

# Proposed Rules

Federal Register

Vol. 63, No. 133

Monday, July 13, 1998

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. 98-NM-147-AD]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Model DC-9, DC-9-80, and C-9 (Military) Series Airplanes; Model MD-88 Airplanes; and Model MD-90 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, DC-9-80, and C-9 (military) series airplanes; Model MD-88 airplanes; and Model MD-90 airplanes. This proposal would require a one-time inspection of the forward attach pins of the outboard flight spoiler actuators to determine whether the pins are of correct length, and follow-on corrective actions. This proposal is prompted by a report that forward attach pins of incorrect length were found to be installed in the flight spoiler actuators on several in-service and in-production airplanes. The actions specified by the proposed AD are intended to prevent failure of the piston of the flight spoiler actuator and consequent puncturing of the aft spar web, which could result in fuel leakage and reduced structural integrity of the wings.

**DATES:** Comments must be received by August 27, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-147-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 The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. 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:** Brent Bandley, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5220; fax (562) 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 98-NM-147-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-114, Attention: Rules Docket No. 98-NM-147-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The FAA has received a report indicating that forward attach pins of incorrect length (too short) were found to be installed in the pistons of the outboard flight spoiler actuators on certain McDonnell Douglas Model DC-9-80 series airplanes and Model MD-90 airplanes. These pins were manufactured incorrectly by one vendor, and the flight spoiler actuators that incorporate the incorrect pins have been installed on a number of airplanes. If a forward attach pin is too short, the pin and nut could come into contact with the piston lugs, which could cause sustained stresses and consequent stress corrosion. This condition, if not corrected, could result in failure of the piston of the flight spoiler actuator and consequent puncturing of the aft spar web, which could result in fuel leakage and reduced structural integrity of the wings.

#### Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Service Bulletins DC9-27-355 and MD90-27-024, both dated February 24, 1998. These service bulletins describe procedures for a one-time visual inspection of the forward attach pin of the outboard flight spoiler actuator on the left and right sides of the airplane to determine whether the forward attach pin is of correct length, and follow-on corrective actions, which include the following:

- Condition 1. For airplanes on which the length of the pins is correct, the service bulletins describe procedures for modifying the pin by etching a new part number on it and reinstalling it into the flight spoiler actuator.
- Condition 2. For airplanes on which the length of the pins is incorrect, the service bulletins describe procedures for a follow-on visual inspection to detect corrosion of the outer transition radii of the piston lugs of the flight

spoiler actuator, or discrepancies of the cadmium plating on the lugs. If no corrosion or discrepancy is found, follow-on actions include installing a new, improved pin, and a new washer and nut. If any corrosion or discrepancy is found, corrective actions include removing the actuator and attaching parts, performing a high frequency eddy current (HFEC) inspection for cracking of the lugs of the actuator, replacing any cracked piston assembly of the actuator with a new part, reinstalling the actuator and attaching parts, and installing a new, improved pin, and a new washer and nut.

Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

#### 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 accomplishment of the actions specified in the service bulletins described previously. The proposed AD also would require that operators report results of inspection findings to the FAA.

#### Cost Impact

There are approximately 1,700 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,134 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 5 work hours per airplane (including removal and reinstallation of the forward attach pin) to accomplish the proposed one-time visual inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this inspection proposed by this AD on U.S. operators is estimated to be \$340,200, or \$300 per airplane.

If the forward attach pin is determined to be of correct length, it would take approximately 1 work hour per airplane to accomplish the necessary modification, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this modification proposed by this AD on U.S. operators is estimated to be \$60 per airplane.

If the forward attach pin is determined to be of incorrect length, it would take approximately 1 work hour per airplane to accomplish the follow-on visual inspection and replacement of the pin, at an average labor rate of \$60 per work hour. New pins would be provided by the manufacturer at no cost

to the operators. Based on these figures, the cost impact of the follow-on visual inspection and replacement is estimated to be \$60 per airplane.

Should an operator be required to accomplish the HFEC inspection, it would take approximately 11 work hours per airplane to accomplish (including removal and reinstallation of the flight spoiler actuator), at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the HFEC inspection is estimated to be \$660 per airplane.

Should an operator be required to accomplish the replacement of the piston assembly of the flight spoiler actuator, it would take approximately 5 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$2,590 per airplane. Based on these figures, the cost impact of the replacement on U.S. operators is estimated to be \$2,890 per airplane.

The cost impact figures discussed above 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 98-NM-147-AD.

