

airplane usage, it cannot develop unless the airplane travels too slowly in icing conditions. Therefore, to ensure that all owners/operators of the affected airplanes incorporate the minimum airspeed in icing conditions flight manual supplement revisions in a reasonable amount of time, the compliance time is based on calendar time.

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 copy of the final 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.

#### 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), 40101, 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

95-22-03 Beech Aircraft Corporation: Amendment 39-9410; Docket No. 95-CE-23-AD.

*Applicability:* Models 60 and A60 airplanes (all serial numbers), 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 (d) 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 within the next 60 calendar days after the effective date of this AD, unless already accomplished.

To prevent loss of control of the airplane because of the airplane traveling too slowly in icing conditions, accomplish the following:

(a) Incorporate Airplane Flight Manual (AFM) supplement "FLIGHT IN KNOWN ICING CONDITIONS", Revised: January 1995, part number (P/N) 60-590001-17, into the AFM, P/N 60-590000-5 or P/N 60-590000-11, as applicable.

(b) Incorporating the AFM supplement "FLIGHT IN KNOWN ICING CONDITIONS", Revised: January 1995, part number (P/N) 60-590001-17, as required by this AD may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with section 43.11 of the Federal Aviation Regulations (14 CFR 43.11).

(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.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(e) All persons affected by this directive may obtain copies of the AFM revision referred to herein upon request to Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment (39-9410) becomes effective on December 12, 1995.

Issued in Kansas City, Missouri, on October 12, 1995.

Michael Gallagher,

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

[FR Doc. 95-26106 Filed 10-23-95; 8:45 am]

**BILLING CODE 4910-13-U**

### 14 CFR Part 39

[Docket No. 95-CE-76-AD; Amendment 39-9414; AD 95-20-01 R1]

#### Airworthiness Directives; Beech Aircraft Corporation Models 65 and L-23F Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) 95-20-01 R1, which was sent previously to all known U.S. owners and operators of certain Beech Aircraft Corporation (Beech) Models 65 and L-23F (military conversion) airplanes. This AD requires fabricating and installing a placard that specifies not to operate the airplane with the cabin door removed, and incorporating a copy of the AD into the Limitations Section of the Airplane Flight Manual (AFM). A recent accident of one of the affected airplanes that was operating with the cabin door removed prompted the existing AD. The actions specified by this AD are intended to prevent the possibility of a reduction in stability, controllability, or airplane climb performance during operation, particularly in single-engine operations at high gross weights.

**DATES:** Effective November 3, 1995, to all persons except those to whom it was made immediately effective by priority letter AD 95-20-01 R1, issued September 21, 1995, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before December 27, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-76-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Information that relates to this AD may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. James A. Schueler, Program Manager, Wichita Aircraft Certification Office,

FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4111; facsimile (316) 946-4407.

**SUPPLEMENTARY INFORMATION:** On September 15, 1995, the FAA issued priority letter Airworthiness Directive (AD) 95-20-01. This AD required the following on certain Beech Model 65 airplanes:

- Fabricating a placard with the words "Operation of the airplane with the cabin door removed is prohibited";
- Installing this placard on the airplane's instrument panel within the pilot's clear view; and
- Incorporating a copy of this AD in the Limitations Section of the Airplane Flight Manual (AFM).

A recent accident of a Beech Model 65 airplane where the airplane was destroyed prompted that action. The referenced airplane was configured for parachute operations, including operating with the passenger seats and cabin door removed.

The operator of this airplane had the cabin door removed in accordance with FAA-approved Flight Manual Supplement, dated September 20, 1967. However, further examination of this particular flight manual supplement revealed an unapproved alteration of the document to make the Beech Model 65 eligible for operation with the cabin door removed.

The Type Certificate Data Sheet for the Beech 65 series airplanes lists several Beech Model airplanes that are eligible for cabin door removal. This listing does not include the Beech Model 65. Currently, the FAA is examining these circumstances to determine why this model was not included in this eligibility. Certain Beech Model 65 airplanes may operate with the cabin door removed under a Restricted Category Certificate.

The configuration of the Beech models that are eligible for operation with the cabin door removed includes a swept fin tail. The Beech Model 65 does not have this swept fin tail configuration. The FAA has not determined (1) the number of the 244 originally manufactured Beech Model 65 airplanes that are in operation with the cabin door removed in accordance with this Flight Manual Supplement, dated September 20, 1967; or (2) how many Restricted Category Certificates have been issued for operating with the cabin door removed.

