change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the Federal Register. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Airworthiness Directives; The Boeing Company Airplanes

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[AIRWORTHINESS DIRECTIVES; THE BOEING COMPANY AIRPLANES]

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2012–18–05 for The Boeing Company Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 series airplanes; and Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), MD–88, and MD–90–30 airplanes equipped with a center wing fuel tank and Boeing original equipment manufacturer-installed auxiliary fuel tanks. AD 2012–18–05 required adding design features to detect electrical faults and to detect a pump running in an empty fuel tank. Since we issued AD 2012–18–05, we have determined that it is necessary to clarify the actions for airplanes on which the auxiliary fuel tanks are removed. This new AD allows certain actions as optional methods of compliance. This AD was prompted by our determination that it is necessary to clarify the actions for airplanes on which the auxiliary fuel tanks are removed. We are issuing this AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

DATES: This AD is effective March 23, 2016.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 23, 2016.


Examining the AD Docket

You may examine the AD docket on the Internet at http://www.regulations.gov by searching for and locating Docket No. FAA–2015–0249; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5327) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.


SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR
part 39 to supersede AD 2012–18–05, Amendment 39–17181 (77 FR 54793, September 6, 2012). AD 2012–18–05 applied to The Boeing Company Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 series airplanes; and Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), MD–88, and MD–90–30 airplanes; equipped with a center wing fuel tank and Boeing original equipment manufacturer-installed auxiliary fuel tanks. The NPRM published in the Federal Register on March 26, 2015 (80 FR 15947). The NPRM was prompted by our determination that it is necessary to clarify the actions for airplanes on which the auxiliary tanks are removed. The NPRM proposed to allow certain actions as optional methods of compliance. We are issuing this AD to correct the unsafe condition on these products.

Explanation of Revised Service Information

The NPRM (80 FR 15947, March 26, 2015) specified Boeing Service Bulletin MD80–28–228, dated September 27, 2013; and Boeing Service Bulletin MD90–28–013, dated September 27, 2013; as the appropriate sources of service information for the required actions. Since the NPRM was published, both service bulletins have been revised and this AD now specifies Boeing Service Bulletin MD80–28–228, Revision 1, dated August 27, 2015; and Boeing Service Bulletin MD90–28–013, Revision 1, dated August 27, 2015, as the source of appropriate service information for the required actions.

Boeing Service Bulletin MD80–28–228, Revision 1, dated August 27, 2015; and Boeing Service Bulletin MD90–28–013, Revision 1, dated August 27, 2015; both clarify the required actions and require enlarging holes and identifying a bracket.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (80 FR 15947, March 26, 2015) and the FAA’s response to each comment.

Support for the Comment

Delta Air Lines supported the comments made by Boeing, which are discussed in the following paragraphs.

Request To Revise the Applicability

Boeing requested that we revise paragraph (c) of the proposed AD (80 FR 15947, March 26, 2015). Boeing explained that the proposed AD should apply to the airplanes identified in paragraphs (c)(6) through (c)(8) of the proposed AD if they are equipped with center wing fuel tanks, and to airplanes identified in paragraphs (c)(1) through (c)(8) of the proposed AD if they are equipped with original equipment manufacturer-installed auxiliary fuel tanks. Boeing reasoned that DC–9 center wing fuel tanks are not affected by the proposed AD, and that the “fuel system reviews conducted by the manufacturer” (i.e., Boeing’s SFAR 88 system safety assessments (SSA)) cited in paragraph (e) of the proposed AD concluded that center wing fuel tanks on Model DC–9 airplanes identified as paragraphs (c)(1) through (c)(5) of the proposed AD do not require the corrective actions cited in the NPRM. For airplanes with a CWT identified in paragraphs (c)(1) through (c)(5) of the proposed AD, the existing design features offer adequate protection relative to a pump running in an empty fuel tank and new design features added to the center tank fuel boost pump container address types of electrical faults cited in the NPRM. Boeing expressed that the FAA had previously concurred with the related Boeing SSA findings and approved Boeing Service Bulletin DC9–28–216, dated March 18, 2008, mandated by FAA AD 2009–03–03, Amendment 39–15804 (74 FR 8150, February 24, 2009), as corrective action for the electrical arc burn-through.

We agree to revise the applicability of this AD for the reasons stated by the commenter. We have revised paragraph (c) of this AD accordingly.

Request To Clarify Certain Optional Requirements

Boeing requested that we revise paragraph (h)(1)(i) of the proposed AD (80 FR 15947, March 26, 2015) by adding the phrase, “and change fuel pump system wiring” after “install ground fault interrupter (GFI) relays.” Boeing reasoned that in addition to providing procedures for installing GFI relays, Boeing Service Bulletin MD80–28–228, dated September 27, 2013, also incorporates wiring changes to accommodate the GFI’s operation and revises low pressure indication system wiring for center wing and auxiliary fuel tank fuel pumps. Boeing stated that the low pressure indication system wiring changes are required to address the potential of fuel pumps running for prolonged periods in empty tanks.

