

# Proposed Rules

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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-268-AD]

RIN 2120-AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of two existing airworthiness directives (AD), applicable to certain McDonnell Douglas Model DC-9, DC-9-80, and C-9 (military) series airplanes, and Model MD-88 airplanes, that currently require installation of hydraulic line restrictors in the main landing gear (MLG), and modification or replacement of the left and right MLG hydraulic damper assemblies. This action would require an additional modification of the MLG hydraulic damper assemblies, or replacement of the MLG hydraulic damper assemblies with modified and reidentified hydraulic damper assemblies. This proposal is prompted by reports indicating that MLG hydraulic damper assemblies removed for overhaul had failed or damaged spring retainers, due to insufficient material thickness of the spring retainers. The actions specified by the proposed AD are intended to prevent failure of the hydraulic damper assemblies of the MLG, which could result in vibration damage and collapse of the MLG.

**DATES:** Comments must be received by August 23, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-

268-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 Boeing Commercial Aircraft Group, Long Beach 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:** Albert Lam, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5346; 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-268-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-268-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

On January 5, 1996, the FAA issued AD 96-01-09, amendment 39-9485 (61 FR 2407, January 26, 1996), applicable to certain McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes, to require installation of hydraulic line restrictors in the main landing gear (MLG), and modification of the hydraulic damper assembly of the MLG. That action was prompted by reports of vibration occurring in the MLG during landing; in some cases, such vibration has led to the collapse of the MLG. The requirements of that AD are intended to prevent incidents of vibration in the MLG, which can adversely affect the integrity of the MLG.

On September 30, 1996, the FAA issued AD 96-21-01, amendment 39-9777 (61 FR 53042, October 10, 1996), applicable to certain McDonnell Douglas Model DC-9 series airplanes. That AD is similar to AD 96-01-09 in that it requires either replacement or modification of the hydraulic damper assembly. That action was prompted by reports indicating that insufficient damping of the hydraulic shimmy damper in the MLG can allow high torsional vibration to occur. The requirements of that AD are intended to prevent such vibration, which can damage the MLG assembly and lead to its collapse.

#### Actions Since Issuance of Previous Rule

Since the issuance of those AD's, the FAA has received reports indicating that, during overhaul, 30 percent of the latest configuration of the MLG hydraulic damper assemblies installed on McDonnell Douglas Model DC-9 series airplanes had failed or damaged spring retainers in the assemblies. Investigation revealed that the cause of the failed or damaged spring retainers

may be insufficient material thickness of the spring retainers. Such failure of the spring retainers, if not corrected, could result in failure of the hydraulic damper assemblies of the MLG, which could result in vibration damage and collapse of the MLG.

#### Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Service Bulletin DC9-32-311, dated July 6, 1998, and McDonnell Douglas Alert Service Bulletin DC9-32A311, Revision 01, dated March 8, 1999, which describe procedures for modification of the hydraulic damper assemblies of the MLG, or replacement of the MLG hydraulic damper assemblies with modified and reidentified hydraulic damper assemblies. The modification involves removal and disassembly of the damper assembly, removal of the spring retainers in the damper assembly, and replacement with new spring retainers. 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, this proposed AD would supersede AD 96-01-09 and AD 96-21-01 to continue to require replacement or modification of the left and right MLG hydraulic damper assemblies and installation of hydraulic line restrictors in the MLG. This proposed AD would add an additional modification of the hydraulic damper assemblies of the MLG, or replacement of the MLG hydraulic damper assemblies with modified and reidentified hydraulic damper assemblies. The actions would be required to be accomplished in accordance with the service bulletins described previously.

#### Cost Impact

There are approximately 2,015 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,145 airplanes of U.S. registry would be affected by this proposed AD.

The installation that is currently required by AD 96-01-09, and retained in this proposal, takes approximately 4 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts cost approximately \$928 per airplane. Based on these figures, the cost impact of the currently required installation on U.S. operators is estimated to be \$1,168 per airplane.

The modification that is currently required by AD 96-01-09, and retained in this proposal, takes approximately 6 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts cost approximately \$4,000 per airplane. Based on these figures, the cost impact of the currently required modification on U.S. operators is estimated to be \$4,360 per airplane.

The replacement that is currently required by AD 96-21-01, and retained in this proposal, takes approximately 6 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts cost approximately \$11,139 per airplane (two assemblies at \$5,569 each). Based on these figures, the cost impact of the currently required replacement on U.S. operators is estimated to be \$11,499 per airplane.

The modification that is currently required by AD 96-21-01, and retained in this proposal, takes approximately 11 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts cost approximately \$2,907 per airplane. Based on these figures, the cost impact of the currently required modification on U.S. operators is estimated to be \$3,567 per airplane.

The modification or replacement that is proposed in this AD action would take approximately 18 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$608 per airplane. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be \$1,932,760, or \$1,688 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or 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 removing amendment 39-9485 (61 FR 2407, January 26, 1996), and amendment 39-9777 (61 FR 53042, October 10, 1996), and by adding a new airworthiness directive (AD), to read as follows:

**McDonnell Douglas:** Docket 98-NM-268-AD. Supersedes AD 96-01-09, Amendment 39-9485; and AD 96-21-01, Amendment 39-9777.

