

request to change the service bulletin reference as two separate issues.

- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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 2003-NM-42-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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:

2003-08-14 McDonnell Douglas:

Amendment 39-13127. Docket 2003-NM-42-AD.

Applicability: All Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, DC-10-30F (KC10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F, MD-11 and MD-11F 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 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 prevent electrical arcing in the connector for a fuel boost/transfer pump, which could result in a fire or explosion of a fuel tank, accomplish the following:

Compliance Time for Initial Action

- (a) Do the actions specified in paragraph (a)(1) or (a)(2) of this AD.

Alternative 1: Airplane Flight Manual Revision, Placard Installation, and Fuel Tank Deactivation.

(1) Within 45 days after the effective date of this AD, do the actions specified in paragraphs (a)(1)(i), (a)(1)(ii), and (a)(1)(iii) of this AD, per the Accomplishment Instructions of Boeing Alert Service Bulletin DC10-28A240, dated January 6, 2003 (for Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, DC-10-30F (KC10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F airplanes); or Boeing Alert Service Bulletin MD11-28A121, dated January 6, 2003 (for Model MD-11 and MD-11F airplanes); as applicable.

(i) Revise the Operating Limitations section of the airplane flight manual (AFM) to include the applicable recommended operating limitations specified in section 3.B.1.a., 3.B.1.b., 3.B.1.c., 3.B.1.d. or 3.B.1.e. of Boeing Alert Service Bulletin DC10-28A240; or section 3.B.1.a. of Boeing Alert

Service Bulletin MD11-28A121; as applicable.

(ii) Install placards to advise the flightcrew of certain minimum fuel levels that must be maintained in certain fuel tanks, as specified in section 3.B.1.f. of Boeing Alert Service Bulletin DC10-28A240 or section 3.B.1.b. of Boeing Alert Service Bulletin MD11-28A121, as applicable.

(iii) Deactivate the upper auxiliary fuel tank, lower auxiliary fuel tank, aft auxiliary fuel tank, tail (horizontal stabilizer) fuel tank, and ER forward auxiliary tank, as applicable, as specified in section 3.B.2. of Boeing Alert Service Bulletin DC10-28A240 or MD11-28A121, as applicable.

Alternative 2: Replacement of Pumps.

(2) Within 45 days after the effective date of this AD, do paragraph (c) of this AD.

Fuel Tank Deactivation: Resetting Circuit Breakers.

(b) Circuit breakers that are opened to deactivate a fuel tank per this AD may be reset without accomplishing the continuity and resistance test of the fuel pump connector required by AD 2002-13-10, amendment 39-12798, provided that there has been no reported problem with the fuel boost/transfer pump associated with the fuel tank.

Replacement of Pumps

(c) For any fuel tank that is not deactivated per section 3.B.2. of Boeing Alert Service Bulletin DC10-28A240 or Boeing Alert Service Bulletin MD11-28A121, both dated January 6, 2003, as applicable, as specified in paragraph (a)(1)(iii) of this AD: Within 90 days after the effective date of this AD, except as provided by paragraph (a)(2) of this AD, replace any fuel boost/transfer pump having Hydro-Aire part number 60-847-1A, 60-847-2, or 60-847-3, with a serviceable fuel boost/transfer pump that has been inspected and modified per Crane Hydro-Aire Service Bulletin 60-847-28-2, dated December 2, 2002. Do this replacement per Boeing Alert Service Bulletins DC10-28A239, dated December 3, 2002 (for Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, DC-10-30F (KC10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F airplanes); or MD11-28A120, dated December 3, 2002 (for Model MD-11 and MD-11F airplanes); as applicable. Once the replacement has been accomplished, or once it has been determined that the fuel boost/transfer pump does not have an affected Hydro-Aire part number, as identified above, the AFM revisions and placards specified in paragraph (a)(1)(i) and (a)(1)(ii) of this AD may be removed, and the fuel tanks that were deactivated as specified in paragraph (a)(1)(iii) of this AD may be reactivated.

Parts Installation and Fuel Tank Reactivation

(d)(1) As of the effective date of this AD, no person may install a fuel boost/transfer pump having Hydro-Aire part number 60-847-1A, 60-847-2, or 60-847-3, unless it has been inspected and modified, as applicable, per Crane Hydro-Aire Service Bulletin 60-847-28-2, dated December 2, 2002.