

14 CFR Part 39

[Docket No. 94-NM-216-AD; Amendment 39-9130; AD 95-02-11]

Airworthiness Directives; McDonnell Douglas Model DC-9-87 (MD-87) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9-87 (MD-87) series airplanes. This action requires an inspection to detect chafing or arcing damage to the wiring of the aft right cootroom, the intercostal, and the recirculation duct assembly near longeron 5; and modification of the wiring installation for the aft right cootroom. This amendment is prompted by a report of an electrical fire that started due to a short in the cootroom wiring, which was caused by arcing and chafing damage to the wiring. The actions specified in this AD are intended to prevent severe damage to the airframe in the event of a fire caused by arcing and chafing damage to the cootroom wiring.

DATES: Effective March 2, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 2, 1995.

Comments for inclusion in the Rules Docket must be received on or before April 17, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-216-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801-1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2-98. 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Elvin K. Wheeler, Aerospace Engineer,

Systems and Equipment Branch, ANM-132L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5344; fax (310) 627-5210.

SUPPLEMENTARY INFORMATION: The FAA received a report of an electrical fire that started behind the aft right cootroom on a McDonnell Douglas Model DC-9-87 (MD-87) series airplane. Investigation revealed that the fire occurred due to a short in the cootroom wiring, which was caused by arcing and chafing damage to the wiring between an intercostal and a recirculation air duct assembly. This condition, if not corrected, could result in severe damage to the airframe.

McDonnell Douglas has issued MD-80 Service Bulletin 24-151, dated September 29, 1994, which describes procedures for a visual inspection to detect chafing or arcing damage to the wiring of the aft right cootroom, the intercostal, and the recirculation duct assembly near longeron 5 (between stations Y=1078.000 and Y=1098.000), and modification of the wiring installation for the aft right cootroom. The modification entails removing any damaged wiring, cutting a hole in the intercostal and installing a clip assembly, and rerouting the wiring for the aft right cootroom through the modified intercostal. Modification of the wiring installation for the aft right cootroom will minimize the possibility of chafing damage.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent severe damage to the airframe in the event of a fire. This AD requires a visual inspection to detect chafing or arcing damage to the wiring of the aft right cootroom, the intercostal, and the recirculation duct assembly near longeron 5 (between stations Y=1078.000 and Y=1098.000), and modification of the wiring installation for the aft right cootroom. The actions are required to be accomplished in accordance with the service bulletin described previously, with the exception of modifying the wiring installation for airplanes on which any arcing damage to the intercostal or recirculation air duct assembly is found; that modification is required to be accomplished in accordance with a method approved by the FAA.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's

on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this rule to clarify this requirement.

None of the Model DC-9-87 (MD-87) series airplanes affected by this action is on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 7 work hours to accomplish the required actions, at an average labor charge of \$60 per work hour. Required parts will cost approximately \$410 per airplane. Based on these figures, the total cost impact of this AD would be \$830 per airplane.

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in

evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94-NM-216-AD." The postcard will be date stamped and returned to the commenter.

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 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

95-02-11 McDonnell Douglas: Amendment 39-9130. Docket 94-NM-216-AD.

Applicability: Model DC-9-87 (MD-87) series airplanes having factory serial numbers (FSN) 49605 through 49612 inclusive, 49614, 53009 through 53011 inclusive, 53336, 53337, 53340, and 53348; 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 use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent severe damage to the airframe in the event of a fire, accomplish the following:

(a) Within 12 months after the effective date of this AD, perform a visual inspection to detect chafing or arcing damage to the wiring of the aft right coatroom, the intercostal, and the recirculation duct assembly near longeron 5 (between stations Y=1078.000 and Y=1098.000), in accordance with McDonnell Douglas MD-80 Service Bulletin 24-151, dated September 29, 1994.

(1) If no damage is found, prior to further flight, modify the wiring installation for the aft right coatroom (reference paragraph I.C., Condition I, of the service bulletin) in accordance with the procedures described in the service bulletin.

(2) If any damage is found, prior to further flight, modify the wiring installation for the aft right coatroom (reference paragraph I.C., Condition II, of the service bulletin) in accordance with the procedures described in the service bulletin.

(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 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.

(c) Special flight permits may be issued in accordance with §§ 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.

(d) The inspection and modification shall be done in accordance with McDonnell Douglas MD-80 Service Bulletin 24-151, dated September 29, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801-1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2-98. 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; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 2, 1995.

Issued in Renton, Washington, on January 24, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 95-2177 Filed 2-14-95; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 91F-0271]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of β , 3(or 4)-bis(octadecylthio)cyclohexylethane as an antioxidant for general use in polymeric food-contact articles. This action is in response to a petition filed by Atochem North America, Inc.

DATES: Effective February 15, 1995; written objections and requests for a hearing by March 17, 1995.