

# Proposed Rules

Federal Register

Vol. 62, No. 32

Tuesday, February 18, 1997

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.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-278-AD]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD-11 series airplanes, that currently requires inspections to detect damage of the support brackets and clamps of the transfer pipe of the tail tank, and of the transfer pipe assembly; and replacement of damaged parts, or installation of a doubler, if necessary. This action would add a requirement to install a fuel transfer pipe of the tail tank, and to install support brackets and clamps of the fuel feed pipe of engine No. 2, which constitutes terminating action for the repetitive inspections. This action would also require, for certain airplanes, removal of a temporary protective doubler installed on the fuel pipe assembly. This action is prompted by reports of cracking of the support brackets in the refuel and fuel transfer lines of the tail fuel tank and damage to the nylon clamps and transfer pipe assembly. The actions specified by the proposed AD are intended to prevent such cracking and damage, which could result in further damage to the transfer pipe assembly and possible fuel leakage. **DATES:** Comments must be received by March 28, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-

278-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:** Raymond Vakili, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5262; 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-278-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-278-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### Discussion

On May 1, 1996, the FAA issued AD 96-10-07, amendment 39-9612 (61 FR 21066, May 9, 1996), applicable to certain McDonnell Douglas Model MD-11 series airplanes, to require repetitive visual inspections for cracking, bending, or stress of the support brackets, and any damage to the clamps of the transfer pipe of the tail tank; and replacement of any damaged bracket or clamp with a serviceable part. That action also requires repetitive visual inspections for damage of the transfer pipe assembly of the tail tank; and installation of a doubler on the pipe assembly, or replacement of the pipe assembly with a serviceable assembly, if necessary. That action was prompted by reports of cracking of the support brackets in the refuel and fuel transfer lines of the tail fuel tank and damage to the nylon clamps and transfer pipe assembly; such damage is due to flexing of the brackets and subsequent contact of the transfer pipe assembly with adjacent structure. The requirements of that AD are intended to prevent such cracking and damage, which could result in further damage to the transfer pipe assembly and possible fuel leakage.

In the preamble to AD 96-10-07, the FAA indicated that the actions required by that AD were considered "interim action" and that further rulemaking was being considered. The FAA now has determined that further rulemaking action is indeed necessary, and this proposed AD follows from that determination.

##### Actions Since Issuance of Previous Rule

Since the issuance of that AD, McDonnell Douglas has developed a modification procedure that involves installing a fuel transfer pipe of the tail tank and installing additional support brackets and pipe clamps of the fuel feed pipe of engine No. 2. Installation of additional support brackets and pipe

clamps will positively address the unsafe condition by minimizing the possibility of fuel pipe damage due to flexing of the brackets and subsequent contact of the transfer pipe assembly with adjacent structure.

#### Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Service Bulletin MD11-28-089, dated October 24, 1996, which describes procedures for removal of certain clamps and the temporary protective doubler on the fuel pipe assembly, if those parts have been installed previously. The service bulletin also describes procedures for installing a fuel transfer pipe of the tail tank, and installing support brackets and pipe clamps of the fuel feed pipe of engine No. 2, which eliminates the need for repetitive inspections to detect damage of the support brackets and clamps.

#### 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 supersede AD 96-10-07. It would continue to require visual inspections to detect cracking, bending, or stress of the support brackets and damage to the nylon clamps of the transfer pipe of the tail tank. It also would continue to require repetitive inspections to detect damage of the support brackets and clamps.

However, for certain airplanes, this new proposed AD would add a requirement to remove certain clamps and the temporary protective doubler on the fuel pipe assembly. It also would require installation of a fuel transfer pipe of the tail tank, and installation of support brackets and pipe clamps of the fuel feed pipe of engine No. 2, which constitutes terminating action for the repetitive inspections. These actions would be required to be accomplished in accordance with McDonnell Douglas Service Bulletin MD11-28-089, as described previously.

#### Cost Impact

There are approximately 145 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 40 airplanes of U.S. registry would be affected by this proposed AD.

The actions that are currently required by AD 96-10-07 take approximately 2 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based

on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be \$4,800, or \$120 per airplane, per inspection cycle.

The new actions that are proposed in this AD action would take approximately 6 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$691 per airplane. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be \$42,040, or \$1,051 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 39-9612 (61 FR 21066, May 9, 1996), and by adding a new airworthiness directive (AD), to read as follows:

**McDonnell Douglas:** Docket 96-NM-278-AD. Supersedes AD 96-10-07, Amendment 39-9612.

**Applicability:** Model MD-11 series airplanes; as listed in McDonnell Douglas Service Bulletin MD11-28-089, dated October 24, 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 otherwise 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 (c)(1) 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 cracking of the support brackets in the refuel and fuel transfer lines of the tail fuel tank and damage to the nylon clamps and transfer pipe assembly, which, if not corrected, could result in further damage to the transfer pipe assembly and possible fuel leakage, accomplish the following:

#### Restatement of Requirements of AD 96-10-07

(a) For Group 1 airplanes listed in McDonnell Douglas Alert Service Bulletin MD11-28A083, dated March 13, 1996: Within 90 days after May 24, 1996 (the effective date of AD 96-10-07, amendment 39-9612), accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD in accordance with Paragraph 3. of the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin MD11-28A083, dated March 13, 1996, or McDonnell Douglas Service Bulletin MD11-28A083, Revision 1, dated May 5, 1996.

