

Models	Serial Nos.
PA31P-350 .....	31P-8414001 through 31P-8414050.
PA31T .....	31T-7400002 through 31T-8120104.
PA31T1 .....	31T-7804001 through 31T-8304003 and 31T-1104004 through 31T-1104017.
PA31T2 .....	31T-8166001 through 31T-8166076 and 31T-1166001 through 31T-1166008.

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 (g) 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 in the body of this AD, unless already accomplished.

To prevent the MLG from retracting because of a cracked MLG forward side brace, which, if not detected and corrected, could result in gear collapse and loss of control of the airplane during landing operations, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished (compliance with AD 88-05-05), and thereafter at intervals not to exceed 100 hours TIS until the modification required by paragraph (c) or (d) of this AD is incorporated, inspect (using dye penetrant methods) both the left and right MLG sidebrace for cracks. Accomplish the inspections in accordance with the INSTRUCTIONS section of Piper Service Bulletin No. 845A, dated October 9, 1987.

(b) The initial dye penetrant inspection type must be utilized for all future repetitive inspections. Dye penetrant inspection types consist of Type I: fluorescent; Type II: non-fluorescent or visible dye; and Type III: dual sensitivity.

(c) If cracks are found during any of the inspections required in paragraph (a) of this AD, prior to further flight, replace the cracked MLG sidebrace with a part of improved design, P/N 85165-02 (left) or 85165-03 (right) or P/N 85166-02 (left) or 85166-03 (right), as applicable. Accomplish this replacement in accordance with the applicable maintenance manual.

(d) Within the next 1,200 hours TIS after the effective date of this AD, unless already accomplished as required by paragraph (c) of

this AD, replace both the left and right MLG side brace with parts of improved design, P/N 85165-02 (left) and 85165-03 (right) or P/N 85166-02 (left) and 85166-03 (right), as applicable. Accomplish these replacements in accordance with the applicable maintenance manual.

(e) Installing both the left and right MLG side brace with parts of improved design, P/N 85165-02 (left) and 85165-03 (right) or P/N 85166-02 (left) and 85166-03 (right), as applicable, as required by paragraph (d) of this AD is considered terminating action for the repetitive inspection requirement of this AD.

(f) 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.

(g) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

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

Note 3: Alternative methods of compliance approved in accordance with AD 88-05-05 (superseded by this AD) are not considered approved for this AD.

(h) All persons affected by this directive may obtain copies of the document referred to herein upon request to The New Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(i) This amendment supersedes AD 88-05-05, Amendment 39-5861.

Issued in Kansas City, Missouri, on December 1, 1995.

John R. Colomy,  
*Acting Manager, Small Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 95-29859 Filed 12-6-95; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 90-CE-63-AD]

#### Airworthiness Directives; The New Piper Aircraft, Inc. (Formerly Piper Aircraft Corporation) Models PA31, PA31-300, PA31-325, and PA31-350 Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to supersede Airworthiness Directive (AD) 80-14-06, which currently requires the following on The New Piper Aircraft, Inc. (Piper) Models PA31, PA31-300, PA31-325, and PA31-350 airplanes: repetitively inspecting the outboard flap tracks, wing rib flanges, and the rear spar web at Wing Station (WS) 147.5 on each wing, and modifying the area at WS 147.5 on both wings if any cracks are found as terminating action for the repetitive inspection requirement. The Federal Aviation Administration's policy on aging commuter-class aircraft is to eliminate or, in certain instances, reduce the number of certain repetitive short-interval inspections when improved parts or modifications are available. The proposed action would retain the current repetitive inspections contained in AD 80-14-06, and would require modifying the area at WS 147.5 on both wings as terminating action for the repetitive inspections. The actions specified in the proposed AD are intended to prevent structural failure under certain load conditions caused by cracked areas at WS 147.5, which, if not

detected and corrected, could result in loss of control of the airplane.

