

10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

15. In § 70.25, the introductory text of paragraph (g) is revised to read as follows:

§ 70.25 Financial assurance and recordkeeping for decommissioning.

(g) Each person licensed under this part shall keep records of information important to the decommissioning of a facility in an identified location until the site is released for unrestricted use. If records important to the decommissioning of a facility are kept for other purposes, reference to these records and their locations may be used. Information the Commission considers important to decommissioning consists of—

* * * * *

16. In § 70.38, paragraph (k)(4) is added to read as follows:

§ 70.38 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

* * * * *

(k) * * *

(4) Records required by § 70.51(b)(6) have been received.

17. In § 70.51, footnotes 2 and 3 are re-designated as footnotes 3 and 4, paragraph (b)(6) is revised, and a new paragraph (b)(7) is added to read as follows:

§ 70.51 Material balance, inventory, and records requirements.

* * * * *

(b) * * *

(6) Prior to license termination, licensees shall forward the following records to the appropriate NRC Regional Office:

(i) Records of disposal of licensed material made under § 20.2002 (including burials authorized before January 28, 1981²), 20.2003, 20.2004, 20.2005;

(ii) Records required by § 20.2103(b)(4); and

(iii) Records required by § 70.25(g).

(7) If licensed activities are transferred or assigned in accordance with

§ 70.32(a)(3), the licensee shall transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

(i) Records of disposal of licensed material made under § 20.2002 (including burials authorized before January 28, 1981²), 20.2003, 20.2004, 20.2005;

(ii) Records required by

§ 20.2103(b)(4); and

(iii) Records required by § 70.25(g).

* * * * *

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

18. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95-601, sec. 10, 92 Stat. 2951, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102 Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); Secs. 131, 132, 133, 135, 137, 141, Pub. L. 97-425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100-203, 101 Stat. 1330-232, 1330-236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97-425, 96 Stat. 2202, 2203, 2204, 2222, 2244, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and Sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

19. In § 72.30, the introductory text of paragraph (d) is revised to read as follows:

§ 72.30 Financial assurance and recordkeeping for decommissioning.

* * * * *

(d) Each person licensed under this part shall keep records of information important to the decommissioning of a facility in an identified location until the site is released for unrestricted use. If records important to the decommissioning of a facility are kept for other purposes, reference to these

records and their locations may be used. Information the Commission considers important to decommissioning consists of—

* * * * *

20. In § 72.54, paragraph (m)(3) is added to read as follows:

§ 72.54 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

* * * * *

(m) * * *

(3) Records required by § 72.80(e) have been received.

21. In § 72.80, paragraphs (e) and (f) are added to read as follows:

§ 72.80 Other records and reports.

* * * * *

(e) Prior to license termination, the licensee shall forward records required by §§ 20.2103(b)(4) and 72.30(d) to the appropriate NRC Regional Office.

(f) If licensed activities are transferred or assigned in accordance with § 72.44(b)(1), the licensee shall transfer the records required by §§ 20.2103(b)(4) and 72.30(d) to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated.

Dated at Rockville, Maryland, this 1st day of February 1996.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94-NM-92-AD; Amendment 39-9618; AD 96-10-11]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model DC-9 and DC-9-80 Series Airplanes, Model MD-88 Airplanes, and C-9 (Military) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to McDonnell Douglas Model DC-9 and DC-9-80 series airplanes, Model MD-88 airplanes, and C-9 (military) series airplanes, that currently requires certain inspections and structural modifications. This

² A previous § 20.304 permitted burial of small quantities of licensed materials in soil before January 28, 1981, without specific Commission authorization. See § 20.304 contained in the 10 CFR, parts 0 to 199, edition revised as of January 1, 1981.

amendment requires additional inspections and structural modifications. This amendment is prompted by an evaluation conducted by the Airworthiness Assurance Working Group, which identified additional inspections and structural modifications for mandatory action. The actions specified by this AD are intended to prevent degradation in the structural capabilities of the affected airplanes.

DATES: Effective June 20, 1996.

The incorporation by reference of "DC-9/MD-80 Aging Aircraft Service Action Requirements Document," McDonnell Douglas Report No. MDC K1572, Revision B, dated January 15, 1993, as listed in the regulations, is approved by the Director of the Federal Register as of June 20, 1996.

The incorporation by reference of "DC-9/MD-80 Aging Aircraft Service Action Requirements Document," McDonnell Douglas Report No. MDC K1572, Revision A, dated June 1, 1990, as listed in the regulations, was approved previously by the Director of the Federal Register as of September 24, 1990 (55 FR 34704, August 24, 1990).

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at FAA, Transport Airplane Directorate, 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: David Y. J. Hsu, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (310) 627-5323; fax (310) 627-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) was published in the Federal Register on November 10, 1994 (59 FR 56011). The action proposed to supersede AD 90-18-03, amendment 39-6701 (55 FR 34704, August 24, 1990), which is applicable to McDonnell Douglas Model DC-9 and DC-9-80 series airplanes, and Model MD-88 airplanes, and C-9 (military) series airplanes. That action

proposed to require certain additional structural modifications and inspections.

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 the Proposal

Several commenters support the proposed rule.

Request for FAA to Review Future Revisions of the Service Action Requirements Document (SARD)

One commenter requests that the FAA review all subsequent revisions of service bulletins that are referenced in McDonnell Douglas Report No. MDC K1572, "DC-9/MD-80 Aging Aircraft Service Action Requirements Document," Revision B, dated January 15, 1993 (hereafter referred to as "SARD, Revision B"), to determine acceptability for compliance with the requirements of the proposal. The FAA concurs. Whenever the FAA reviews and approves a service document, that document will indicate that it has been approved by the FAA, and that if is considered an acceptable alternative method of compliance for any existing AD's. For example, two sources of service information referenced in the final rule bear such a statement. (See page ii, "Alternative Means of Compliance," of SARD, Revision B; and page 22, paragraph 1.E. "Approval," of McDonnell Douglas DC-9 Service Bulletin 53-230, Revision 1, dated January 12, 1993.)

Request to Permit Operators to Join in FAA's Review of Future Revisions to the SARD

The same commenter also requests that the FAA, as part of the review process, obtain input from affected operators prior to approving any McDonnell Douglas service bulletin. The commenter states that this would reduce the number of errors in service bulletins, which would eliminate the need for revisions of service bulletins to correct any errors in them.

