout of the nose cowl's attachment ring holes, and failure of the attaching bolts. The actions specified by this AD are intended to prevent separation of the engine nose cowl from the airplane, which could result in damage to the airplane structure or could present a hazard to persons or property on the ground.

DATES: Effective March 17, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 17, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801-1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2-98. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 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: Robert Baitoo, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (310) 627-5245; fax (310) 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 certain McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 series airplanes, and Model C-9 (military) airplanes, was published in the **Federal Register** on October 18, 1994 (59 FR 52483). That action proposed to require replacement of the engine nose cowl attaching bolts and the installation of bearing plates on the nose cowl attach ring.

Discussion of 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.

One commenter supports the proposal.

Two commenters request that the proposed compliance time of 12 months for replacement be extended so that the required action can be accomplished during regularly scheduled maintenance activities. One commenter suggests a compliance time of 18 months; the other commenter suggest a compliance time of 3,000 hours time-in-service. The FAA concurs that the compliance time can be extended somewhat. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the availability of required parts and the practical aspect of accomplishing the required replacement on the affected fleet in a timely manner. The FAA's intent was that the replacement be conducted during a regularly scheduled maintenance visit for the majority of the affected fleet, when the airplanes would be located at a base where special equipment and trained personnel would be readily available, if necessary. Based on the information supplied by the commenters, the FAA now recognizes that 18 months corresponds more closely to the interval representative of most of the affected operators' normal maintenance schedules. Paragraph (a) of the final rule has been revised to reflect a compliance time of 18 months. The FAA does not consider that this extension will adversely affect safety.

One commenter questions the FAA's estimate of the cost of required

replacement parts. The commenter states that the \$1,200 per airplane figure, presented in the cost impact information in the preamble to the notice, is too low. This commenter suggests that parts costs will be approximately \$15,700 per airplane. Upon further review, the FAA concurs that the cost of required parts may be more than what was previously estimated. The manufacturer has provided updated cost figures for replacement bearing plates and bolts. If these items are purchased directly from the manufacturer, the cost of replacement bearing plates may be as much as \$13,284 (36 plates at \$369 each), and the cost of replacement bolts may be as much as \$1,900 (38 bolts at \$50 each). However, the FAA points out that bearing plates can be fabricated locally at a nominal cost, and bolts can be procured from the operator's current stock, thereby reducing parts costs considerably. The FAA has revised the cost impact information, below, to include this updated information on the cost of required parts.

Discussion of Additional Changes to the Rule

Since issuance of the notice, the FAA has reviewed and approved Revision 1 to McDonnell Douglas DC-9 Service Bulletin A71-63, dated December 15, 1994. This revision is essentially identical to the originally issued service bulletin, which was referenced in the notice as the appropriate source of service information; however, it contains certain editorial revisions and additional nose cowl part numbers. The FAA has revised the final rule to include this revision of the service bulletin as an additional source of service information.

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 added to this final rule to clarify this requirement.