**Applicability:** Model DC-9-10, -20, -30, -40, and -50 series airplanes, Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) series airplanes, Model MD-88 airplanes, and C-9 (military) series airplanes, as listed in McDonnell Douglas Service Bulletin DC9-27-355, dated February 24, 1998; and Model MD-90 airplanes, as listed in McDonnell Douglas Service Bulletin MD90-27-024, dated February 24, 1998; on which a piston assembly of the flight spoiler actuator having part number (P/N) 4913415-505 or 4913415-507 is installed; 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 (d) 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 failure of the piston of the flight spoiler actuator and consequent puncturing of the aft spar web, which could result in fuel leakage and reduced structural integrity of the wings, accomplish the following:

(a) Within 18 months after the effective date of this AD, remove the forward attach pin of the outboard flight spoiler actuator of the left and right wings of the airplane, and perform a one-time visual inspection of the pin to determine whether it is of correct length, in accordance with the Accomplishment Instructions of McDonnell Douglas Service Bulletin DC9-27-355 [for Model DC-9-10, -20, -30, -40, -50 series airplanes; Model C-9 (military) series airplanes; Model DC-9-81 (MD-81), -82 (MD-82), -83 (MD-83), and -87 (MD-87) series airplanes; and Model MD-88 airplanes], or MD90-27-024 (for Model MD-90 airplanes), both dated February 24, 1998, as applicable.

(1) Condition 1 (Correct Length). If the forward attach pin is of correct length, prior to further flight, modify the pin by reidentifying it with P/N 4935329-503, in accordance with the applicable service bulletin.

(2) Condition 2 (Incorrect Length). If the forward attach pin is of incorrect length, prior to further flight, perform a follow-on visual inspection of the piston lugs of the flight spoiler actuator for corrosion at the outer transition radii, or discrepancies of the cadmium plating of the lugs, in accordance with the applicable service bulletin.

(i) If no corrosion or discrepancy of the cadmium plating of the lugs is detected, prior to further flight, install a new, improved forward attach pin, P/N 4935329-503, and a new washer and nut, in accordance with the applicable service bulletin.

(ii) If any corrosion or discrepancy of the cadmium plating of the lugs is detected, prior to further flight, remove the actuator and attaching parts, and perform a high frequency eddy current inspection for cracking of the lugs of the actuator, in accordance with the applicable service bulletin.

(A) If no cracking of the lugs is detected, prior to further flight, reinstall the flight spoiler actuator and attaching parts, and install a new, improved forward attach pin, P/N 4935329-503, and a new washer and nut, in accordance with the applicable service bulletin.

(B) If any cracking of the lugs is detected, prior to further flight, replace the existing piston assembly of the flight spoiler actuator with a new piston assembly having the same P/N; reinstall the flight spoiler actuator and attaching parts; and install a new, improved forward attach pin, P/N 4935329-503, and a new washer and nut, in accordance with the applicable service bulletin.

(b) Within 10 days after accomplishing the inspection required by paragraph (a) of this AD, submit a report of the inspection results (both positive and negative findings) to the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712-4137; fax (562) 627-5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(c) As of the effective date of this AD, no person shall install a forward attach pin of the flight spoiler actuator, P/N 4935329-1 or 4935329-501, on any airplane.

(d) 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 ACO. 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.

(e) 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 6, 1998.

**John J. Hickey,**

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

[FR Doc. 98-18471 Filed 7-10-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 98-AWP-3]

#### Proposed Modification of Class E Airspace; Fortuna, CA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to modify the Class E airspace area at Fortuna, CA. The establishment of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 29 at Rohnerville Airport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the GPS RWY 29 SIAP to Rohnerville Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Rohnerville Airport, Fortuna, CA.

**DATES:** Comments must be received on or before July 30, 1998.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP-520, Docket No. 98-AWP-3, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California, 90261.

The official docket may be examined in the Office of the Regional Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California, 90261.

An informal docket may also be examined during normal business hours at the Office of the manager, Airspace Branch, Air Traffic Division at the above address.

**FOR FURTHER INFORMATION CONTACT:** Larry Tonish, Airspace Specialist, Airspace Branch, AWP-520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000

Aviation Boulevard, Lawndale, California, 90261, telephone (310) 725-6539.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 98-AWP-3." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, 15000 Aviation Boulevard, Lawndale, California 90261. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedures.

##### The Proposal

The FAA is considering an amendment to 14 CFR part 71 by modifying the Class E airspace area at Fortuna, CA. The establishment of a GPS RWY 29 SIAP at Rohnerville Airport has made