The FAA does not concur. While the FAA recognizes the value of operators' review of service bulletins, it considers their participation to be more timely and appropriate during the development of the service bulletin by the manufacturer, rather than after it has been submitted to the FAA for approval. After the FAA has identified an unsafe condition, the FAA relies upon the manufacturer to provide the method to correct that unsafe condition. When that method of correction of the unsafe

condition results in the issuance of a service bulletin, the FAA must review and approve that service bulletin based upon whether that service bulletin positively addresses the identified unsafe condition and whether that method of correction meets the airworthiness requirements for the type design of the affected aircraft. Further, operators may not be able to provide in-depth engineering analysis, such as that performed by the FAA, since type design data are proprietary and may not be available to all operators.

However, the Air Transport Association (ATA) of America has in place a system whereby member operators are afforded the opportunity to provide input to airworthiness concerns. The FAA encourages operators to take advantage of this ATA system to effect changes to manufacturer's service bulletins. Additionally, operators have the option of contacting the manufacturer directly to resolve such difficulties.

Request that Manufacturer Provide Alternative Rework Drawings to Operators

The same commenter requests that, when an earlier version of a rework drawing is referenced in any rulemaking action, the FAA ensure that the manufacturer provide operators with the most recent revision of that rework drawing if it has been approved by the FAA as an alternative method of compliance for the requirements of that rulemaking action.

The FAA does not concur. Section 21.99(b), of the Federal Aviation Regulations [14 CFR 21.99(b)], "Required design changes," requires that the manufacturer make information on design changes that contribute to the safety of the product available to all operators of the affected product. However, the revised rework drawings may not necessarily contribute to the safety of the product. The FAA encourages operators to contact the manufacturer directly to obtain revisions of rework drawings. However, in the event any operator finds it impossible to accomplish the requirements of this AD due to the inability to obtain necessary rework drawings, those operators are reminded of the provisions of paragraph (h) of the final rule, which permit any operator to apply for approval of an alternative method of compliance with the requirements of the final rule.

Request for Removal of Certain Service Bulletins from Requirements of the Rule

The same commenter requests that the proposed rule be revised by removing McDonnell Douglas DC-9 Service Bulletins 53-174 and 53-147 from the requirements. These service bulletins are referenced in SARD, Revision B, which is referenced in the proposal as the appropriate source of service information. The commenter contends that these two service bulletins do not fit within the parameters of the proposal since they specify continual repetitive inspections after accomplishment of the proposed modification. The commenter asserts that this contradicts the stated purpose of the proposal, which is to "reflect the FAA's decision that long term continued operational safety should be assured by actual modification of the airframe."

The FAA does not concur. The FAA finds that the commenter has restated only a portion of the purpose of this rulemaking action; the commenter omitted two key words from the Summary section of this rulemaking action. The FAA's intent is to require "modification of the airframe, *where feasible*." Service Bulletin 53-174 specifies replacement of a limited number of rivets with bolts and hi-lok fasteners and installation of doublers in the non-ventral bulkhead web and tee. Service Bulletin 53-147 specifies installation of an external doubler and internal finger doublers between longerons (LN) 14L and 14R in the aft pressure bulkhead skin splice doubler. Since fatigue testing and service history have demonstrated that the location of the modifications addressed in these two service bulletins is susceptible to fatigue cracking, the FAA has determined that modification alone cannot ensure safety of the fleet; therefore, repetitive inspections must continue to be performed to prevent degradation in the structural capabilities of the affected airplanes.

Along this same line, the same commenter states that it cannot accomplish the inspections that are required to be performed following accomplishment of the modification specified in McDonnell Douglas DC-9 Service Bulletin 53-174. The commenter notes that although the service bulletin provides a method for accomplishing the modification, it does not provide a method for accomplishing the inspections of the modified structure. From this comment, the FAA infers that the commenter is requesting a delay in issuance of the final rule until such time that the manufacturer has

developed an acceptable inspection method of the modified structure. The FAA does not concur. The FAA does not consider that delaying this action until that time is warranted since sufficient technology currently exists to accomplish the follow-on inspections within the compliance time. However, the FAA points out that for airplanes on which modifications affect performing the required inspections, operators must use the provisions of paragraph (h) of the final rule to request, from the FAA, approval for an alternative method of compliance.

Request to Reference Latest Revision of Service Bulletins

The same commenter requests a revision to the proposal to reference two service bulletins that have been revised since issuance of the notice. The commenter states that McDonnell Douglas DC-9 Service Bulletin 57-129, Revision 3, dated November 6, 1987, has been re-issued as two separate service bulletins: McDonnell Douglas DC-9 Service Bulletin 57-129, Revision 5, dated November 10, 1994; and McDonnell Douglas DC-9 Service Bulletin 57-200, dated November 10, 1994. The FAA concurs. Three new notes have been added to the final rule: NOTE 4, NOTE 11, and NOTE 12. These notes state that accomplishment of both of these service bulletins is acceptable for compliance with the requirement to accomplish Service Bulletin 57-129, Revision 3.

Request to Convert Compliance Time from Flight Hours to Flight Cycles

The same commenter requests a revision to the proposal that would provide further guidance for converting flight hours to an equivalent number of flight cycles. The commenter notes that most operators track rotatable components in terms of flight hours, rather than flight cycles, as expressed in the service bulletins referenced in SARD, Revision B. Further, the commenter contends that repairable components are tracked neither by serial number nor by flight cycles/hours. The commenter states that ten of the service bulletins listed in SARD, Revision B, express thresholds in terms of flight cycles accumulated on the affected component.

The FAA does not concur. In re-evaluating expressions of thresholds in terms of flight cycles, the FAA has verified with several affected operators (including the commenter) and has found that repairable and rotatable components have been tracked by flight cycles, as well as flight hours. Since this commenter did not submit utilization

data for each of its airplanes, the FAA could not provide an appropriate method to convert flight hours to an equivalent number of flight cycles. However, the FAA would address these unique circumstances, including conversion of flight hours to flight cycles, under the alternative method of compliance provisions of paragraph (h) of the final rule.

Request to Revise Compliance Threshold for One Service Bulletin

This same commenter requests a revision of the threshold specified in McDonnell Douglas DC-9 Service Bulletin 53-60, Revision 1 (referenced in Table 2.3 of SARD, Revision B). The commenter states that a more appropriate threshold would be "prior to the accumulation of 89,000 total landings," which would coincide with the threshold specified in McDonnell Douglas DC-9 Service Bulletin 53-166 (referenced in Table 2.1 of SARD, Revision B). The commenter notes that Service Bulletin 53-166 recommends accomplishment of the modification described in that service bulletin prior to the accumulation of 89,000 total landings, while Service Bulletin 53-60 recommends accomplishment of the modification described in that service bulletin prior to January 15, 1997. The commenter further states that Service Bulletin 53-60 must be accomplished prior to the accomplishment of Service Bulletin 53-166.