For the reasons stated by the commenter, we agree to revise paragraphs (h)(1)(i) and (h)(2) of this AD by incorporating the requested changes.

As stated earlier, since the NPRM was published, both service bulletins have been revised and this AD now specifies Boeing Service Bulletin MD80–28–228, Revision 1, dated August 27, 2015; and Boeing Service Bulletin MD90–28–013, Revision 1, dated August 27, 2015, as the appropriate sources of service information for the required actions.

Request To Revise to the Latest Service Information

Delta requested that we revise paragraph (h)(3) of the proposed AD (80 FR 15947, March 26, 2015) to include the latest service information. Delta noted that the proposed AD would require the incorporation of “Critical Design Configuration Control Limitations (CDCCLs), Airworthiness Limitations Instructions (ALIs), and short-term extensions specified inAppendixes B, C, and D of Boeing Special Compliance Item Report MDC–92K9145, Revision M” into the maintenance and inspection program. Delta noted, however, that the referenced report has been revised to Revision N, dated June 13, 2014, and it recommends that the restriction to Revision M be removed from the final rule.

For the reasons stated by the commenter, we have revised this AD to refer to the latest service information.
Estimates Costs

<table>
<thead>
<tr>
<th>Action</th>
<th>Labor cost</th>
<th>Parts cost</th>
<th>Cost per product</th>
<th>Cost on U.S. operators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installing design features for airplanes with center wing and</td>
<td>50 work-hours × $85 per hour = $4,250.</td>
<td>$35,000</td>
<td>$39,250</td>
<td>$10,322,750</td>
</tr>
<tr>
<td>auxiliary tanks (263 airplanes), using a method approved by the FAA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(retained actions from AD 2012–18–05, Amendment 39–17181 (77 FR 54793, September 6, 2012)).</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Installing design features for airplanes with center wing tank</td>
<td>35 work-hours × $85 per hour = $2,975.</td>
<td>$17,000</td>
<td>19,975</td>
<td>10,906,350</td>
</tr>
<tr>
<td>(546 airplanes), using a method approved by the FAA (retained actions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>from AD 2012–1805, Amendment 39–17181 (77 FR 54793, September 6, 2012)).</td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

Estimated Costs—New Optional Actions for Installing Design Features

<table>
<thead>
<tr>
<th>Action</th>
<th>Labor cost</th>
<th>Parts cost</th>
<th>Cost per product</th>
</tr>
</thead>
<tbody>
<tr>
<td>For airplanes with center wing and auxiliary tanks, using service</td>
<td>250 work-hours × $85 per hour = $21,250.</td>
<td>$69,000</td>
<td>$90,250</td>
</tr>
<tr>
<td>information specified in paragraph (h) of this AD (including revising</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the maintenance/inspection program).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For airplanes with center wing tank, using service information</td>
<td>110 work-hours × $85 = 9,350 ........</td>
<td>30,000</td>
<td>39,350</td>
</tr>
<tr>
<td>specified in paragraph (b) of this AD (including revising the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>maintenance/inspection program).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Installing the supplemental type certificate (STC) specified in</td>
<td>35 work-hours × $85 per hour = $2,975.</td>
<td>17,000</td>
<td>19,975</td>
</tr>
<tr>
<td>paragraph (i) of this AD.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency’s authority.
We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect 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.

For the reasons discussed above, I certify that this AD: (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), (3) Will not affect intrastate aviation in Alaska, and (4) 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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–18–05, Amendment 39–17181 (77 FR 54793, September 6, 2012), and adding the following new AD:

2016–03–06 The Boeing Company:

(a) Effective Date
This AD is effective March 23, 2016.

(b) Affected ADs
This AD replaces AD 2012–18–05, Amendment 39–17181 (77 FR 54793, September 6, 2012).

(c) Applicability
This AD applies to The Boeing Company airplanes, certificated in any category, that are identified in paragraphs (c)(6) through (c)(8) of this AD and equipped with center wing fuel tanks; and those identified in paragraphs (c)(1) through (c)(8) of this AD that are equipped with Boeing original equipment manufacturer-installed auxiliary fuel tanks. For airplanes on which the auxiliary fuel tanks are removed, the actions specified for the auxiliary fuel tanks are not required.