After issuing AD 95-20-01, the FAA received reports that the Beech Model L-23F (military conversion) should also be included in the applicability of that AD. These airplanes are eligible to be

brought back into civilian use. Based on this, the FAA determined that AD 95-20-01 should be revised to include these military conversion Beech Model L-23F airplanes.

Since an unsafe condition was identified that is likely to exist or develop in other Beech Models 65 and L-23F airplanes of the same type design (including those operating under a Restricted Category Certificate), the FAA revised priority letter AD 95-20-01 and issued priority letter AD 95-20-01 R1 to prevent the possibility of a reduction in stability, controllability, or airplane climb performance during operation, particularly in single-engine operations at high gross weights. The AD retains the placard and AFM requirements of AD 95-20-01 for the Model 65 airplanes, and adds the Model L-23F airplanes to the Applicability section of the AD.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on September 21, 1995, to all known U.S. operators of Beech Models 65 and L-23F airplanes. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should 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 will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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 notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 95-CE-76-AD." The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and 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, 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 USC 106(g), 40101, 40113, 44701.

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

95-20-01 R1 Beech Aircraft Corporation: Amendment 39-9414; Docket No. 95-CE-76-AD. Revises priority letter AD 95-20-01.

**Applicability:** The following airplane models and serial numbers, certificated in any category:

Model	Serial numbers
65 .....	L-1, L-2, L-6, LC-1 through LC-239, LF-7 and LF-8.
L-23F .....	L-3, L-4, L-5, and LF-9 through LF-76.

**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 (d) 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 prior to further flight after the effective date of this AD (except for those operators receiving this action by priority letter issued September 21, 1995, which made these actions effective upon receipt), unless already accomplished.

To prevent the possibility of a reduction in stability, controllability, or airplane climb performance during operation, particularly in single-engine operations at high gross weights, accomplish the following:

(a) Fabricate a placard, using letters at least  $\frac{1}{8}$ -inch in height, that consists of the words "Do not operate the airplane with the cabin door removed." Install this placard on the airplane's instrument panel within the pilot's clear view.

(b) Insert a copy of this AD into the Limitations Section of the airplane flight manual (AFM).

(c) The actions required by this AD may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with section 43.11 of the Federal Aviation Regulations (14 CFR 43.11).

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add

comments and then send it to the Manager, Wichita ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(e) Information related to this AD may be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment (39-9414) becomes effective on November 3, 1995, to all persons except those persons to whom it was made immediately effective by priority letter AD 95-20-01 R1, issued September 21, 1995, which contained the requirements of this amendment.

Issued in Kansas City, Missouri, on October 16, 1995.

Michael Gallagher,

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

[FR Doc. 95-26107 Filed 10-23-95; 8:45 am]

**BILLING CODE 4910-13-U**

## 14 CFR Part 39

**[Docket No. 95-NM-183-AD; Amendment 39-9413; AD 95-22-06]**

### Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes. This action requires repetitive inspections to detect fatigue cracking of the shock strut cylinder of the main landing gear (MLG), and replacement of any cracked shock strut cylinder with a serviceable part. This action also provides for installation of brake line hydraulic restrictors on the MLG brake systems, which, if accomplished, terminates the repetitive inspection requirement. This amendment is prompted by a report indicating that fatigue cracking and subsequent fracturing of the shock strut cylinder of the MLG occurred due to high stress loads on the cylinder as a result of braking induced vibration. The actions specified in this AD are intended to prevent such fracturing, which could result in collapse of the MLG and consequent reduced controllability of the airplane during landing.

**DATES:** Effective November 8, 1995.

The incorporation by reference of certain publications listed in the

regulations is approved by the Director of the Federal Register as of November 8, 1995.

Comments for inclusion in the Rules Docket must be received on or before December 26, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-183-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Brent Bandley, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5237; fax (310) 627-5210.

**SUPPLEMENTARY INFORMATION:** The FAA received a report indicating that the shock strut cylinder of the left main landing gear (MLG) fractured on a McDonnell Douglas Model DC-9-80 series airplane. The fractured MLG collapsed during landing rollout. The affected shock strut cylinder had accumulated 6,386 total landings and 18,236 total hours time-in-service. Investigation revealed that the fracturing was the result of fatigue cracking caused by high stress loads on the shock strut cylinder. These high stress loads were induced by vibration, which occurs during landing rollout when the aircraft is at speeds between 40 and 50 knots, with the anti-skid system on during moderate to heavy braking. Fatigue cracking and subsequent fracturing of the shock strut cylinder, if not corrected, could result in collapse of the MLG; such a collapse could adversely affect the controllability of the airplane during landing.

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD80-32A286, dated September 11, 1995, which describes procedures for repetitive dye penetrant