The FAA does not concur. Service Bulletin 53-166 states that it "assumes that Service Bulletins * * * 53-60 have been accomplished;" it does not state that Service Bulletin 53-60 *must* be accomplished prior to Service Bulletin 53-166. In fact, Service Bulletin 53-166 goes on to state that "if these service bulletins have not been accomplished on applicable aircraft, contact the Douglas Aircraft Company for special instructions." Further, the FAA points out that the final rule does not require accomplishment of Service Bulletin 53-60 prior to the accomplishment of Service Bulletin 53-166, but it would permit such accomplishment. Therefore, no change to the final rule is necessary.

Request to Revise Repair Approval Process

This same commenter questions why structural repairs accomplished in accordance with the DC-9 Structural Repair Manual (SRM), which is an FAA-approved document; and Douglas Service Rework Drawings, which, for the most part, are FAA-approved documents, must be again approved by the FAA for the purpose of this AD. The commenter notes that paragraph (c) of

the proposal requires FAA-approval of structural repairs, including those that are accomplished in accordance with either of these documents, despite the fact that they are FAA-approved documents.

The FAA infers that the commenter is requesting that proposed paragraph (c) be revised to allow repairs in accordance with the SRM and Service Rework Drawings, without further approval by the ACO. The FAA does not concur. The repairs required by paragraph (c) were not intended to terminate the requirements for inspection contained in paragraphs (a) and (b) of the AD. However, the inspection procedures referenced in those paragraphs may not be appropriate for structure repaired as required by paragraph (c). Therefore, it is necessary to obtain ACO approval of such repairs in order to ensure that the approval is conditioned upon identification of appropriate inspection methods that will continue to meet the intent of paragraphs (a) and (b). For example, if a crack identified as a result of an inspection under paragraph (a) is within the limits specified for an appropriate repair in the SRM, an operator would be required to obtain the ACO's approval for that repair. The approval would be conditioned either on the ACO's determination that the inspection required by paragraph (a) continues to be appropriate, or on the operator's identification of an acceptable alternative inspection method.

Request to Clarify Effect of Requirements on Supplemental Inspection Document (SID) Program

The same commenter asks what effect the proposed requirement to modify Principal Structural Elements (PSE) will have on AD 94-03-01, amendment 39-8807 (59 FR 6538, February 11, 1994), which requires implementation of a SID sampling program of structural inspections to detect fatigue cracking. The commenter notes that, in many cases, accomplishment of the terminating modifications required by the proposal will affect the fleet-leader operator sampling (FLOS) program of AD 94-03-01.

The FAA acknowledges that certain repair and modification requirements of the final rule may affect the FLOS program of AD 94-03-01. For this reason, standardization and continuity of repairs are especially important in light of the complexity of the DC-9 SID program. The FAA has determined that standardization and continuity of repairs can best be maintained by having one single point of approval [i.e.,

the Manager of the Los Angeles Aircraft Certification Office (ACO)] for all repairs of cracks in Principal Structural Element (PSE), including those required by this final rule.

Further, every repair of PSE structure requires a Damage Tolerance Assessment (DTA) to be performed (of each repair) to establish its effect on the original inspection requirements of the repaired structure. The FAA considers that any repair of any cracked PSE without the required DTA can only be considered temporary, and will eventually need to be coordinated with the Manager of the Los Angeles ACO. A PSE structure on which repairs are made without the required DTA and not coordinated with the manufacturer and the Los Angeles ACO, becomes a "discrepant PSE" when the time arrives for that PSE to be re-inspected. In these cases, the repair may need to be removed or reworked at a later time. In either case, the Manager of the Los Angeles ACO must ensure that all repairs of cracked PSE's comply with the requirements of AD 94-03-01, as well as with the requirements of this final rule.

Most methods of repair specified in the DC-9 SRM or in relevant service bulletins, or Designated Engineering Representative (DER)-designed repairs, do not include a continuing inspection program to ensure that the repair is inspected at the same level of safety as the original PSE structure. A DTA can be done most easily at the time of repair, rather than at a later date when the details of the repair may be hard to obtain and, undoubtedly, would be more costly. Currently, the Manager and staff of the Los Angeles ACO are working very closely with the manufacturer to expedite interim repair approval requests. Such requests may be made under the provisions of paragraph (h) of the final rule.

Request to Include Corrosion Inspections

Another commenter requests a revision to proposed paragraphs (a) and (b) to include inspections to detect corrosion. The commenter states that proposed paragraphs (a) and (b), as well as AD 90-18-03 only require inspections to detect cracking.

The FAA does not concur that revision is necessary. NOTE 4 of the final rule (which was designated NOTE 2 in the proposal) and the Note following paragraph A.1. of AD 90-18-03 state that corrective action is required for discrepancies other than cracking. Additionally, on May 24, 1993, the FAA issued AD 92-22-08 R1, amendment 39-8591 (58 FR 32281, June

9, 1993), which requires the implementation of a corrosion prevention and control program. Therefore, the FAA finds that it is unnecessary to include in this final rule any additional inspections to detect corrosion.

Request for Clarification of Requirements of Service Bulletin 55-31

The same commenter requests a revision to the proposal to clarify the requirements specified in McDonnell Douglas DC-9 Service Bulletin 55-31, which is referenced in SARD, Revision B. The commenter notes that confusion may arise because Service Bulletin 55-31 is listed in various sections of SARD, Revision B.

The FAA concurs. Service Bulletin 55-31 is listed in Table 2.3 and Table 2.4 of SARD, Revision B. Paragraph (b) of the final rule requires inspections of aircraft structure specified in Table 2.3 or 2.4 of SARD, Revision B, while paragraph (e) of the final rule requires modifications of aircraft structure specified in Table 2.3 or 2.4 of SARD, Revision B. A new NOTE 7 has been added to the final rule to clarify that the revisions of the service bulletins that are listed under "Recommended Modification" are acceptable for inspections performed prior to the effective date of the final rule. Additionally, NOTE 8 of the final rule (which was designated NOTE 5 in the proposal) provides additional clarification by stating that only those revision levels of the service bulletins listed in Tables 2.3 and 2.4 are acceptable for compliance with the modification requirements of the final rule. Therefore, the inspections described in Service Bulletin 55-31 are required to be performed in accordance with Revision 4, and the modifications are required to be accomplished in accordance with Revision 3 or Revision 4 of Service Bulletin 55-31.

Request to Delete FAA-Approval of Repair Methods

One commenter requests a revision to paragraph (c) of the proposal, which requires repair of cracks prior to further flight in accordance with a method approved by the Manager of the Los Angeles ACO. The commenter states that this proposed requirement would impose a severe hardship on operators since most operators work 365 days a year, whereas, the Los Angeles ACO operates on a standard 5-day work week. The commenter notes that this difference in hours of operation creates a problem for operators to obtain FAA approvals for repair methods. As an alternative to staffing the Los Angeles

ACO offices 24 hours a day, 7 days a week, the commenter suggests that the FAA provide its engineers and managers in the Los Angeles ACO with pagers.

