

applicable to Mitsubishi Heavy Industries (MHI) Model YS-11 and -11A series airplanes; and —AD 86-06-03 R1, amendment 39-5917 (53 FR 16385, May 9, 1988), applicable to SAAAB-Fairchild Model SF-340A series airplanes.

The FAA finds that the FAA-approved Airplane Flight Manual (AFM) for General Dynamics (Convair) Model 240 series airplanes [including Model T-29 (military) airplanes], Model 340 and 440 series airplanes, and Model C-131 (military) airplanes, including those modified for turbo-propeller power, must be revised. This revision must include procedures to ensure that the flight crew does not select a flap setting of more than 30 degrees after icing conditions have been encountered, when icing conditions are anticipated during approach and landing, or when the outside air temperature is +5 degrees Celsius or below and any visible moisture is present. The FAA has determined that such procedures currently are not defined adequately in the AFM for these airplanes.

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 revising the Limitations Section of the FAA-approved AFM to limit flap selection during certain icing conditions and air temperatures.

There are approximately 282 Model 240 series airplanes, including Model T-29 (military) airplanes; Model 340 and 440 series airplanes; Model C-131 (military) airplanes, and those models modified for turbo-propeller power; of the affected design in the worldwide fleet. The FAA estimates that 197 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$11,820, or \$60 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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:

**General Dynamics (Convair):** Docket 95-NM-19-AD.

**Applicability:** All Model 240 series airplanes, including Model T-29 (military) airplanes; Model 340 and 440 series airplanes; and Model C-131 (military) airplanes; including those models modified for turbo-propeller power (commonly referred to as Model 580, 600, and 640 series airplanes); certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To ensure that the flight crew is advised of the potential hazard associated with increasing the flap settings when ice contaminated tailplane stall (ICTS) is present, and the procedures necessary to address it, accomplish the following:

(a) Within 30 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following procedures,

which will limit the flap settings during certain icing conditions and air temperatures. This may be accomplished by inserting a copy of this AD in the AFM.

#### "Flap Limitation in Icing Conditions

Flap selection is limited to a maximum of 30 degrees after icing conditions have been encountered; or when icing conditions are anticipated during approach and landing; or when the outside air temperature is +5 degrees Celsius or below and any visible moisture is present."

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

(c) 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 June 12, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 95-14766 Filed 6-15-95; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 95-NM-50-AD]

**Airworthiness Directives; McDonnell Douglas Model DC-10-10 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 DC-10-10 series airplanes. This proposal would require inspections of the wings to detect cracks in the aft spar lower cap, in certain stringer butterfly clips on the bulkheads, and in certain fastener holes; and repair, if necessary. This proposal would also require modification of those areas of the wings, which would terminate the repetitive inspection requirements. This proposal is prompted by reports indicating that, during fatigue testing of the wing structure, cracks developed in the aft spar lower cap, in certain stringer

butterfly clips, and in certain fastener holes due to fatigue-related stress. The actions specified by the proposed AD are intended to prevent such fatigue-related cracking, which could lead to the failure of the aft spar cap and consequently could reduce structural integrity of the wing.

**DATES:** Comments must be received by August 14, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-50-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, 2855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51, M.C. 2-60. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** John Cecil, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (310) 627-5322; 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-50-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-50-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### Discussion

The FAA has received reports indicating that, during fatigue testing of the wing structure of a McDonnell Douglas Model DC-10-10 series airplane, cracks developed in the aft spar lower cap, in the stringer butterfly clips on the bulkheads at stations  $X_{ors}=372.000$  and  $X_{ors}=402.000$ , and in the fastener holes of the access doors of the inboard upper surface. The cause of this cracking has been attributed to fatigue-related stress. The effects of such fatigue-related cracking could lead to the failure of the aft spar cap. This condition, if not detected and corrected in a timely manner, could result in reduced structural integrity of the wing.

The FAA has reviewed and approved McDonnell Douglas DC-10 Service Bulletin 57-36, Revision 7, dated December 11, 1992, which describes procedures for performing repetitive eddy current inspections of the wings to detect cracks in the aft spar lower cap, in the stringer butterfly clips on the bulkheads at stations  $X_{ors}=372.000$  and  $X_{ors}=402.000$ , and in the fastener holes of the access doors of the inboard upper surface. This service bulletin also describes procedures for modification of those areas of the wings. For certain airplanes, the modification involves stress coining the fastener holes and replacing existing fasteners with interference-fit fasteners, which will minimize the possibility of crack development. For certain other airplanes, the modification involves adding shear angles to the panel supports of the wing and ring pad stress coining the fastener holes of the access doors of the wing, which will minimize the possibility of cracks developing in the stringer clips and fastener holes of the access doors. Accomplishment of these modifications would eliminate the need for the repetitive inspections.