(2) Model DC–9–21 airplanes.
(4) Model DC–9–41 airplanes.
(5) Model DC–9–51 airplanes.
(6) Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and Model MD–88 airplanes: Do in lieu of doing the requirements of paragraph (g) of this AD, do the applicable actions specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD.
(1) For Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and Model MD–88 airplanes: Do the applicable actions specified in paragraphs (h)(1)(i), (h)(1)(ii), and (h)(1)(iii) of this AD.
(i) For all airplanes identified in paragraph (h)(1) of this AD: Within the compliance time specified in paragraph (g) of this AD, install ground fault interrupter (GFI) relays and change fuel pump system wiring, in accordance with the Accomplishment Instructions of Boeing Service Bulletin MDB00–28–228, Revision 1, dated August 27, 2015.
(iii) For airplanes identified in McDonnell Douglas MD–80 Service Bulletin 28–63, Revision 2, dated April 8, 1992: Prior to or concurrently with accomplishing the action specified in paragraph (h)(1)(i) of this AD, install a low fuel pressure indication inhibition system, in accordance with the Accomplishment Instructions of McDonnell Douglas MD–80 Service Bulletin 28–63, Revision 2, dated April 8, 1992.
(2) For Model MD–90–30 airplanes: Within the compliance time specified in paragraph (g) of this AD, install GFI relays and change fuel pump system wiring, in accordance with the Accomplishment Instructions of Boeing Service Bulletin MB90–28–013, Revision 1, dated August 27, 2015.
(3) For all airplanes: Within 30 days after accomplishing the actions required by paragraph (h)(1) or (h)(2) of this AD or within 30 days after the effective date of this AD, whichever occurs later, revise the maintenance or inspection program, as
applicable, to incorporate the Critical Design Configuration Control Limitations (CDCCCLs), Airworthiness Limitation Instructions (ALIs), and Short-Term Extensions specified in Appendices B, C, and D of Boeing Twinjet Special Compliance Item Report MDC–92K9145, Revision N, dated June 13, 2014. The initial compliance time for accomplishing the actions specified in the ALIs is at the later of the times in paragraphs (h)(3)(i) and (h)(3)(ii) of this AD. Doing the revision of the maintenance or inspection program, as required by this paragraph terminates the requirements in paragraphs (g) and (h) of AD 2008–11–15, Amendment 3915336 (73 FR 30746, May 29, 2008).

(i) At the applicable time specified in Appendix C of Boeing Twinjet Special Compliance Item Report MDC–92K9145, Revision N, dated June 13, 2014, except as provided by Appendix D of Boeing Twinjet Special Compliance Item Report MDC–92K9145, Revision N, dated June 13, 2014.

(ii) Within 30 days after accomplishing the actions required by paragraph (h)(1) or (h)(2) of this AD, or within 30 days after the effective date of this AD, whichever occurs later.

(j) No Alternative Actions, Intervals, and CDCCCLs

After the maintenance or inspection program, as applicable, has been revised as required by paragraph (h)(3) of this AD, no alternative actions, intervals, or CDCCCLs may be used unless the actions, intervals, or CDCCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l) of this AD.

Note to paragraph (j) of this AD: TDG Aerospace STC ST02502LA(425d7de86257cd804dc02/SFILE/ST02502LA.pdf) provides additional guidance for installing the TDG UFI.

(k) Credit for Previous Actions

(1) This paragraph provides credit for the actions specified in paragraphs (h)(1)(ii) and (h)(1)(iii) of this AD, if those actions were performed before the effective date of this AD using any of the service information specified in paragraph (k)(1)(i), (k)(1)(ii), or (k)(1)(iii) of this AD, which are not incorporated by reference in this AD.


(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D80–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet https://www.boeing.com/commercial.

(iv) You may view this service information at FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane and the approval must specifically refer to this AD.

(2) For Boeing service information listed in this AD, contact Serj Harutunian, Aerospace Engineer, Lakewood, CA 90712–4137; phone: 562–627–2276; email: serj.harutunian@faa.gov.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(3) and (n)(4) of this AD.

(m) Related Information


(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(3) and (n)(4) of this AD.

(n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.


(iii) Boeing Twinjet Special Compliance Item Report MDC–92K9145, Revision N, dated June 13, 2014, including Appendices A through D.


For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D80–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet https://www.boeing.com/commercial.

(4) You may view this service information at FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(3) For Boeing service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html.


Michael Kaszyczki,
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–02232 Filed 2–16–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71


RIN 2120–AA66

Amendment of Air Traffic Service (ATS) Routes; Northeast United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies jet routes J–6, J–97, and J–222, and VOR Federal airways V–196, and V–489, in the northeastern United States due to the planned decommissioning of the Plattsburgh, NY, VORTAC facility. These route changes enhance the safety and management of airspace within the National Airspace System.

DATES: Effective date 0901 UTC, March 31, 2016. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Locations.