

**Incorporation by Reference**

(g) The actions shall be done in accordance with the applicable service information listed

in Table 1 of this AD, unless the AD specifies otherwise.

TABLE 1.—MATERIALS INCORPORATED BY REFERENCE

Airbus service information	Revision level	Date
All Operators Telex 28–09 .....	Original .....	November 28, 1998.
Alert Service Bulletin A300–28A6061 .....	Original .....	February 19, 1999.
Service Bulletin, A300–28–6061 .....	04 .....	August 1, 2002.
Service Bulletin, A300–28–6069 .....	01 .....	May 28, 2002.

(1) The incorporation by reference of Airbus Service Bulletin A300–28–6069, Revision 01, dated May 28, 2002; and Airbus Service Bulletin A300–28–6061, Revision 04, dated August 1, 2002; is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Airbus All Operators Telex (AOT) 28–09, dated November 28, 1998, was approved previously by the Director of the Federal Register as of December 28, 1998 (63 FR 70639, December 22, 1998).

(3) The incorporation by reference of Airbus Alert Service Bulletin A300–28A6061, dated February 19, 1999, was approved previously by the Director of the Federal Register as of February 8, 2000 (65 FR 213, January 4, 2000).

(4) Copies may be obtained from Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**Note 2:** The subject of this AD is addressed in French airworthiness directive 2002–132(B), dated March 20, 2002.

**Effective Date**

(h) This amendment becomes effective on December 20, 2004.

Issued in Renton, Washington, on November 1, 2004.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–24930 Filed 11–12–04; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

**[Docket No. 2000–NM–169–AD; Amendment 39–13860; AD 2004–23–05]**

**RIN 2120–AA64**

**Airworthiness Directives; McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and Model MD–88 Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas airplanes, that requires reversing the ground stud installation of the main battery, and installing a new nameplate on the cover of the battery. This action is necessary to prevent damage to equipment or possible fire in the electrical/electronics equipment compartment due to electrical arcing between the ground stud of the main battery and adjacent structure. This action is intended to address the identified unsafe condition.

**DATES:** Effective December 20, 2004.

The incorporation by reference of a certain publication listed in the regulations is approved by the Director of the Federal Register as of December 20, 2004.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplanes, 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood,

California; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**FOR FURTHER INFORMATION CONTACT:**

Elvin Wheeler, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5344; fax (562) 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 airplanes was published in the **Federal Register** on June 18, 2003 (68 FR 36518). That action proposed to require reversing the ground stud installation of the main battery, and installing a new nameplate on the cover of the battery.

**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.

**Support for Proposed AD**

One commenter supports the proposed AD.

**Request To Allow Equivalent Nameplates**

One commenter requests that we allow operators to use equivalent nameplates in lieu of the original equipment manufacturer (OEM) nameplates. The commenter states that, in an effort to reduce costs, many operators manufacture equivalent nameplates with identical information, which they install at the location(s) specified in the applicable service bulletin(s) referenced in the proposed AD.

We acknowledge the operator's desire to minimize cost; however, we do not consider it appropriate to include various provisions in an AD to accommodate individual operators' unique methods for complying with the AD. However, according to paragraph (c) of this AD, operators may request to use a unique nameplate as an alternative method of compliance. We have not changed this final rule regarding this issue.

#### **Request To Revise the Cost Impact Figures**

The same commenter states that, while the proposed AD specifies two work hours for the proposed actions, the referenced service bulletin specifies three work hours for those actions. The commenter asserts that the figure specified in the referenced service bulletin more accurately reflects the time necessary to accomplish those actions.

From this comment, we infer that the commenter is requesting that we revise the Cost Impact section of the proposed AD. We do not agree. As stated in the preamble of the proposed AD, the cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. Those 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. The work-hour figure listed in the referenced service bulletin includes time for access and close up. However, as we explain below, we have revised the labor rate used in the proposed AD.

#### **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 change 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.

#### **Labor Rate Increase**

After the proposed AD was issued, we 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 information, below, reflects this

increase in the specified hourly labor rate.

#### **Cost Impact**

There are approximately 1,224 Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and Model MD-88 airplanes of the affected design in the worldwide fleet. The FAA estimates that 600 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is \$65 per work hour. Required parts will cost approximately \$38 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$100,800, or \$168 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this 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. The manufacturer may cover the cost of parts associated with this proposed AD, subject to warranty conditions. Manufacturer warranty remedies also may be available for labor costs associated with this proposed AD. As a result, the costs attributable to the proposed AD may be less than stated above.

#### **Regulatory Impact**

The regulations adopted herein will 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 final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final evaluation has

been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### **Adoption of the Amendment**

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

##### **2004-23-05 McDonnell Douglas:**

Amendment 39-13860. Docket 2000-NM-169-AD.