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 repetitive eddy current inspections of the wings to detect cracks in the aft spar lower cap, in the stringer butterfly clips on the bulkheads at stations  $X_{ors}=372.000$  and  $X_{ors}=402.000$ , and in the fastener holes of the access doors of the inboard upper surface. The proposed AD would also require modification of those areas of the wings, which would terminate the required repetitive inspections. These inspection and modification actions would be required to be accomplished in accordance with the service bulletin described previously. If any cracks are detected, the repair would be required to be accomplished in accordance with a method approved by the FAA.

The FAA points out that AD 94-23-01, amendment 39-9063 (59 FR 58766, November 15, 1994), currently requires repetitive inspections of the wing rear spar lower cap [reference paragraph (g) of that AD] and installation of crack preventative modifications [reference paragraph (h) of that AD] between Xors 410 and Xors 430. Revision 7 of McDonnell Douglas DC-10 Service Bulletin 57-36, as described above, specifies procedures for accomplishing the identical inspections and modifications referenced in AD 94-23-01, but expands the area to between Xors 409 to Xors 455. In light of this, the FAA has determined that accomplishment of paragraphs (g) and (h) of AD 94-23-02 are considered acceptable for compliance with the applicable inspections and modifications of that area that would be required by this proposed AD. A note to this effect has been included in the text of the proposed AD.

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.

There are approximately 53 Model DC-10-10 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 53 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 262 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$125,609 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$7,490,437, or \$141,329 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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-50-AD.

**Applicability:** Model DC-10-10 series airplanes, as listed in McDonnell Douglas DC-10 Service Bulletin 57-36, Revision 7, dated December 11, 1992, 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) of this AD 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.

**Note 2:** Inspections and modifications required by paragraphs (g) and (h) of AD 94-23-01, amendment 39-9063, accomplished prior to the effective date of this amendment in accordance with McDonnell Douglas DC-10 Service Bulletin 57-123, dated June 8, 1993, or McDonnell Douglas DC-10 Service Bulletin 57-36, Revision 6, dated February 25, 1991, are considered acceptable for compliance with the applicable inspections and modifications required by this amendment for the affected structure.

To prevent fatigue-related cracking, which could lead to the failure of the aft spar cap and subsequent reduced structural integrity of the wing, accomplish the following:

(a) Prior to the accumulation of 15,000 total landings or within 2,000 landings after the effective date of this AD, whichever occurs later, perform an eddy current inspection of the wings to detect cracks in the aft spar lower cap, in the stringer butterfly clips on the bulkheads at stations  $X_{ors}=372.000$  and  $X_{ors}=402.000$ , and in the fastener holes of the access doors of the inboard upper surface, in accordance with McDonnell Douglas DC-10 Service Bulletin 57-36, Revision 7, dated December 11, 1992.

(1) If no cracks are detected, repeat the inspection thereafter at intervals not to exceed 2,000 landings until the modification required by paragraph (b) of this AD is accomplished.

(2) If any crack is detected, prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles

Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(b) Prior to the accumulation of 42,000 total landings or within 5 years after the effective date of this AD, whichever occurs later, modify the aft spar lower cap, the stringer butterfly clips on the bulkheads at stations  $X_{ors}=372.000$  and  $X_{ors}=402.000$ , and the fastener holes of the access doors of the inboard upper surface of the wings, in accordance with McDonnell Douglas DC-10 Service Bulletin 57-36, Revision 7, dated December 11, 1992. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirement of this AD.

(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 ACO. 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 3:** 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 June 12, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service*  
[FR Doc. 95-14768 Filed 6-15-95; 8:45 am]

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#### 14 CFR Part 39

[Docket No. 94-NM-209-AD]

#### Airworthiness Directives; Airbus Model A320-111, -211, and -231 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 Airbus Model A320-111, -211, and -231 series airplanes. This proposal would require modification of the aileron support frame of the wings. This proposal is prompted by reports indicating that tensile cracks have been found at a certain mounting hinge of the aileron support frame during full scale fatigue testing of the test article due to fatigue-related stress. The actions specified by the proposed AD are intended to prevent such fatigue-related cracking, which could result in loss of