

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(d) Questions or technical information related to the service information referenced in this AD should be directed to SOCATA—Groupe AEROSPATIALE, Socata Product Support, Aeroport Tarbes-Ossun-Lourdes, B P 930, 65009 Tarbes Cedex, France; telephone: 62.41.74.26; facsimile: 62.41.74.32; or the Product Support Manager, SOCATA—Groupe AEROSPATIALE, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023; telephone: (954) 964-6877; facsimile: (954) 964-1668. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri.

(e) The inspection required by this AD shall be done in accordance with Socata Service Bulletin No. SB 10-082-57, Amdt. 1, dated April 1996. The replacements and modifications required by this AD shall be done in accordance with the Technical Instruction of Modification, OPT10 9203-57, Wing Rear Attachment Bracket, dated April 1996; and the Technical Instruction of Modification, OPT10 9205-57, Wing Rear Attachment Rod, dated April 1996. 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 SOCATA—Groupe AEROSPATIALE, Socata Product Support, Aeroport Tarbes-Ossun-Lourdes, B P 930, 65009 Tarbes Cedex, France; Product Support Manager, SOCATA Aircraft—Groupe AEROSPATIALE, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

**Note 5:** The subject of this AD is addressed in French AD 94-249(A)R1, dated June 19, 1996.

(f) This amendment becomes effective on June 3, 1998.

Issued in Kansas City, Missouri, on April 8, 1998.

**Marvin R. Nuss,**

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

[FR Doc. 98-10057 Filed 4-16-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-NM-40-AD; Amendment 39-10473; AD 98-08-24]

RIN 2120-AA64

#### **Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes, and C-9 (Military) Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 series airplanes, and C-9 (military) airplanes, that requires a one-time visual inspection to determine if all corners of the forward lower cargo doorjamb have been previously modified. This amendment also requires low frequency eddy current inspections to detect cracks of the fuselage skin and doubler at all corners of the forward lower cargo doorjamb, various follow-on repetitive inspections, and modification, if necessary. This amendment is prompted by fatigue cracks found in the fuselage skin and doubler at the corners of the forward lower cargo doorjamb. The actions specified by this AD are intended to detect and correct such fatigue cracking, which could result in rapid decompression of the fuselage and consequent reduced structural integrity of the airplane.

**DATES:** Effective May 22, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 22, 1998.

**ADDRESSES:** The service information referenced in this AD 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules

Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

Wahib Mina, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5324; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 series airplanes, and C-9 (military) airplanes was published in the **Federal Register** on July 25, 1997 (62 FR 39975). That action proposed to require a one-time visual inspection to determine if all corners of the forward lower cargo doorjamb have been modified previously. That action also proposed to require low frequency eddy current (LFEC) inspections to detect cracks of the fuselage skin and doubler at all corners of the forward lower cargo doorjamb, various follow-on repetitive inspections, and modification, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received. One commenter supports the proposed AD.

#### **Permit Repairs in Accordance With Designated Engineering Representative (DER) Approval**

One commenter requests that proposed paragraphs (b)(3) and (c) be revised to permit the repair of cracked structure to be accomplished in accordance with the DER of The Boeing Company, Douglas Products Division for a temporary basis, rather than the Manager of the Los Angeles Aircraft Certification Office (ACO). The commenter states that such an approval would expedite the process for repair approval for a crack condition beyond the allowable repair limits (i.e., greater than 2 inches in length) and for existing repairs that are not in accordance with the DC-9 Structural Repair Manual (SRM) or Service Rework Drawing.

The FAA does not concur that revision of the AD is necessary. The FAA is currently in the process of implementing procedures by which AD-mandated structural repairs may be approved by certain DER's employed by

type certificate holders. Once the procedures are implemented, these DER's will be authorized to issue such approvals, and no change to the AD is necessary to allow for this.

#### **Request To Revise Requirements of Proposed AD**

One commenter requests that paragraph (c) of the proposed AD be revised to read as follows:

"(c) If the visual inspection required by paragraph (a) of this AD reveals that the corners of the forward lower cargo doorjamb have been modified by FAA approved repairs other than the DC-9 SRM or Service Rework Drawing, prior to further flight, accomplish an initial Low Frequency Eddy Current inspection of the fuselage skin adjacent to the repair.

