

provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(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 aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on August 15, 1995.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 95-20621 Filed 8-18-95; 8:45 am]

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14 CFR Part 39

[Docket No. 95-NM-114-AD]

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 visual inspections to detect cracking of the outboard and inboard surfaces of the upper spar angles of the wing pylons, and repair of any cracked upper spar angles. This action would require eddy current inspections to detect cracking of the upper spar angles on the left and right sides of the wing pylons, and replacement of the spar angles as terminating action for the inspections. This proposal is prompted by the development of a modification that positively addresses the unsafe condition. The actions specified by the proposed AD are intended to prevent loss of load-carrying and fail-safe capability of the upper inboard spar cap of the wing pylon, which could subsequently reduce the structural integrity of the airplane.

DATES: Comments must be received by October 17, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103,

Attention: Rules Docket No. 95-NM-114-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:

Wahib Mina, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5324; 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-114-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-114-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On February 23, 1995, the FAA issued AD 95-04-15, amendment 39-9167 (60 FR 11623, March 2, 1995), which is applicable to certain McDonnell Douglas Model MD-11 series airplanes. That AD requires initial and repetitive visual inspections to detect cracking of the outboard and inboard surfaces of the upper spar angles on the number 1 and number 3 wing pylons. That AD also requires repair of cracked upper spar angles. Additionally, that AD requires that operators report the results of the initial and repetitive visual inspections to the FAA. That AD action was prompted by a report of cracking of the upper inboard spar cap. The requirements of that AD are intended to prevent reduced structural integrity of the airplane due to cracking in the upper inboard spar cap.

Since the issuance of that AD, the FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11-54A049 R03, Revision 3, dated May 18, 1995, which describes procedures for visual inspections to detect cracking of the outboard and inboard surfaces of the upper spar angles on the number 1 and number 3 wing pylons. It also describes procedures for eddy current inspections to detect cracking on the forward end of the left and right sides of the upper spar angles on the number 1 and number 3 wing pylons.

The FAA has also reviewed and approved McDonnell Douglas Service Bulletin MD11-54-049 R01, Revision 1, dated May 18, 1995, which describes procedures for replacement of the upper spar angles on the left and right sides of the number 1 and number 3 wing pylons. Accomplishment of this replacement eliminates the need for the repetitive visual and eddy current inspections of this area.

In the preamble to AD 95-04-15, the FAA indicated that the repetitive visual inspections required by that AD were considered "interim action," and that additional rulemaking action was being considered. The FAA has determined that eddy current inspections of the spar angles and eventual replacement of the spar angles will positively address the unsafe condition identified as loss of load-carrying and fail-safe capability of the upper inboard spar cap of the wing

pylon, which could subsequently reduce the structural integrity of the airplane. Based on this determination, the FAA finds that further rulemaking action is indeed necessary, and this proposed rule follows from that determination.

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 95-04-15 to continue to require visual inspections to detect cracking of the outboard and inboard surfaces of the upper spar angles on the number 1 and number 3 wing pylons. It would also continue to require operators to report inspection results to the FAA.

The proposed AD would also require eddy current inspections to detect cracking on the forward end of the left and right sides of the upper spar angles on the number 1 and number 3 wing pylons, and replacement of the upper spar angles on the left and right sides of the number 1 and number 3 wing pylons. Accomplishment of this replacement would constitute terminating action for the required visual and eddy current inspections.

The inspection and replacement actions would be required to be accomplished in accordance with the service bulletins described previously.

The proposed AD also would require the repair of any cracking found during either a visual or the eddy current inspection in accordance with a method approved by the FAA.

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 123 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 47 airplanes of U.S. registry would be affected by this proposed AD.

The visual inspections that are currently required by AD 95-04-15 take

approximately 10 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the total cost impact on U.S. operators of the actions currently required is estimated to be \$28,200, or \$600 per airplane.

The eddy current inspections that are proposed in this AD action would take approximately 10 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the total cost impact on U.S. operators of this proposed inspection requirement is estimated to be \$28,200 or \$600 per airplane.

The new requirement to replace the spar angle that is proposed in this AD action would take approximately 440 work hours to accomplish the replacement of one spar angle per wing pylon (with two wing pylons per airplane), or 550 work hours to accomplish the replacement of two spar angles per wing pylon (with two wing pylons per airplane), at an average labor rate of \$60 per work hour. Required parts would be provided by the manufacturer at no cost to the operator. Based on these figures, the total cost impact on U.S. operators of the proposed replacement requirement is estimated to be \$26,400 to replace one spar angle per wing pylon (or \$52,800 per airplane), or \$33,000 to replace two spar angles per wing pylon (or \$66,000 per airplane).

The total 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.

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 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-9167 (60 FR 11623, March 2, 1995), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 95-NM-114-AD. Supersedes AD 95-04-15, Amendment 39-9167.

Applicability: Model MD-11 series airplanes, certificated in any category, that are listed in the following service bulletins:

- McDonnell Douglas Alert Service Bulletin MD11-54A049 R03, Revision 3, dated May 18, 1995, identified as Groups II, III, and IV airplanes; and
- McDonnell Douglas Service Bulletin MD11-54-049 R01, Revision 1, dated May 18, 1995.

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 (e) 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.