The FAA does not concur. Since repairs are only required when cracks are found during the inspections required by this final rule, the FAA anticipates that operators will accomplish those inspections and repairs at a maintenance base during regularly scheduled "heavy" maintenance visits. Therefore, the FAA anticipates that operators will have ample time to obtain approvals from the Los Angeles ACO without adversely affecting their operations.

Further, the FAA recognizes that the required modifications will necessitate a large number of work hours to accomplish. However, the thresholds specified in the service bulletins referenced in SARD, Revision B, were developed only after extensive and detailed consultations between a large number of operators of Model DC-9 series airplanes and the manufacturer. Among other things, these consultations were conducted in order to establish timeframes (for accomplishing necessary actions) that would minimize the economic impacts on operators to the maximum extent possible, while still maintaining safety objectives. Consequently, where safety considerations allow, the FAA attempts to impose thresholds that generally coincide with operators' maintenance schedules.

Request for Clarification of When To Repair vs. When To Modify

The same commenter also requests clarification of the relationship between proposed paragraph (c) and proposed paragraph (f). The commenter points out that:

1. Paragraph (c) would require that, if any crack is found during an inspection, it must either be repaired or the applicable terminating modification must be installed; and

2. Paragraph (f) would require that the terminating modifications be installed by the time the airplane accumulates a certain number of landings.

The FAA concurs that clarification is warranted. Paragraph (c) of the final rule is applicable to all airplanes, while paragraph (f) of the final rule is applicable only to Model DC-9-10, -20, -30, -40, and -50 series airplanes and C-9 (military) series airplanes.

Further, the repair or modification specified in paragraph (c) is an "on condition" requirement; as such, the terminating modifications required by paragraph (c) of the final rule are required to be accomplished, prior to

further flight, on the condition that cracking is found. Paragraph (f) of the final rule, on the other hand, requires the eventual modification of all applicable airplanes (prior to the accumulation of 100,000 total landings), regardless of whether or not cracking has been found.

Request for Clarification of the Rule's Relationship to Modification Requirements of Other Related AD's

The same commenter points to an inconsistency that may exist between several existing AD's that reference various service bulletins (that are referenced in SARD, Revision B) and NOTE 6 of the proposal. The commenter states that a majority of the service bulletins referenced in SARD, Revision B, that describe procedures for inspections, are required currently by various other existing AD's. However, those AD's do not provide for termination of those inspections by accomplishing the modifications described in those service bulletins. Therefore, the commenter questions the intent of NOTE 6 of the proposal, which states that the modifications required by paragraphs (d) and (e) of the proposal do not terminate the inspection requirement of other related AD's unless those other related AD's specifically state so.

The FAA does not find any inconsistencies between proposed NOTE 6, which is now designated as NOTE 14 in the final rule, and the requirements of other related AD's. The NOTE clearly specifies that a modification required by this final rule does not automatically terminate inspections required by another AD, unless that other AD specifically states that the modification does constitute terminating action for that AD's inspection requirements (or unless this final rule specifically states that the modification constitutes terminating action for another AD).

Request for Alternatives to Modifications

Further, the same commenter supports the proposed modifications specified in paragraph (e) of the proposal, but only in cases where:

1. A superior inspection technique is not subsequently developed;
2. There is no record, worldwide, of subsequent cracking of aircraft structure that has had terminating action modification incorporated;
3. Test data and service experience support that the terminating action modification is, without a doubt, effective; and

4. The accomplishment of the modification would not pose the threat of rework included damage/error, as evidenced by historical catastrophic failures.

When these conditions do not exist, the commenter requests that the FAA consider alternatives to the proposed modifications.

Since the commenter did not provide the specifics for any kind of alternative, the FAA infers that the commenter is requesting that the proposed inspections of paragraph (b) be continued repetitively, without terminating modifications. In that case, the FAA does not concur. The FAA has determined that the degree of assurance necessary as to the adequacy of inspections needed to maintain the safety of the aging transport airplane fleet, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has caused the FAA to place less emphasis on repetitive inspections and more emphasis on design improvements and material replacement. Thus, in lieu of its previous position of allowing continual inspection, and repair or modification on condition if cracking is found, the FAA has decided to require, whenever practicable, airplane modifications that remove the source of the particular aging phenomena.

Request to Supersede AD 88-24-08 R2

One commenter requests that the proposal be revised by deleting the requirements of proposed paragraph (f), and including those requirements in AD 88-24-08 R2, amendment 39-6469 (55 FR 1002, January 11, 1990). The commenter notes that proposed paragraph (f) refers to McDonnell Douglas DC-9 Service Bulletin 53-230, Revision 1, dated January 12, 1993; while AD 88-24-08 R2 refers to McDonnell Douglas DC-9 Alert Service Bulletin A53-230, Revision 3, dated September 28, 1989. The commenter states that superseding AD 88-24-08 R2 would ease the administrative burden on operators, in lieu of superseding the proposal whenever the manufacturer issues new revisions of any of the service bulletins that are referenced in the SARD.

The FAA does not concur. The modifications (specified in Service Bulletin 53-230 and) required by paragraph (f) of the final rule terminate the inspections (specified in Alert Service Bulletin A53-230 and) required by AD 88-24-08 R2. Alert Service Bulletin A53-230 does not specify procedures for termination of the inspections described in that service bulletin. Whereas, Service Bulletin 53-

230 describes procedures for modifications of the fuselage frames between LN's 10L and 10R at various overwing stations between Y=484.000 and Y=851.000. As explained in paragraph (f) of the final rule, accomplishment of the modifications specified in Service Bulletin 53-230 terminates the inspection requirements of AD 88-24-08 R2. Further, as stated in the Discussion section of the preamble to the notice, although Service Bulletin 53-230 was not included in SARD, Revision B, the FAA concurs with the recommendations of the Airworthiness Assurance Working Group (AAWG), which recommended that modifications described in it be made mandatory in order to prevent structural degradation of the fleet. Therefore, the FAA finds it appropriate to include Service Bulletin 53-230 in the modification requirements of the final rule.

However, the FAA will consider issuing separate rulemaking actions, including supersedure of existing AD's, whenever the manufacturer issues new revisions to the service bulletins referenced in those AD's.

Request To Delete Redundant Language Concerning Terminating Modifications

One commenter asserts that proposed paragraph (g) is redundant to proposed paragraphs (a) and (b), which state that the modifications in the service bulletins terminate the inspection requirements. From this comment, the FAA infers that the commenter is requesting the deletion of proposed paragraph (g), which states that accomplishment of certain modifications terminates certain inspection requirements. The FAA concurs. Proposed paragraph (g) has been deleted from the final rule.