(c)(i) If no cracks are detected, within (6) months after the initial LFEC inspection, accomplish a repair approved by the Manager, Los Angeles ACO.

(c)(ii) If cracks are detected, prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles ACO."

This commenter states that, as paragraph (c) of the AD is currently worded, it will cause an unnecessary operation impact since FAA-approved non-standard SRM or Service Rework Drawing repairs are known to exist in this area of the doorjamb. The commenter contends that obtaining approval for such repairs from the Los Angeles ACO, prior to further flight, will be time consuming and will result in an unwarranted extended ground time for the airplane.

The FAA does not concur with the commenter's request to revise paragraph (c) of the AD. The FAA in conjunction with McDonnell Douglas has conducted further analysis of this issue. The FAA has determined that, for cargo doorjamb which are found to be modified previously but not in accordance with the DC-9 SRM or Service Rework Drawing, an initial LFEC inspection of the fuselage skin adjacent to those existing repairs will not detect any cracking under the repairs. In light of these findings, no change to the final rule is necessary.

#### **Request To Revise DC-9 Supplemental Inspection Document (SID)**

One commenter requests that, prior to issuance of the final rule, the DC-9 SID be revised to incorporate the actions required by this AD. The commenter states that such a revision will eliminate confusion between the DC-9 SID and the AD. The FAA does not concur. The actions required by this AD are

necessary to ensure inspection continuity for the affected Principal Structural Element (PSE). After issuance of the final rule, the manufacturer may revise the DC-9 SID.

#### **Request to Develop Standard Repairs**

One commenter request that, for previously repaired corners and for cracks greater than 2 inches long, McDonnell Douglas develop additional "standard repairs" that are pre-approved by the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate. The commenter contends that the cargo door area is one of the most easily damaged areas on the airplane and that there are many non-SRM or Service Rework Drawing repairs that exist in this area. The commenter states that such an approval would minimize the amount of time required to obtain the approved repair and the impact to flight and maintenance schedules.

The FAA does not concur with the commenter's request to pre-approve "standard repairs." The manufacturer has indicated that it has not received many requests for approval of repairs required by paragraph (b)(3) or (c) of this AD. Therefore, a repair approved by the Manager of the Los Angeles ACO will be developed on a case-by-case basis. In addition, the Manager and staff of the Los Angeles ACO are working very closely with the manufacturer to expedite repair approval requests. Such requests may be made under the provisions of paragraph (e) of the final rule.

#### **Conclusion**

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### **Cost Impact**

There are approximately 899 McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 series airplanes, and C-9 (military) airplanes of the affected design in the worldwide fleet. The FAA estimates that 622 airplanes of U.S. registry will be affected by this AD.

It will take approximately 1 work hour per airplane to accomplish the required visual inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the visual inspection required by this AD on U.S. operators is estimated to be \$37,320, or \$60 per airplane.

Should an operator be required to accomplish the LFEC inspection, it would take approximately 1 work hour per airplane to accomplish, at an

average labor rate of \$60 per work hour. Based on these figures, the cost impact of the LFEC inspection required by this AD on U.S. operators is estimated to be \$60 per airplane.

Should an operator be required to accomplish the modification, it would take approximately 14 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$936, or \$2,807 per airplane, depending on the service kit purchased. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be \$1,776 or \$3,647 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the 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 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. 106(g), 40113, 44701.

### § 39.13 [Amended]

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

**98-08-24 McDonnell Douglas:** Amendment 39-10473. Docket 97-NM-40-AD.

**Applicability:** Model DC-9-10, -20, -30, -40, and -50 series airplanes, and C-9 (military) airplanes, as listed in McDonnell Douglas Service Bulletin DC9-53-277, dated September 30, 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 (e) 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 detect and correct fatigue cracking in the fuselage skin or doubler at the corners of the forward lower cargo doorjamb, which could result in rapid decompression of the fuselage and consequent reduced structural integrity of the airplane, accomplish the following:

**Note 2:** Where there are differences between the service bulletin and the AD, the AD prevails.

**Note 3:** This AD is related to AD 96-13-03, amendment 39-9671, (61 FR 31009, June 19, 1996), and will affect Principal Structural Element (PSE) 53.09.001 of the DC-9 Supplemental Inspection Document (SID).