**DATES:** Comments must be received on or before February 23, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-CE-63-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that relates to the proposed AD may be obtained from The New Piper Aircraft, Inc., Customer Services, 2926 Piper Drive, Vero Beach, Florida 32960. This information also may be examined at the Rules Docket at the address above.

**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:**

**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 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, 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 that summarizes 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 No. 90-CE-63-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, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-CE-63-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

**Discussion**

The FAA has determined that reliance on critical repetitive inspections on aging commuter-class airplanes carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. In determining what inspections are critical, the FAA considers (1) the safety consequences if the known problem is not detected during the inspection; (2) the probability of the problem not being detected during the inspection; (3) whether the inspection area is difficult to access; and (4) the possibility of damage to an adjacent structure as a result of the problem.

These factors have led the FAA to establish an aging commuter-class aircraft policy that requires incorporating a known design change when it could replace a critical repetitive inspection. With this policy in mind, the FAA conducted a review of existing AD's that apply to Piper Models PA31-350 and PA31T3 airplanes. Assisting the FAA in this review were (1) The New Piper Aircraft, Inc.; (2) the Regional Airlines Association (RAA); and (3) several operators of the affected airplanes.

From this review, the FAA has identified AD 80-14-06, Amendment 39-3805, as one that should be superseded with a new AD that would require a modification that would eliminate the need for short-interval and critical repetitive inspections. AD 80-14-06 currently requires the following on Piper Models PA31, PA31-300, PA31-325, and PA31-350 airplanes:

- Repetitively inspecting the outboard flap tracks, wing rib flanges, and the rear spar web at Wing Station (WS) 147.5 on each wing and modifying the area at WS 147.5 on both wings if any cracks are found as terminating action for the repetitive inspection requirement; and
- Allowing for the provision of modifying the area at WS 147.5 on both wings as terminating action for the repetitive inspection requirement.

Piper Service Bulletin (SB) No. 647A, dated November 24, 1980, references Kit 763 986, which, when incorporated, provides a modification of the area at

WS 147.5 on both wings that would eliminate the need for the repetitive inspection requirement of AD 80-14-06. Kit 763 986 also contains procedures for incorporating this modification.

Based on its aging commuter-class aircraft policy and after reviewing all available information related to this subject including the referenced service information, the FAA has determined that AD action should be taken to eliminate the repetitive short-interval inspections required by AD 80-14-06, and to prevent structural failure under certain load conditions caused by cracked areas at WS 147.5, which, if not detected and corrected, could result in loss of control of the airplane.

Since an unsafe condition has been identified that is likely to exist or develop in other Piper Models PA31, PA31-300, PA31-325, and PA31-350 airplanes of the same type design, the proposed AD would supersede AD 80-14-06 with a new AD that would (1) retain the requirement of repetitively inspecting the outboard flap track, wing rib flanges, and the rear wing web at WS 147.5, and, if any cracks are found, modifying the area of WS 147.5 by incorporating Piper Kit 763 986 as terminating action for the repetitive inspection requirement; and (2) require incorporating Piper Kit 763 986 at a specified hours TIS time-period for airplanes where no cracks were found during the inspections as terminating action for the repetitive inspection requirement. Accomplishment of the proposed modification would be in accordance with the instructions included with Piper Kit 763 986, as referenced in Piper SB No. 647A, dated November 24, 1980.

The FAA estimates that 2,906 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 30 workhours per airplane to accomplish the proposed modification, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$468 per airplane. Based on these figures, the total cost impact of the proposed modification on U.S. operators is estimated to be \$6,590,808 or \$2,268 per airplane.

Piper has informed the FAA that parts have been distributed to enough owners/operators to equip 234 of the affected airplanes. Assuming that each set of parts has been installed on an affected airplane, the cost impact of the proposed AD upon U.S. owners/operators of the affected airplanes would be reduced by \$530,712 from \$6,590,808 to \$6,060,096.