Request for Explanation for the Exclusion of Certain Service Bulletins

This same commenter requests that proposed rule be revised to include an explanation as to why MD-80 Service Bulletins 53-186 (which is referenced in Tables 2.1 and 2.2 of SARD, Revision B) and 53-216 (which is referenced in Table 2.2 of SARD, Revision B) are excluded from the proposed requirements. The FAA concurs and acknowledges that the reason for excluding these service bulletins from the requirements of the final rule was omitted unintentionally. AD 94-08-04, amendment 39-8875 (59 FR 18952, April 21, 1994) requires inspections to detect cracking in the skin and doublers around the upper anticollision light cutout, and repair, if necessary; and stress coining the plate nut clearance

holes; which are specified in those service bulletins. Therefore, paragraph (g) of the final rule [which was designated paragraph (h) in the proposal] has been revised to state that AD 94-08-04 addresses the actions specified in Service Bulletins 53-186 and 53-216; it is for this reason that the actions specified in those service bulletins are excluded from the requirements of the final rule.

Along this same line, the FAA finds that the actions specified in DC-9 Service Bulletin 54-30 are excluded from the requirements of the final rule since AD 77-14-19, amendment 39-2971 (42 FR 36811, July 18, 1977), already addresses the actions specified in that service bulletin. AD 77-14-19 requires repetitive inspections to detect fatigue cracking of the engine pylon front spar attachments and upper cap; and modification of cracked structure. Procedures for these actions are described in DC-9 Service Bulletin 54-30. Paragraph (g) of the final rule has been revised to reflect this change.

The FAA also finds that the actions specified in DC-9 Service Bulletins 27-196 and 27-250 are excluded from the requirements of the final rule since AD 92-11-10, amendment 39-8260 (57 FR 27149, June 18, 1992), already addresses the actions specified in these service bulletins. AD 92-11-10 requires repetitive inspections to detect cracking of the forward slat drive drums' bellcrank shafts, and replacement, as applicable. Procedures for these actions are described in DC-9 Service Bulletins 27-196 and 27-50. Paragraph (g) of the final rule has been revised accordingly.

The FAA also finds that the actions specified in DC-9 Service Bulletins 57-125 and 57-148 are excluded from the requirements of the final rule since AD 96-01-05, amendment 39-9481 (61 FR 2403, January 26, 1996), already addresses the actions specified in those service bulletins. DC-9 Service Bulletin 57-125 describes procedures for replacement of the attach fittings of the main landing gear (MLG); and DC-9 Service Bulletin 57-148 describes procedures for inspection and modification of the attach fittings of the MLG. Since these actions currently are required by AD 96-01-05, paragraph (g) of the final rule has been revised to exclude these actions.

Additionally, paragraphs (a), (b), (d), (e) of the final rule have been revised to note the exclusion provision of paragraph (g) of the final rule.

Clarification of Provisions for Obtaining Alternative Methods of Compliance (AMOC)

One commenter requests further guidance to determine exactly when FAA-approval of an AMOC is necessary. The FAA acknowledges that additional guidance may be warranted, and has added a new NOTE 1 to provide this. The new note specifies that, when performance of the requirements of the AD is "affected," an operator should apply for approval of an AMOC in order to show compliance with the AD. The meaning of the term "affected" can be understood by applying it to typical scenarios:

One scenario is when performance of the requirements of the AD is "affected" in such a way that the operator is unable to perform those requirements in the manner described in the AD. An example of this is when an AD requires a visual inspection in accordance with a certain service bulletin, but the operator cannot perform that inspection because of the placement of a repair doubler over the structure to be inspected; in this case, "performance of the AD is affected."

Another scenario is when it is physically possible to perform the requirements of an AD, but the results achieved are different from those specified in the AD. An example of this is when an AD requires a non-destructive test (NDT) inspection in accordance with a certain service bulletin, and the operator is able to move the NDT probe over the specified area in the specified manner, but the results are either meaningless or inaccurate because of a repair doubler placed over that area; in this case, "performance of the AD is affected."

While it is not possible to address every possible situation, "affected" is normally an easy standard to apply: either it is possible to perform the requirements as specified in the AD and achieve the specified results, or it is not possible. Therefore, if the requirements of this AD cannot be performed, then operators must submit a request for an approval of an AMOC from the FAA, in accordance with the provision of paragraph (h) of the final rule.

Any requirement of an AD, such as a modification or repair doesn't "affect performance of the AD;" it is performance of the AD. Accordingly, every AD includes a provision that states, "Compliance required as indicated, unless previously accomplished." If an operator performs such a requirement before the AD is issued, the FAA is confident that the operator will recognize that it has

already complied with the AD and no further action (including obtaining approval of an AMOC) is required.

Request That FAA Publish Its Policies on Granting AMOC's for Aging Aircraft AD's

One commenter requests a revision of the proposed rule to include all FAA policies pertinent to granting approvals of alternative methods of compliance for aging aircraft AD's. The commenter made specific reference to an FAA memo, dated June 9, 1994, which outlined the criteria that the Aircraft Certification Offices (ACO) would be using to grant approvals for alternative methods of compliance with the aging aircraft AD's. (The subject of the memo was "Denial of Requests for Extended Compliance Times with the Aging Aircraft Modification Airworthiness Directives.") The commenter notes that the FAA has been inconsistent in granting approvals of alternative methods of compliance for aging aircraft AD's.

The FAA does not concur. Part 39 of the Federal Aviation Regulations (14 CFR part 39), "Airworthiness Directives," is for the purpose of correcting unsafe conditions that may exist or develop in aircraft, not for the purpose of publishing FAA policy decisions. The FAA points out that it will continue to use the criteria outlined in the memo referenced by the commenter to review data substantiating requests for alternative methods of compliance to the aging aircraft AD's on a case-by-case basis. Since the commenter did not provide any specific examples of inconsistencies in the approval of alternative methods of compliance that have been granted by the FAA, the FAA cannot address those inconsistencies. However, the FAA attempts, to the maximum extent possible, to accommodate each operators' specific operating conditions, aircraft configurations, maintenance practices, and other variables, provided they do not adversely impact safety.

Requests to Clarify Validity of Previously Approved AMOC's

This same commenter requests a revision to the proposal to indicate that alternative methods of compliance that were previously approved by the FAA for the modification requirements of other related AD's continue to be considered acceptable for compliance with the requirements of the proposal. The commenter states that the proposal is too limiting in that only those AMOC's that were previously approved for the requirements of AD 90-18-03 are to be considered acceptable for

compliance with the requirements of the proposal. The commenter contends that revising proposed rule to accept previously approved AMOC's would preclude operators from needlessly resubmitting additional requests for AMOC's for the inspections and modifications that are required by proposed paragraphs (a), (b), (d), and (f).

