

send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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.

(h) The inspections and repairs shall be done in accordance with Airbus Service Bulletin A300-57-0213, dated August 12, 1994, or Airbus Service Bulletin A300-57-6059, dated August 12, 1994, as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on December 27, 1995.

Issued in Renton, Washington, on November 9, 1995.

S. R. Miller,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-28798 Filed 11-24-95; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 95-NM-114-AD; Amendment 39-9427; AD 95-23-07]

#### Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment supersedes 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 amendment requires 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 amendment is prompted by the development of a modification that positively addresses the unsafe condition. The actions specified by this

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:** Effective December 27, 1995.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of December 27, 1995.

The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11-54A049 R01, Revision 1, dated February 7, 1995, listed in the regulations, was approved previously by the Director of the Federal Register as of March 17, 1995 (60 FR 11623, March 2, 1995).

**ADDRESSES:** 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 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:** Wahib Mina, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5324; fax (310) 627-5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding 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, was published in the Federal Register on August 21, 1995 (60 FR 43415). The action proposed 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. However, the action also proposed to 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.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received.

Both commenters support the proposed rule.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

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 will be affected by this AD.

The visual inspections that are currently required by AD 95-04-15 and retained in this new AD take approximately 10 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact on U.S. operators of the actions currently required is estimated to be \$28,200, or \$600 per airplane, per inspection.

The eddy current inspections that are required by this new AD will take approximately 10 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact on U.S. operators of the new requirements of this AD is estimated to be \$28,200, or \$600 per airplane.

The new requirement to replace the spar angle that is required in this AD action will 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 will be provided by the manufacturer at no cost to the operator. Based on these figures, the cost impact on U.S. operators of the 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 cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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 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), amendment 39-9427, to read as follows:

95-23-07 McDonnell Douglas: Amendment 39-9427. 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 03, 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 (f) 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 03, 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 03, 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 03, 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 03, 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.

(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 03, 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 03, 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 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 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.

(h) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11-54A049 R01, Revision 1, dated February 7, 1995; McDonnell Douglas Alert Service Bulletin MD11-54A049 R03, Revision 03, dated May 18, 1995; McDonnell Douglas Service Bulletin MD11-54-049, dated March 31, 1995; and McDonnell Douglas Service Bulletin MD11-54-049 R01, Revision 1, dated May 18, 1995. The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11-54A049 R01, Revision 1, dated February 7, 1995, was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of March 17, 1995 (60 FR 11623, March 2, 1995). The incorporation by reference of the remainder of the service documents listed above is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR

part 51. Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on December 27, 1995.

Issued in Renton, Washington, on November 6, 1995.

Darrell M. Pederson,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-28190 Filed 11-24-95; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 95-CE-29-AD; Amendment 39-9432; AD 95-23-12]

#### Airworthiness Directives; The New Piper Aircraft, Inc. (Formerly Piper Aircraft Corporation) Model PA-46-350P Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to The New Piper Aircraft, Inc. (Piper) Model PA-46-350P airplanes. This action requires installing a placard (to the right of the manifold pressure gauge in full view of the pilot) that specifies manifold pressure limits, and incorporating a revision into the Limitations section of the Pilot's Operating Handbook (POH). The actions specified by this AD are intended to prevent fatigue damage to the propeller caused by operating above certain manifold pressure limits.

**DATES:** Effective January 8, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 8, 1996.

**ADDRESSES:** Service information that applies to this AD may be obtained from The New Piper Aircraft, Inc., Customer Services, 2926 Piper Drive, Vero Beach, Florida 32960. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-29-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or

at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Christina Marsh, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7362; facsimile (404) 305-7348.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Piper Model PA-46-350P airplanes was published in the Federal Register on June 5, 1995 (60 FR 29511). The action proposed installing a placard (to the right of the manifold pressure gauge in full view of the pilot) that specifies manifold pressure limits. The proposed action would also require incorporating revised page 2-16 (dated March 29, 1995) of Revision 14 (PR950329) to Report: VB-1332 into the Limitations Section of the PA-46-350P POH. Piper Service Bulletin (SB) No. 982, dated April 3, 1995, contains the placard, and instructions on installing the placard and incorporating the POH revision. The proposed AD will allow an owner/operator who holds a private pilot's certificate as authorized by sections 43.7 and 43.11 of the Federal Aviation Regulations (14 CFR 43.7 and 43.11) to perform these actions.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

The compliance time of this AD is presented in calendar time instead of hours time-in-service (TIS). Although the unsafe condition can develop as a result of airplane usage, it cannot develop unless the manifold pressure limits specified in the required action are exceeded. Therefore, to ensure that all owners/operators of the affected airplanes incorporate the manifold pressure limits in a reasonable amount of time, a compliance based on calendar time is utilized.