**Applicability:** Model DC-9-81 (MD-81), -82 (MD-82), -83 (MD-83), and -87 (MD-87) series airplanes, and Model MD-88 airplanes; as listed in McDonnell Douglas Service Bulletins MD80-32-276 and MD80-32-278, both dated March 31, 1995; and Model DC-9-10, -20, -30, -40, and -50; and C-9 (military) series 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 (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.

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

To prevent failure of the hydraulic damper assemblies of the MLG, which could result in vibration damage and collapse of the MLG, accomplish the following:

#### Restatement of Requirements of AD 96-01-09

##### Modifications

(a) For airplanes listed in McDonnell Douglas MD-80 Service Bulletin MD80-32-276, dated March 31, 1995, that have not been previously modified (installation of brake line restrictors) in accordance with McDonnell Douglas MD-80 Service Bulletin MD80-32-246: Within 9 months after February 26, 1996 (the effective date of AD 96-01-09, amendment 39-9485), install filtered brake line restrictors in the MLG hydraulic brake system in accordance with McDonnell Douglas MD-80 Service Bulletin MD80-32-276, dated March 31, 1995, or Revision 1, dated October 17, 1995.

**Note 2:** Installation of filtered restrictors in accordance with the instructions specified in McDonnell Douglas MD-80 Alert Service Bulletin, MD80-A32-286, dated September 11, 1995, is considered acceptable for compliance with paragraph (a) of this AD.

(b) For airplanes listed in McDonnell Douglas MD-80 Service Bulletin MD80-32-278, dated March 31, 1995: Within 36 months after February 26, 1996, modify the hydraulic damper assembly (by removing shims, increasing bolt torque, and incorporating changes to increase the volume of fluid passing between the two damper chambers) in accordance with McDonnell Douglas MD-80 Service Bulletin MD80-32-278, dated March 31, 1995, or Revision 1, dated September 6, 1995.

#### Restatement of Requirements of AD 96-21-01

##### Replacement or Modification

(c) For airplanes listed in McDonnell Douglas Service Bulletin DC9-32-289, dated March 7, 1996: Within 24 months after November 14, 1996 (the effective date of AD 96-21-01, amendment 39-9777), either replace or modify the MLG hydraulic damper assembly, in accordance with the procedures specified as either "Option 1" or "Option 2," respectively, of the service bulletin.

#### New Requirements of this AD

##### Replacement or Modification

(d) For McDonnell Douglas Model DC-9 series airplanes, and C-9 (military) series airplanes (as listed in McDonnell Douglas Alert Service Bulletin DC9-32A311, Revision 01): Within 18 months after the effective date of this AD, accomplish the requirements specified in either paragraph (d)(1) or (d)(2) of this AD in accordance with McDonnell Douglas Service Bulletin DC9-32-311, dated July 6, 1998, or McDonnell Douglas Alert Service Bulletin DC9-32A311, Revision 01, dated March 8, 1999.

(1) Modify the left and right MLG hydraulic damper assemblies.

(2) Replace the left and right MLG hydraulic damper assemblies with modified

and reidentified hydraulic damper assemblies having part number (P/N) SR09320057-7005, SR09320057-7007, SR09320057-7009, or 5923142-5513.

(e) For McDonnell Douglas Model DC-9-80 series airplanes, and MD-88 airplanes (as listed in McDonnell Douglas Alert Service Bulletin DC9-32A311, Revision 01): Within 3,000 flight cycles after incorporation of the latest configuration of the left and right MLG hydraulic damper assemblies, or within 9 months after the effective date of this AD, whichever occurs later; accomplish the requirements specified in either paragraph (d)(1) or (d)(2) of this AD in accordance with McDonnell Douglas Service Bulletin DC9-32-311, dated July 6, 1998, or McDonnell Douglas Alert Service Bulletin DC9-32A311, Revision 01, dated March 8, 1999.

(f) Paragraph (b) or (c) of this AD, as applicable, must be accomplished prior to or concurrent with the accomplishment of either paragraph (d) or (e) of this AD, as applicable.

##### Spares

(g) As of the effective date of this AD, no person shall install on any airplane a damper sub assembly having P/N SR09320057-9, SR09320057-17, or 5923142-5017; or a damper assembly having P/N SR09320057-7001, SR09320057-7003, or 5923142-5511, unless the part has been modified and reidentified in accordance with paragraph (d)(2) of this AD.

##### Alternative Methods of Compliance

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

##### Special Flight Permits

(i) 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 15, 1999.

#### D.L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-18627 Filed 7-22-99; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-91-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A310 Series 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 Airbus Model A310 series airplanes. This proposal would require repetitive high frequency eddy current inspections to detect fatigue cracking at the hole in the lower web of the inner and outer attachment fittings of the number 3 wing spoilers; and corrective actions, if necessary. This proposal also provides for an optional modification, which would terminate the repetitive inspections. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct fatigue cracking and eventual failure of the attachment fittings of the number 3 wing spoilers.

**DATES:** Comments must be received by August 23, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-91-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:**