The FAA does not concur. The intent of paragraph (i) of the final rule [which was designated paragraph (j) in the proposal] is to have approvals for alternative methods of compliance to AD 90-18-03 remain in effect for this AD. The inspection requirements of paragraph (a) of the final rule (contained in Table 2.1 and Table 2.2 of SARD, Revision A and) is a restatement of paragraph A. of AD 90-18-03, and the modification requirements of paragraph (d) of the final rule is a restatement of paragraph B. of AD 90-18-03. However, other modifications (contained in Table 2.3, Table 2.4, and Table 3.1 of SARD, Revision B) that are required by this final rule provide for a higher level of safety than that provided by other modifications required by other related AD's. Therefore, alternative methods of compliance that were previously approved by the FAA for those other related AD's may not provide for an adequate level of safety as that provided by the modifications required by the final rule; therefore, they must be reviewed individually to determine their acceptability, as provided in paragraph (i) of the final rule.

Request that Necessary Parts Be Available

This commenter further requests FAA's intervention to ensure that the manufacturer take no longer than 15 days to provide required parts to operators. This commenter states that it has taken up to 18 months to obtain necessary parts for modifications required by AD's. The FAA cannot concur with this commenter's request, since the FAA has no regulatory requirement to ensure that manufacturers of aircraft produce spare parts in a timely manner. Part 39 of the Federal Aviation Regulations (14 CFR part 39), "Airworthiness Directives," limits the FAA's authority to correct findings of unsafe conditions that may exist or develop in aircraft.

Regardless, the FAA has verified with the manufacturer that parts necessary for the modifications required by the final rule will be available to operators upon submission of a purchase order to the manufacturer. Additionally, under the provisions of paragraph (h) of the final rule, operators may apply for the approval of an alternative method of

compliance or adjustment of the compliance time if sufficient parts are unavailable to operators to accomplish the requirements of the final rule.

Request for Revision of Cost Estimate Figures

One commenter requests that the cost impact information of the proposal be revised to reflect the "true cost" over the entire "modification period." The commenter notes that, in the proposal, the costs estimated "over the initial 4-year time period," depicts an inaccurately low figure, since only 33 percent of the service bulletins referenced in SARD, Revision B, recommend a threshold of 4 years.

The FAA does not concur that revision is necessary. The economic impact information, below, was developed with data provided by the manufacturer. In this case, the cost estimate in the final rule was developed by the McDonnell Douglas Corporation only after extensive and detailed consultations with large numbers of operators of Model DC-9 and DC-9-80 series airplanes. The FAA acknowledges that only 33 percent of the service bulletins referenced in the SARD recommend a threshold of 4 years; the remaining 67 percent of the service bulletins recommend a threshold based on the number of flight cycles the airplane has accumulated or on the age of the airplane. Given the significant differences in operators' usage of these airplanes, an accurate assessment of when each airplane would reach that flight cycle threshold would be nearly impossible to calculate accurately. Additionally, there is no way of knowing how many airplanes will be "phased" out of service as they approach or exceed the original economic life goal of these airplanes. Therefore, the FAA considers the 4-year time period as an appropriate baseline to calculate the estimated costs for all of the actions required by the final rule.

Additionally, subsequent to the issuance of the notice, the FAA reviewed the figures it used in calculating the cost of labor relevant to accomplishing AD activity. In order to account for various inflationary costs in the airline industry, the FAA finds it appropriate to increase the labor rate used in these calculations from \$55 per work hour to \$60 per work hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

Editorial Changes to the Final Rule

For purposes of readability, the FAA has revised paragraphs (a), (b), (d), and (e); NOTE 10 [which was designated

NOTE 4 in the proposal] and NOTE 13 [which was designated NOTE 5 in the proposal] of the final rule to remove the parenthetical phrase that describes the airplanes applicable to each Table in the SARD. A new NOTE 2 has been added to the final rule to explain that Tables 2.1, 2.3, and 3.1 of the SARD are applicable to Model DC-9-10, -20, -30, -40, and -50 series airplanes, and C-9 (military) series airplanes; and Tables 2.2 and 2.4 of the SARD are applicable to Model DC-9-81, -82, -83, and -87 (MD-81, -82, -83, and -87) series airplanes, and Model MD-88 airplanes.

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 changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 892 Model DC-9 and C-9 (military) series airplanes of the affected design in the worldwide fleet.

The FAA estimates that 568 Model DC-9 and C-9 (military) series airplanes of U.S. registry were originally affected by AD 90-18-03. The requirements of that AD were estimated to take approximately 946 work hours to accomplish, at a current average labor rate of \$60 per work hour. The cost for required modification kits was estimated to be \$15,140 per airplane. Based on these figures, the FAA estimated that the cost impact of AD 90-18-03 on U.S. operators of Model DC-9 and C-9 (military) series airplanes will be \$40,839,200, or \$71,900 per airplane, over the initial 4-year time period. (These figures do not include the cost of downtime, planning, set-up, familiarization, or tool acquisition.)

The FAA estimates that 511 Model DC-9 and C-9 (military) series airplanes of U.S. registry will be affected by the new requirements specified in this AD. The new additional requirements of this AD action will take approximately 638 additional work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$37,027 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$38,481,877, or \$75,307 per airplane, over a 4-year time period. (These figures do not include the cost of downtime, planning, set-up, familiarization, and tool acquisition.)

There are approximately 1,090 Model DC-9-80 series airplanes and Model MD-88 airplanes of the affected design in the worldwide fleet.

The FAA estimates that 173 Model DC-9-80 series airplanes and Model MD-88 airplanes of U.S. registry were originally affected by AD 90-18-03. The requirements of that AD were estimated to take approximately 47 work hours to accomplish, at a current average labor rate of \$60 per work hour. The cost for required modification kits was estimated to be \$752 per airplane. Based on these figures, the FAA estimated that the cost impact of AD 90-18-03 on U.S. operators of Model DC-9-80 series airplanes and Model MD-88 airplanes will be \$617,956, or \$3,572 per airplane, over the initial 4-year time period. (These figures do not include the cost of downtime, planning, set-up, familiarization, or tool acquisition.)

