

## 14 CFR Part 39

[Docket No. 95-NM-16-AD]

**Airworthiness Directives; McDonnell Douglas Model DC-9 and C-9 (Military) 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 all McDonnell Douglas Model DC-9 and C-9 (military) series airplanes. This proposal would require replacement, inspection, and modification of the attach fittings of the main landing gear (MLG). This proposal is prompted by reports of severe structural damage and rupture of the integral fuel tank due to overload of the MLG caused by adverse landing conditions. The actions specified by the proposed AD are intended to minimize the possibility of primary structural damage and rupture of the integral fuel tank due to overload of the MLG; these conditions could lead to fuel spillage and a resultant fire.

**DATES:** Comments must be received by July 19, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-16-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:** 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; telephone (310) 627-5323; 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 95-NM-16-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. 95-NM-16-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

Since October 28, 1971, the FAA has received 11 reports of severe structural damage and rupture of the wing integral fuel tank on McDonnell Douglas Model DC-9 series airplanes. These occurrences resulted from unpredictable overload of the main landing gear (MLG) caused by adverse landing conditions. Model DC-9 series airplanes having certain MLG fittings attached to the airframe in a particular manner can sustain damage of the primary structure and rupture of the integral fuel tank during certain abnormal landing conditions. Such conditions include overrunning the runway, going off the runway, skidding off the runway, taxiing into holes on a runway under repair, landing off the runway, or a hard landing. Structural damage of this type could compromise the integrity of the

integral fuel tank. Should the integral fuel tank subsequently rupture, it could result in fuel spillage and a resultant fire.

The FAA has reviewed and approved McDonnell Douglas DC-9 Service Bulletin 57-207, dated May 24, 1994, which references two other McDonnell Douglas DC-9 service bulletins that contain procedures which, when accomplished, will improve the capability of the MLG to break away during abnormal landing operations. These service bulletins contain procedures for replacement, inspection, and modification of the attachments of the MLG attach fittings, as follows:

1. McDonnell Douglas DC-9 Service Bulletin 57-125, Revision 5, dated November 5, 1990, describes procedures for replacement of MLG attach fittings fabricated from 7079-T6 with fittings fabricated from 7075-T73 aluminum alloy forgings. These procedures are specified in the service bulletin as Option 1.

2. McDonnell Douglas DC-9 Service Bulletin 57-148, Revision 5, dated November 23, 1992. This service bulletin describes procedures for the following:

- Enlarging the counterbores in the MLG attach fitting at the inboard and outboard lower attachment holes, and performing a high frequency eddy current inspection of the counterbore areas to detect cracks;
- Shotpeening selected areas of the MLG attach fitting;
- Replacing the lower attachment bolts of the inboard and outboard MLG attach fittings with bolts having a different part number; and
- Replacing the fasteners through the lower flange of the MLG attach fitting with interference fit fasteners.

These procedures are identified in the service bulletin as Phase 2.

Accomplishment of the actions described above will minimize the possibility of primary structural damage, fuel tank rupture, and possible fuel spillage due to unpredictable overload of the MLG caused by abnormal landing operations.

Accomplishment of the procedures described in Revision 4 of McDonnell Douglas DC-9 Service Bulletin 57-125 is required currently by AD 90-18-03, amendment 39-6701 (55 FR 34704, August 24, 1990) to address an unsafe condition identified as cracking due to stress corrosion and subsequent degradation of the structural capability of the affected airplanes. Revisions 3, 4, and 5 of that service bulletin also specify procedures which, when accomplished, will improve the

capability of the MLG to break away during abnormal landing operations. Therefore, the FAA has determined that the unsafe condition related to structural damage of the integral fuel tank, as addressed by this proposed AD, also has been addressed adequately for those airplanes on which Option 1 of Revision 3, 4, or 5 of the service bulletin has been accomplished. However, the original version through Revision 2 of McDonnell Douglas DC-9 Service Bulletin 57-125 do not contain procedures that will improve the breakaway capability of the MLG. The FAA has previously approved accomplishment of Option 1 in accordance with the original version through Revision 2 of the service bulletin, in lieu of Revision 4, as an acceptable alternative method of compliance with AD 90-18-03. Therefore, for airplanes on which the procedures described in the original version, Revision 1, or Revision 2 of McDonnell Douglas DC-9 Service Bulletin 57-125 have been accomplished, the FAA finds that Phase 2, as specified in McDonnell Douglas DC-9 Service Bulletin 57-148, also must be accomplished to ensure that the unsafe condition specified in this proposed AD is corrected.

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 one of the actions specified below, as applicable. The actions would be required to be accomplished in accordance with the service bulletins described previously.

1. Replacement of the attach fittings of both the right and left MLG's would be required for airplanes on which Option 1 (or production equivalent) of McDonnell Douglas DC-9 Service Bulletin 57-125 (original version through Revision 5) has not been accomplished.

2. Inspection and modification of the attach fittings of both the right and left MLG's would be required for airplanes on which Option 1 of McDonnell Douglas DC-9 Service Bulletin 57-125 (original version through Revision 2) has been accomplished, but on which Phase 2 of McDonnell Douglas DC-9 Service Bulletin 57-148 (original version through Revision 5) has not been accomplished.

There are approximately 906 Model DC-9 and C-9 (military) series airplanes of the affected design in the worldwide fleet. The FAA estimates that 549 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that the replacement specified as Option 1 in

McDonnell Douglas DC-9 Service Bulletin 57-125 has been accomplished on all 549 airplanes of U.S. registry that would be affected by this proposed AD. (As discussed previously, accomplishment of Option 1 was required by AD 90-18-03.) Accordingly, the FAA finds that the proposed replacement required by this AD would impose no additional economic burden on any U.S. operator.