*Applicability:* Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and Model MD-88 airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD80-24A159, Revision 01, dated January 24, 2000; certificated in any category.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent damage to equipment or possible fire in the electrical/electronics equipment compartment due to electrical arcing between the ground stud of the main battery and adjacent structure; accomplish the following:

#### **Required Actions**

(a) Within 1 year after the effective date of this AD, reverse the installation of the ground stud for the main battery and install a new nameplate on the cover of the battery; in accordance with McDonnell Douglas Alert Service Bulletin MD80-24A159, Revision 01, dated January 24, 2000.

#### **Credit for Previously Accomplished Actions**

(b) Accomplishment of the actions specified in paragraph (a) of this AD before the effective date of this AD, in accordance with McDonnell Douglas Service Bulletin MD80-24A159, dated March 15, 1996, is considered to be an acceptable method of compliance with paragraph (a) of this AD.

#### **Alternative Methods of Compliance**

(c) In accordance with 14 CFR 39.19, the Manager, Los Angeles Aircraft Certification Office, FAA, is authorized to approve alternative methods of compliance for this AD.

**Incorporation by Reference**

(d) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD80-24A159, Revision 01, dated January 24, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). Copies may be inspected 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 National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**Effective Date**

(e) This amendment becomes effective on December 20, 2004.

Issued in Renton, Washington, on November 1, 2004.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 04-24932 Filed 11-12-04; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2002-NM-324-AD; Amendment 39-13862; AD 2004-23-07]

**RIN 2120-AA64**

**Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, that currently requires modification of certain fuselage support structure for the number 2 galley. This amendment requires modification of the same support structure using new methods based on new calculations. This amendment also expands the applicability of the existing AD to include additional airplanes. The actions specified by this AD are intended to prevent the galley from shifting, which could limit access to the galley door during emergencies, and result in injury to passengers and

flightcrew. This action is intended to address the identified unsafe condition.

**DATES:** Effective December 20, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 20, 2004.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207. 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 National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**FOR FURTHER INFORMATION CONTACT:**

Keith Ladderud, Aerospace Engineer, ANM-150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6435; fax (425) 917-6590.

**SUPPLEMENTARY INFORMATION:**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 95-02-08, amendment 39-9127 (60 FR 8295, February 14, 1995), which is applicable to certain Boeing Model 737 series airplanes, was published in the **Federal Register** on May 7, 2004 (69 FR 25505). The action proposed to require modification of certain fuselage support structure for the number 2 galley. The action also proposed to expand the applicability of the existing AD to include additional airplanes.

**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.

**Requests To Add an Option To Reduce the Weight Limit of the Galley as an Alternative to the Modification**

One commenter states that the wording in the proposed AD and the referenced service bulletin is such that, if the allowable operating weight limit of a given airplane's galley is above a certain threshold value, the proposed modification would be required. The commenter suggests that the proposed AD specify that if a galley has a weight limit above the threshold value, the

operator be given the option of reducing the weight limit to the threshold value and re-placarding the galley with the new limit, instead of modifying the airplane.

Another commenter proposes an option be included for operators to reduce the total weight limit of the galley, as opposed to doing the structural modification. The commenter adds that, for all airplanes other than Group 1, the proposed AD forces the operator to use Table A in the referenced service bulletin to determine the structural configuration of the airplane. Based on that configuration, and the allowable galley weight limit, the operator will do the applicable corrective action. The commenter proposes that the FAA specify a weight limit for all airplane groups which is similar to the Group 1 airplanes listed in the proposed AD. The commenter notes that, by doing this, the operator will have the option of either doing the modification and maintaining the current galley weight limit, or reducing the galley weight limit and avoiding the expensive modification.

We agree. We have added a new paragraph (d) to this AD that allows reducing the galley weight limit to 995 pounds or less as an alternative to doing the required modification. The reduction in the galley weight limit will require re-placarding to specify the maximum capacity limit of 995 pounds for the galley. If necessary, re-placarding is required to specify the load limit for individual compartments, to ensure that the total of the individual compartment weights does not exceed the maximum capacity for the galley.

**Request To Change Applicability**

One commenter states that the applicability section in the proposed AD specifies "as listed in Boeing Special Attention Service Bulletin 737-53-1154, Revision 1, dated October 3, 2002," and paragraph (b) of the proposed AD requires doing the proposed modification within 18 months, per the referenced service bulletin. The commenter adds that the first step specified in the service bulletin is to determine the maximum operating weight of the number 2 galley; the proposed modification is only necessary on airplanes with that galley, and that have an allowable operating weight of more than 995 pounds. The commenter suggests adding further description to the applicability section of the proposed AD to avoid unnecessary research and inspection. The commenter also adds that the applicability specified in AD 95-02-08 includes a description of the galley