

# Proposed Rules

Federal Register

Vol. 61, No. 133

Wednesday, July 10, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-91-AD]

RIN 2120-AA64

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

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-9 series airplanes and C-9 (military) airplanes. This proposal would require either replacement or modification of the hydraulic damper assembly. This proposal is prompted by reports indicating that insufficient damping of the hydraulic shimmy damper in the main landing gear (MLG) can allow high torsional vibration to occur. The actions specified by the proposed AD are intended to prevent such vibration, which can damage the MLG assembly and lead to its collapse.

**DATES:** Comments must be received by August 19, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-91-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule 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 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.

**FOR FURTHER INFORMATION CONTACT:** Walter Eierman, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5336; fax (310) 627-5210.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96-NM-91-AD." The postcard will be date stamped and returned to the commenter.

##### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No.

96-NM-91-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### Discussion

The FAA has received several reports of incidents in which components of the main landing gear (MLG) on McDonnell Douglas Model DC-9 series airplanes have been damaged. In one incident, the MLG torque link was broken; in another incident, the nut was stripped off of the torque link apex bolt. Investigation has revealed that, under maximum loading of the hydraulic damper assembly, which occurs during landing, the metal-to-metal seal between the cap and damper assembly housing can leak (hydraulic fluid) internally. Such leakage can reduce the effectiveness of the damper.

Insufficient damping of the MLG hydraulic shimmy damper allows torsional vibration to occur in the MLG. High torsional vibration can damage the MLG, which can result in collapse of the MLG and can cause additional damage to other parts of the airplane.

##### Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Service Bulletin DC9-32-289, dated March 7, 1996, which describes procedures for either replacing or modifying the hydraulic damper assembly. The replacement entails replacing the current assembly with an improved assembly. The modification involves removing shims located between the cap and damper assembly housing, increasing the torque on damper housing assembly bolts, and incorporating changes to increase the volume of fluid passing between the two damper chambers. These actions will enhance the performance of the shimmy damper and reduce the potential for torsional vibration in the MLG.

##### Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require either replacing or modifying the hydraulic damper assembly. The actions would be required to be accomplished in accordance with the service bulletin described previously.

## Other Relevant Rulemaking

The FAA previously issued AD 96-01-09, amendment 39-9485 (61 FR 2407, January 26, 1996), which addresses a similar problem found on McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes.

## Cost Impact

There are approximately 878 Model DC-9 series airplanes and C-9 (military) airplanes of the affected design in the worldwide fleet. The FAA estimates that 590 airplanes of U.S. registry would be affected by this proposed AD.

To accomplish the proposed replacement would take approximately 5.9 work hours per airplane, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$11,139 per airplane (two assemblies at \$5,569 each). Based on these figures, the cost impact of the proposed replacement action on U.S. operators is estimated to be \$11,492 per airplane.

To accomplish the proposed modification would take approximately 10.9 work hours per airplane, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$2,907 per airplane. Based on these figures, the cost impact of the proposed modification action on U.S. operators is estimated to be \$3,561 per airplane.

Based on the figures discussed above, the cost impact of this proposed AD on the U.S. fleet would be between \$2,100,990 and \$6,780,280. These cost impact figures are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

## Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

## The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

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

McDonnell Douglas: Docket 96-NM-91-AD.

*Applicability:* Model DC-9-10, -20, -30, -40, and -50 series airplanes, and C-9 (military) airplanes; as listed in McDonnell Douglas Service Bulletin DC9-32-289, dated March 7, 1996; 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 (b) 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.

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

To prevent high torsional vibration from occurring, which can damage the main landing gear (MLG) assembly and lead to its collapse, accomplish the following:

(a) Within 24 months after the effective date of this AD, either replace or modify the MLG hydraulic damper assembly, in accordance with the procedures specified as either Option 1 or Option 2, respectively, in McDonnell Douglas Service Bulletin DC9-32-289, dated March 7, 1996.

(b) 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 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(c) 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.

Issued in Renton, Washington, on July 3, 1996.

Darrell M. Pederson,

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

[FR Doc. 96-17537 Filed 7-9-96; 8:45 am]

BILLING CODE 4910-13-U

## 14 CFR Part 39

[Docket No. 95-NM-271-AD]

RIN 2120-AA64

## Airworthiness Directives; Jetstream Model 4101 Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Jetstream Model 4101 series airplanes. This proposal would require a high frequency eddy current inspection to detect cracks of the boundary angle and joint angle of the rear pressure bulkhead, and repair, if necessary. This proposal also would require modification of the rear pressure bulkhead of the fuselage. This proposal is prompted by a report of fatigue cracking in the rear pressure bulkhead of the fuselage. The actions specified by the proposed AD are intended to prevent such fatigue cracking, which could result in reduced structural integrity of the fuselage and, consequently, lead to the rapid decompression of the pressurized area of the airplane.

**DATES:** Comments must be received by August 19, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103,