(1) Perform a visual inspection for cracking, bending, or stress of the support brackets and damage to the nylon clamps of the transfer pipe of the tail tank, in accordance with the alert service bulletin. If any damaged bracket or clamp is detected, prior to further flight, replace it with a serviceable part in accordance with the alert service bulletin.

(2) Perform a visual inspection for chafing and/or denting of the transfer pipe assembly

of the tail tank, in accordance with the alert service bulletin.

(i) *Condition 1.* If no damage to the fuel pipe assembly is detected, accomplish the requirements of either paragraph (a)(2)(i)(A) or (a)(2)(i)(B) of this AD at the times specified in that paragraph.

(A) Condition 1, Option 1. Thereafter, repeat the visual inspections required by paragraph (a) of this AD at intervals not to exceed 600 flight hours; or

(B) Condition 1, Option 2. Install a temporary doubler on the fuel pipe assembly in accordance with the alert service bulletin and, thereafter, repeat the visual inspections required by paragraph (a) of this AD at intervals not to exceed 15 months.

(ii) *Condition 2.* If damage is found that is within the limits specified by the alert service bulletin, prior to further flight, install a temporary doubler on the fuel pipe assembly. Thereafter, repeat the visual inspections required by paragraph (a) of this AD at intervals not to exceed 15 months.

(iii) *Condition 3.* If damage is found that is outside the limits specified by the alert service bulletin, prior to further flight, replace the fuel pipe assembly with a new or serviceable assembly; and accomplish the requirements of either paragraph (a)(2)(iii)(A) or (a)(2)(iii)(B) of this AD at the time specified in that paragraph.

(A) Condition 3, Option 1. Thereafter, repeat the visual inspections required by paragraph (a) of this AD at intervals not to exceed 600 flight hours; or

(B) Condition 3, Option 2. Install a temporary doubler on the fuel pipe assembly; and repeat the visual inspections required by paragraph (a) of this AD, thereafter, at intervals not to exceed 15 months.

(Replacement of the fuel pipe assembly with a serviceable pipe assembly that has been repaired by welding a doubler in the area of potential damage, does not require the installation of a temporary doubler.)

#### **New Requirements of this AD**

(b) Within 24 months after the effective date of this AD, accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD, as applicable.

(1) For airplanes on which the temporary protective doubler has been installed on the fuel pipe assembly in accordance with McDonnell Douglas Alert Service Bulletin MD11-28A083, dated March 13, 1996: Remove the clamps and the temporary protective doubler installed on the fuel transfer pipe, in accordance with McDonnell Douglas Service Bulletin MD11-28-089, dated October 24, 1996. Prior to further flight following accomplishment of the removal, accomplish the requirements of paragraph (a)(2) of this AD.

(2) For all airplanes: Install the fuel transfer pipe of the tail tank and support brackets and clamps of the fuel feed pipe of engine No. 2, in accordance with McDonnell Douglas Service Bulletin MD11-28-089, dated October 24, 1996. Accomplishment of this installation constitutes terminating action for the requirements of this AD.

(c)(1) 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.

(2) Alternative methods of compliance that concern the use of an alternate material in lieu of the specified temporary doubler, which were approved previously in accordance with AD 96-10-07, amendment 39-9612, are *not* considered to be approved as alternative methods of compliance with this AD.

**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.

(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 February 10, 1997.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 97-3842 Filed 2-14-97; 8:45 am]

**BILLING CODE 4910-13-U**

#### **14 CFR Part 39**

**[Docket No. 96-NM-283-AD]**

**RIN 2120-AA64**

#### **Airworthiness Directives; McDonnell Douglas Model MD-11 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 McDonnell Douglas Model MD-11 series airplanes. This proposal would require a one-time inspection to detect riding, chafing, or damage of the wire bundles adjacent to the disconnect panel bracket of the observer's station. The proposed AD also would require repair or replacement of damaged wires with new or serviceable wires; installation of anti-chafing sleeving on the wire bundles, if necessary; and installation of grommet along the entire upper aft edge of the disconnect panel bracket. This proposal is prompted by a report indicating that the circuit breakers tripped on a Model MD-11 series airplane due to in-flight arcing behind the avionics circuit breaker panel as a result of chafing of the wire bundles adjacent to the disconnect

panel bracket assembly. The actions specified by the proposed AD are intended to detect and correct such chafing, which could result in a fire in the wire bundles and smoke in the cockpit.

**DATES:** Comments must be received by March 28, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-283-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.

#### **FOR FURTHER INFORMATION CONTACT:**

Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5347; 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.