The FAA estimates that a total of 615 Model DC-9-80 series airplanes and Model MD-88 airplanes of U.S. registry will be affected by the new requirements specified in this AD. This increase in the number of affected airplanes is due to various reasons, including transfer of ownership and the fact that additional airplanes have accumulated time-in-service since the issuance of AD 90-18-03 and have reached the threshold for modification/inspection. The new additional requirements of this AD action will take approximately 13 additional work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost an additional \$943 per airplane. Based on these figures, the additional cost impact of this AD on U.S. operators is estimated to be \$1,059,645, or \$1,723 per airplane, over a 4-year time period. (These figures do not include the cost of downtime, planning, set-up, familiarization, or tool acquisition.)

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished the currently required or the newly required actions of this AD; however, it can reasonably be assumed that a majority of affected operators have already initiated the inspections and structural modifications required by AD 90-18-03 [retained in paragraphs (a) and (d) of this AD] and many may have already initiated the additional inspections and structural modifications in this new AD action.

The number of required work hours, as indicated above, is presented as if the accomplishment of the actions proposed in this AD were to be conducted as "stand alone" actions. However, in actual practice, these actions for the

most part would be accomplished coincidentally or in combination with normally scheduled airplane inspections and other maintenance program tasks. Therefore, the actual number of necessary additional work hours would be minimal in many instances. Additionally, any costs associated with special airplane scheduling would be minimal.

Regulatory Impact

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-6701 (55 FR 34704, August 24, 1990), and by adding

a new airworthiness directive (AD), amendment 39-9618, to read as follows:

96-10-11 McDonnell Douglas: Amendment 39-9618. Docket 94-NM-92-AD. Supersedes AD 90-18-03, Amendment 39-6701.

Applicability: Model DC-9-10, -20, -30, -40, and -50 series airplanes; Model DC-9-81 (MD-81), -82 (MD-82), -83 (MD-83), and -87 (MD-87) series airplanes; Model MD-88 airplanes; and C-9 (military) series airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (h) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Note 2: For purposes of this AD, references to Tables 2.1, 2.3, and 3.1 of the Service Action Requirements Document (SARD) are applicable to Model DC-9-10, -20, -30, -40, and -50 series airplanes, and C-9 (military) series airplanes; and Tables 2.2 and 2.4 of the SARD are applicable to Model DC-9-81, -82, -83, and -87 (MD-81, -82, -83, and -87) series airplanes, and Model MD-88 airplanes.

Compliance: Required as indicated, unless accomplished previously.

To prevent structural failure, accomplish the following:

Note 3: Paragraph (a) of this AD restates the requirements for an initial inspection and the repetitive inspections contained in paragraph A. of AD 90-18-03. Therefore, for operators who have previously accomplished at least the initial inspection in accordance with AD 90-18-03, paragraph (a) of this AD requires that the next scheduled inspection be performed within the specified repetitive inspection interval after the last inspection performed in accordance with paragraph A. of AD 90-18-03.

(a) Except as provided by paragraph (g) of this AD, within the threshold for inspections specified in the service bulletins listed in either Table 2.1 or Table 2.2, as applicable, of "DC-9/MD-80 Aging Aircraft Service Action Requirements Document," McDonnell Douglas Report No. MDC K1572, Revision A, dated June 1, 1990 (hereinafter referred to as "SARD, Revision A"), or within one repetitive inspection period specified in those service bulletins after September 24, 1990 (the effective date of AD 90-18-03, Amendment 39-6701); whichever occurs later: Inspect to detect cracks in accordance with those service bulletins. Repeat these inspections thereafter at the intervals specified in the service bulletins listed in either Table 2.1, or Table 2.2, as applicable, of SARD, Revision A, until the applicable terminating modification required by paragraph (d) of this AD is accomplished.

Note 4: Table 2.1 of SARD, Revision A, includes the inspections specified in DC-9 Service Bulletin 57-129, Revision 3, dated November 6, 1987. Since issuance of the SARD, Revision A, that service bulletin has been re-issued as two separate service bulletins: DC-9 Service Bulletin 57-129, Revision 5, and DC-9 Service Bulletin 57-200; both dated November 10, 1994. Therefore, accomplishment of both DC-9 Service Bulletins 57-129, Revision 5, and 57-200 is considered acceptable for compliance with the inspections specified in DC-9 Service Bulletin 57-129, Revision 3.

Note 5: The service bulletin revision levels list under "Recommended Modification" in either Table 2.1 or Table 2.2, as applicable, of SARD, Revision A, are acceptable revisions for inspections performed prior to September 24, 1994.

(b) Except as provided by paragraph (g) of this AD, within the threshold for inspections specified in the service bulletins listed in Tables 2.3 and 3.1, or Table 2.4, as applicable, of "DC-9/MD-80 Aging Aircraft Service Action Requirements Document," McDonnell Douglas Report No. MDC K1572, Revision B, dated January 15, 1993 (hereinafter referred to as "SARD, Revision B"), or within one repetitive inspection period specified in those service bulletins after the effective date of this AD, whichever occurs later: Inspect to detect cracks in accordance with those service bulletins. Repeat these inspections thereafter at the intervals specified in the service bulletins listed in either paragraph (b)(1) or (b)(2) of this AD, as applicable, until the applicable terminating modification required by paragraph (e) of this AD is accomplished.

Note 6: Accomplishment of the inspections in accordance with McDonnell Douglas DC-9 Service Bulletin 57-129, Revision 5, dated November 10, 1994; and McDonnell Douglas DC-9 Service Bulletin 57-200, dated November 10, 1994; is acceptable for compliance with the inspections described in McDonnell Douglas DC-9 Service Bulletin 57-129, Revision 3, which is referenced in SARD, Revision B.

(1) For Model DC-9-10, -20, -30, -40, -50, and C-9 (military) series airplanes: The service bulletins listed in Tables 2.3 and 3.1 of SARD, Revision B. Or

(2) For Model DC-9-81, -82, -83, -87 (MD-81, -82, -83, -87), and Model MD-88 airplanes: The service bulletins listed in Table 2.4 of SARD, Revision B.

Note 7: The service bulletin revision levels list under "Recommended Modification" or "Recommended Inspection" in Tables 2.3 and 3.1, or Table 2.4, as applicable, of SARD, Revision B, are acceptable revisions for inspections performed prior to the effective date of this AD.

(c) If any crack is found during any inspection required by this AD, prior to further flight, either accomplish the applicable terminating modification in accordance with paragraph (d) or (e) of this AD, or repair in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note 8: Detection of any discrepancy, other than cracking, necessitates appropriate corrective action in accordance with the provisions of part 43 of the Federal Aviation Regulations (14 CFR part 43).

(d) Except as provided by paragraph (g) of this AD, prior to reaching the incorporation thresholds listed in either Table 2.1, or Table 2.2, as applicable, of SARD, Revision A or Revision B; or within 4 years after September 24, 1990 (the effective date of AD 90-18-03); whichever occurs later: Accomplish the structural modifications specified in the service bulletins listed in either Table 2.1, or Table 2.2, as applicable, of SARD, Revision A or Revision B. Accomplishment of these modifications constitutes terminating action for the applicable inspections required by paragraph (a) of this AD.