To prevent loss of load-carrying and fail-safe capability of the upper inboard spar cap

of the wing pylon, which could subsequently reduce the structural integrity of the airplane, accomplish the following:

(a) For Groups II, III, and IV airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-54A049 R03, Revision 3, dated May 18, 1995: Within 30 days after March 17, 1995 (the effective date of AD 95-04-15, amendment 39-9167), or within 60 days after accomplishing the immediately preceding visual inspection required by paragraph (b) of AD 95-04-15, whichever occurs later, perform a visual inspection to detect cracking of the outboard and inboard surfaces of the upper spar angles, part numbers (P/N) AUB7519-1/-2, on the number 1 and number 3 wing pylons, in accordance with McDonnell Douglas Alert Service Bulletin MD11-54A049 R01, Revision 1, dated February 7, 1995; or McDonnell Douglas Alert Service Bulletin MD11-54A049 R03, Revision 3, dated May 18, 1995. Repeat this inspection thereafter, prior to further flight, following each incident of excessive maneuver, turbulence overload (as defined in MD-11 Aircraft Maintenance Manual, chapter 05-51-01), or hard landing (as defined in MD-11 Aircraft Maintenance Manual, chapter 05-51-03).

(1) If no cracking is detected, repeat the visual inspection thereafter at intervals not to exceed 60 days or 300 landings, whichever occurs earlier, until the requirements of paragraph (d) of this AD are accomplished.

(2) If any cracking 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.

Note 2: Paragraph (a) of this AD restates the requirement for an initial and repetitive inspections contained in paragraph (b) of AD 95-04-15. Therefore, for operators who have previously accomplished at least the initial inspection in accordance with AD 95-04-15, paragraph (a) of this AD requires that the next scheduled inspection be performed within 60 days or 300 landings, whichever occurs earlier, after the last inspection performed in accordance with paragraph (b) of AD 95-04-15.

(b) For Groups II, III, and IV airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-54A049 R03, Revision 3, dated May 18, 1995: Accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD.

(1) Within 30 days after the effective date of this AD, or within 60 days after accomplishing the immediately preceding visual inspection required by paragraph (a) of this AD, whichever occurs later: Perform a visual inspection to detect cracking of the outboard and inboard surfaces of the upper spar angles, P/N's AUB7519-1/-2, on the number 1 and number 3 wing pylons, in accordance with McDonnell Douglas Alert Service Bulletin MD11-54A049 R03, Revision 3, dated May 18, 1995. Repeat this inspection thereafter, prior to further flight, following each incident of excessive maneuver, turbulence overload (as defined in MD-11 Aircraft Maintenance Manual, Chapter 05-51-01), or hard landing (as defined in MD-11 Aircraft Maintenance Manual, Chapter 05-51-03).

(i) If no cracking is detected, repeat the visual inspection thereafter at intervals not to exceed 60 days or 300 landings, whichever occurs earlier, until the requirements of paragraph (d) of this AD are accomplished.

(ii) If any cracking is detected, prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate.

(2) Within 15 months after the effective date of this AD, perform an eddy current inspection to detect cracking of the left and right angles of the upper spar angles on the forward end, P/N AUB7519-1/-2, on the number 1 and number 3 wing pylons, in accordance with McDonnell Douglas Alert Service Bulletin MD11-54A049 R03, Revision 3, dated May 18, 1995.

(i) If no cracking is detected, repeat the eddy current inspection thereafter at intervals not to exceed 15 months, until the requirements of paragraph (d) of this AD are accomplished.

(ii) If any cracking is detected, prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles ACO.

(c) For Groups II, III, and IV airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-54A049 R03, Revision 3, dated May 18, 1995: At the applicable time specified in either paragraph (c)(1) or (c)(2) of this AD, submit a report of the results (positive findings only) of the inspections required by paragraph (b) of this AD to the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712; or fax the report to (310) 627-5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(1) For airplanes on which the inspection required by paragraph (b) of this AD is accomplished after the effective date of this AD: Submit a report of positive findings within 10 days after performing any of the inspections required by paragraph (b) of this AD.

(2) For airplanes on which the inspection required by paragraph (b) of this AD is accomplished prior to the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

(d) For airplanes listed in McDonnell Douglas Service Bulletin MD11-54-049 R01, Revision 1, dated May 18, 1995, accomplish the requirements of paragraphs (d)(1) and (d)(2) of this AD.

(1) For pylons on which no cracking of the upper spar angles has been detected during the inspections required by either paragraph (a) or (b) of this AD: Within 5 years after the effective date of this AD, replace the spar angles with new spar angles in accordance with McDonnell Douglas Service Bulletin MD11-54-049, dated March 31, 1995; or McDonnell Douglas Service Bulletin MD11-54-049 R01, Revision 1, dated May 18, 1995.

(2) For pylons on which cracking of the upper spar angles has been repaired in

accordance with Rohr Service Bulletin MD11 54-190, dated March 3, 1995: Within 15 months after accomplishment of the repair, replace the spar angles with new spar angles in accordance with McDonnell Douglas Service Bulletin MD11-54-049, dated March 31, 1995; or McDonnell Douglas Service Bulletin MD11-54-049 R01, Revision 1, dated May 18, 1995.

(e) Replacement of the spar angles in accordance with McDonnell Douglas Service Bulletin MD11-54-049, dated March 31, 1995; or McDonnell Douglas Service Bulletin MD11-54-049 R01, Revision 1, dated May 18, 1995, constitutes terminating action for the repetitive inspections required by paragraphs (a) and (b) of this AD.

(f) 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, 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(g) 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 August 15, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-20630 Filed 8-18-95; 8:45 am]

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14 CFR Part 39

[Docket No. 95-NM-39-AD]

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes and Model DC-10-30, DC-10-40, and KC-10A (Military) 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 and Model DC-10-30, DC-10-40, and KC-10A (military) airplanes. For Model MD-11 series airplanes, this proposal would require an inspection to determine the serial number of the forward trunnion bolts on the main landing gear (MLG), and rework or replacement of the bolts, if necessary. For Model DC-10-30, DC-