(a) Prior to the accumulation of 48,000 total landings, or within 3,500 landings after the effective date of this AD, whichever occurs later, perform a one-time visual inspection to determine if the corners of the forward lower cargo doorjamb have been modified prior to the effective date of this AD.

(b) If the visual inspection required by paragraph (a) of this AD reveals that the corners of the forward lower cargo doorjamb *have not been modified*, prior to further flight, perform a low frequency eddy current (LFEC) or x-ray inspection to detect cracks of the fuselage skin and doubler at all corners of the forward lower cargo doorjamb, in accordance with McDonnell Douglas Service Bulletin DC9-53-277, dated September 30, 1996.

(1) If no crack is detected during the LFEC or x-ray inspection required by this paragraph, accomplish the requirements of

either paragraph (b)(1)(i) or (b)(1)(ii) of this AD.

(i) **Option 1.** Repeat the inspections as follows until paragraph (b)(1)(ii) of this AD is accomplished:

(A) If the immediately preceding inspection was conducted using LFEC techniques, conduct the next inspection within 3,500 landings.

(B) If the immediately preceding inspection was conducted using x-ray techniques, conduct the next inspection within 2,850 landings.

(ii) **Option 2.** Prior to further flight, modify the corners of the forward lower cargo doorjamb, in accordance with the service bulletin. Prior to the accumulation of 28,000 landings after accomplishment of that modification, perform a LFEC inspection to detect cracks on the skin adjacent to the modification, in accordance with the service bulletin. Repeat the LFEC inspection thereafter at intervals not to exceed 20,000 landings.

(A) If no crack is detected on the skin adjacent to the modification during any LFEC or x-ray inspection required by this paragraph, repeat the LFEC inspection thereafter at intervals not to exceed 20,000 landings.

(B) If any crack is detected on the skin adjacent to the modification during any LFEC or x-ray inspection required by this paragraph, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(2) If any crack is found during any LFEC or x-ray inspection required by this paragraph and the crack is 2 inches or less in length: Prior to further flight, modify it in accordance with the service bulletin. Prior to the accumulation of 28,000 landings after accomplishment of the modification, perform a LFEC inspection to detect cracks on the skin adjacent to the modification, in accordance with the service bulletin.

(i) If no crack is detected during the LFEC inspection required by this paragraph, repeat the LFEC inspection thereafter at intervals not to exceed 20,000 landings.

(ii) If any crack is detected during the LFEC inspection required by this paragraph, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(3) If any crack is found during any LFEC or x-ray inspection required by this paragraph and the crack is greater than 2 inches in length: Prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(c) If the visual inspection required by paragraph (a) of this AD reveals that the corners of the forward lower cargo doorjamb *have been modified*, but not in accordance with the DC-9 Structural Repair Manual (SRM) or Service Rework Drawing, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(d) If the visual inspection required by paragraph (a) of this AD reveals that the corners of the forward lower cargo doorjamb *have been modified* in accordance with DC-

9 SRM or Service Rework Drawing, prior to the accumulation of 28,000 landings since accomplishment of that modification, or within 3,500 landings after the effective date of this AD, whichever occurs later, perform a LFEC inspection to detect cracks on the skin adjacent to the modification, in accordance with McDonnell Douglas Service Bulletin DC9-53-277, dated September 30, 1996. Repeat the LFEC inspection thereafter at intervals not to exceed 20,000 landings.

(1) If no crack is detected during any LFEC inspection required by this paragraph, repeat the LFEC inspection thereafter at intervals not to exceed 20,000 landings.

(2) If any crack is detected during any LFEC inspection required by this paragraph, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(e) 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.

(f) 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.

(g) Except as provided by paragraphs (a), (b)(1)(ii)(B), (b)(2)(ii), (b)(3), (c), and (d)(2) of this AD, the actions shall be done in accordance with McDonnell Douglas Service Bulletin DC9-53-277, dated September 30, 1996. 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 The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on May 22, 1998.

Issued in Renton, Washington, on April 9, 1998.

**Darrell M. Pederson,**

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

[FR Doc. 98-10056 Filed 4-16-98; 8:45 am]

BILLING CODE 4910-13-U