However, should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 425 work hours to accomplish Option 1, at an average labor charge of \$60 per work hour. The cost of required parts would be \$58,853 per airplane. Based on these figures, the total cost impact for accomplishing Option 1 would be \$84,353 per airplane.

The FAA estimates that all 549 airplanes of U.S. registry would be required to accomplish the inspection and modification specified as Phase 2 in McDonnell Douglas DC-9 Service Bulletin 57-148. It would take approximately 36 work hours per airplane to accomplish Phase 2, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$4,338 per airplane. Based on these figures, the total cost impact on U.S. operators for accomplishing Phase 2 is estimated to be \$3,567,402, or \$6,498 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished this proposed requirement (Phase 2) of this AD action, and that no operator would accomplish that action in the future if this AD were not adopted.

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 notice to clarify this long-standing requirement.

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. 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:

**McDonnell Douglas:** Docket 95-NM-16-AD.

*Applicability:* All Model DC-9 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 use the authority provided in paragraph (c) 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 minimize the possibility of primary structural damage and rupture of the integral fuel tank due to overload of the main landing gear (MLG) caused by adverse landing conditions, and subsequent fuel spillage and a resultant fire, accomplish the following:

(a) For airplanes on which Option 1 (or production equivalent) has not been accomplished as specified in McDonnell Douglas DC-9 Service Bulletin 57-125 (original issue through Revision 5): Within 12 months after the effective date of this AD, replace the attach fittings of both the right and left MLG's in accordance with Option 1 of the Accomplishment Instructions of McDonnell Douglas DC-9 Service Bulletins 57-125, Revision 5, dated November 5, 1990.

**Note 2:** Airplanes on which Option 1 has been accomplished as specified in any of the following revisions of McDonnell Douglas DC-9 Service Bulletin 57-125, are considered to be in compliance with this AD and no further action is required by this AD:

| Service bulletin No. | Revision level  | Date                 |
|----------------------|-----------------|----------------------|
| 57-125               | Revision 3 .... | October 28, 1982; or |
|                      | Revision 4 .... | June 21, 1983; or    |
|                      | Revision 5 .... | November 5, 1990.    |

(b) For airplanes on which Option 1 has been accomplished as specified in McDonnell Douglas DC-9 Service Bulletin 57-125 (original version through Revision 2); but on which Phase 2 has not been accomplished as specified in McDonnell Douglas DC-9 Service Bulletin 57-148 (original version through Revision 5): Within 12 months after the effective date of this AD, inspect and modify the attach fittings of both the right and left MLG's in accordance with Phase 2 of McDonnell Douglas DC-9 Service Bulletin 57-148, Revision 5, dated November 23, 1992.

**Note 3:** Airplanes on which both Option 1 (or a production equivalent) has been accomplished as specified in any of the following revisions of McDonnell Douglas DC-9 Service Bulletin 57-125; and Phase 2 (or a production equivalent) has been accomplished as specified in any of the following revisions of McDonnell Douglas DC-9 Service Bulletin 57-148; are considered to be in compliance with this AD and no further action is required by this AD:

| Service bulletin No. | Revision level   | Date                  |
|----------------------|------------------|-----------------------|
| 57-125               | (original) ..... | January 26, 1979; or  |
|                      | Revision 1 ....  | February 16, 1979; or |
|                      | Revision 2 ....  | August 24, 1979;      |

| Service bulletin No. | Revision level   | Date                   |
|----------------------|------------------|------------------------|
| and 57-148           | (original) ..... | October 1, 1982; or    |
|                      | Revision 1 ....  | June 8, 1983; or       |
|                      | Revision 2 ....  | August 9, 1989; or     |
|                      | Revision 3 ....  | September 11, 1990; or |
|                      | Revision 4 ....  | February 25, 1991; or  |
|                      | Revision 5 ....  | November 23, 1992.     |

(c) 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 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(d) 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 May 18, 1995.

**Darrell M. Pederson,**

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

[FR Doc. 95-12712 Filed 5-23-95; 8:45 am]

**BILLING CODE 4910-13-U**

**14 CFR Part 71**

**[Airspace Docket No. 95-ANE-28]**

**Proposed Alternation Class D and Class E Airspace; Hartford, CT**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule would modify the Class D and Class E airspace areas established in the vicinity of the Hartford-Brainard Airport, Hartford, CT. Those airspace areas also define controlled airspace to contain aircraft operating to and from the Rentschler Airport, a privately operated airport in East Hartford, CT. The owner of Rentschler Airport has recently closed the control tower. Therefore, this action is necessary to revise the Class D and Class E airspace in the vicinity of the Rentschler and Hartford-Brainard airports.

**DATES:** Comments must be received on or before June 23, 1995.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, System Management Branch, ANE-530, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7530; fax (617) 238-7596.

The official docket may be examined in the Office of the Assistant Chief Counsel for the New England Region, ANE-7, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7050; fax (617) 238-7055.

An informal docket may also be examined during normal business hours in the Office of the Manager, System Management Branch, Air Traffic Division, ANE-530, at the first address shown above.

**FOR FURTHER INFORMATION CONTACT:** Joanne Botos, System Management Branch, ANE-530, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7533; fax (617) 238-7596.

**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 regularly 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. Commentators wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comment to Airspace Docket No 95-ANE-28." 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 System Management Branch, Air Traffic Division, at 12 New England Executive Park, Burlington, MA 02108-5299, both before and after the closing date for comments. A report summarizing each