Note 9: Paragraph (d) of this AD restates the modification requirements of paragraph B. of AD 90-18-03. As allowed by the phrase, "unless accomplished previously," if the requirements of paragraph B. of AD 90-18-03 have been accomplished previously, paragraph (d) of this AD does not require that they be repeated.

Note 10: The service bulletin revision levels listed under "Recommended Modification" in either Table 2.1, or Table 2.2, as applicable, of SARD, Revision A, are acceptable revisions for modifications accomplished prior to September 24, 1994.

Note 11: Accomplishment of the modification in accordance with McDonnell Douglas DC-9 Service Bulletin 57-129, Revision 5, dated November 10, 1994; and McDonnell Douglas DC-9 Service Bulletin 57-200, dated November 10, 1994; is acceptable for compliance with the modifications described in McDonnell Douglas DC-9 Service Bulletin 57-129, Revision 3, which is referenced in SARD, Revision A.

(e) Except as provided by paragraph (g) of this AD, prior to reaching the incorporation thresholds listed in either Table 2.3, or Table 2.4, as applicable, of SARD, Revision B, or within 4 years after the effective date of this AD, whichever occurs later: Accomplish the structural modifications specified in the service bulletins listed in either Table 2.3, or Table 2.4, as applicable, of SARD, Revision B. Accomplishment of this modification constitutes terminating action for the applicable inspections required by paragraph (b) of this AD.

Note 12: Accomplishment of the modifications in accordance with McDonnell Douglas DC-9 Service Bulletin 57-129, Revision 5, dated November 10, 1994, and McDonnell Douglas DC-9 Service Bulletin 57-200, dated November 10, 1994; is acceptable for compliance with the modifications described in McDonnell Douglas DC-9 Service Bulletin 57-129, Revision 3, which is referenced in SARD, Revision B.

Note 13: The service bulletin revision levels listed under "Recommended Modification" in either Table 2.3, or Table 2.4 of SARD, Revision B, are acceptable revisions for modifications accomplished prior to the effective date of this AD.

Note 14: The modifications required by paragraphs (d) and (e) of this AD do not terminate the inspection requirements of any other AD unless that AD specifies that any such modification constitutes terminating action for those specified inspection requirements.

(f) For Model DC-9-10, -20, -30, -40, -50, and C-9 (military) series airplanes: Prior to

the accumulation of 100,000 total landings, accomplish the modifications specified in McDonnell Douglas DC-9 Service Bulletin 53-230, Revision 1, dated January 12, 1993. Accomplishment of these modifications constitute terminating action for the inspections required by AD 88-24-08 R2, amendment 39-6469.

(g) The McDonnell Douglas service bulletins that are listed below, are addressed in the following separate rulemaking actions. Therefore, the actions specified in these service bulletins that are referenced in the following tables of SARD, Revision A or Revision B, are excluded from the requirements of this AD.

| Table(s) | McDonnell Douglas Service Bulletin | AD No. | Amendment No. |
|-------------|-------------------------------------|----------|---------------|
| 3.1 | DC-9 Service Bulletin 54-30 | 77-14-19 | 39-2971 |
| 2.1 | DC-9 Service Bulletin 27-196 | 92-11-10 | 39-8260 |
| 2.1 | DC-9 Service Bulletin 27-250 | 92-11-10 | 39-8260 |
| 2.1 and 2.2 | MD-80 Service Bulletin 53-186 | 94-08-04 | 39-8875 |
| 2.2 | MD-80 Service Bulletin 53-216 | 94-08-04 | 39-8875 |
| 2.1 | DC-9 Service Bulletin 57-125 | 96-01-05 | 39-9481 |
| 2.3 | DC-9 Service Bulletin 57-148 | 96-01-05 | 39-9481 |

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 15: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(i) Alternative methods of compliance previously granted for AD 90-18-03, amendment 39-6701, continue to be considered as acceptable alternative methods of compliance for the relevant provisions of this amendment.

(j) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(k) The inspections and modifications shall be done in accordance with "DC-9/MD-80 Aging Aircraft Service Action Requirements Document," McDonnell Douglas Report No. MDC K1572, Revision A, dated June 1, 1990; and in accordance with "DC-9/MD-80 Aging Aircraft Service Action Requirements Document," McDonnell Douglas Report No. MDC K1572, Revision B, dated January 15, 1993, which contains the following list of effective pages:

| Page No. | Revision letter shown on page | Date shown on page |
|---|-------------------------------|--------------------|
| List of Effective Pages. Pages xi and xii. | B | January 15, 1993. |

The incorporation by reference of "DC-9/MD-80 Aging Aircraft Service Action Requirements Document," McDonnell Douglas Report No. MDC K1572, Revision A, dated June 1, 1990, was approved previously by the Director of the Federal Register in

accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of September 24, 1990 (55 FR 34704, August 24, 1990). The incorporation by reference of "DC-9/MD-80 Aging Aircraft Service Action Requirements Document," McDonnell Douglas Report No. MDC K1572, Revision B, dated January 15, 1993, is 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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(l) This amendment becomes effective on June 20, 1996.

Issued in Renton, Washington, on May 8, 1996.

Darrell M. Pederson,
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-12020 Filed 5-15-96; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 96-CE-20-AD; Amendment 39-9619; AD 96-10-12]

RIN 2120-AA64

Airworthiness Directives; Aviat Aircraft, Inc. Models S-1S, S-1T, S-2, S-2A, S-2S, and S-2B Airplanes (Formerly Known as Pitts Models S-1S, S-1T, S-2, S-2A, S-2S, and S-2B Airplanes)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Aviat Aircraft, Inc. (Aviat) Models S-1S, S-1T, S-2, S-2A, S-2S, and S-2B airplanes that are equipped with a flight control stick with a wall thickness of .035 inch. This action requires repetitively inspecting the flight control stick for cracks, and replacing any cracked flight control stick with one with a wall thickness of .058 inch. An incident on an Aviat Model S-2A airplane where the flight control stick fractured in flight prompted this action. The actions specified by this AD are intended to prevent the inability to maneuver the airplane because of a cracked flight control stick, which, if not detected and corrected, could result in loss of control of the airplane.

DATES: Effective June 7, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 7, 1996.

Comments for inclusion in the Rules Docket must be received on or before July 19, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96-CE-20-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Aviat Aircraft, Inc., The Airport-Box 1240, South Washington Street, Afton, Wyoming 83110. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96-CE-20-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or