The intent of the FAA's aging commuter airplane program is to ensure safe operation of commuter-class

airplanes that are in commercial service without adversely impacting private operators. The FAA believes that a large number of the remaining 2,672 affected airplanes (2,906 airplanes—234 sets of parts distributed) that would be affected by the proposed AD are operated in various types of air transportation. This includes scheduled passenger service, air cargo, and air taxi.

The proposed AD would allow 1,000 hours time-in-service (TIS) after the effective date of the proposed AD before mandatory accomplishment of the design modification. The average utilization of the fleet for those airplanes in air transportation is between 25 to 40 hours TIS per week. Based on these figures, operators of commuter-class airplanes involved in commercial operation would have to accomplish the proposed modification within 6 to 10 months after the proposed AD would become effective. For private owners, who typically operate between 100 to 200 hours TIS per year, this would allow 5 to 10 years before the proposed modification would be mandatory.

The FAA established the 1,000 hours TIS modification compliance time based on its engineering evaluation of the problem. Among the issues examined during this engineering evaluation were analysis of service difficulty reports, the difficulty level of the inspection, and how critical the situation would be if cracks occurred in the subject area despite accomplishment of the repetitive inspections.

Usually, the FAA establishes the mandatory design modification compliance time on AD's affecting aging commuter-class airplanes upon the accumulation of a certain number of hours TIS on the airplane. For this action, the FAA is proposing to mandate the modification for all operators

“within the next 1,000 hours TIS after the effective date of this AD.” The total TIS levels of the airplane fleet varies from under 1,000 hours TIS to over 5,000 hours TIS, and annual accumulation rates vary from 50 hours TIS to over 1,000 hours TIS. Establishing a long-term set compliance time of hours TIS accumulated on a Piper Model PA31, PA31-300, PA31-325, or PA31-350 airplane (such as 5,000 hours TIS) would impose an undue burden on the manufacturer of having to maintain a supply of replacement parts for the entire fleet when many airplanes in the fleet may never reach this compliance time.

Instead, the FAA believes that Piper should maintain parts for several years; in this case about 10 years to allow low-usage airplanes time to accumulate the “1,000 hours after the effective date of the AD.” The FAA has determined that the compliance time of the proposed rule provides the level of safety required for commuter air service while still minimizing the impact on the private airplane owners of Piper Models PA31, PA31-300, PA31-325, and PA31-350 airplanes.

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 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) 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 has been placed 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 Airworthiness Directive (AD) 80-14-06, Amendment 39-3805, and by adding a new AD to read as follows:

The New Piper Aircraft, Inc. (formerly Piper Aircraft Corporation): Docket No. 90-CE-63-AD. Supersedes AD 80-14-06, Amendment 39-3805.

*Applicability:* The following model and serial number airplanes, certificated in any category, that do not have Piper Kit 763 986 incorporated in the area of Wing Station (WS) 147.5:

Models	Serial Nos.
PA31 and PA31-300 .....	31-2 through 31-8012010.
PA31-325 .....	31-7512006 through 31-8012010.
PA31-350 .....	31-5001 through 31-8052025.

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 (f) 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 in the body of this AD, unless already accomplished.

To prevent structural failure under certain load conditions caused by cracked areas at

WS 147.5, which, if not detected and corrected, could result in loss of control of the airplane, accomplish the following:

(a) Within the next 100 hours time-in-service

(TIS) after the effective date of this AD, unless already accomplished (compliance with AD 80-14-06), and thereafter at intervals not to exceed 100 hours TIS until the modification required by paragraph (b) or (c) of this AD is incorporated, inspect the

outboard flap tracks, wing rib flanges, and the rear spar web on both wings in the area of WS 147.5 by accomplishing the following:

(1) Lower the flaps to 40 degrees.

(2) Inspect the attachment of the flap track rib to the rear spar on the inboard and outboard sides of the flap track using 10-power magnification.

(3) Remove the rectangular access plate from the bottom wing skin. The rectangular access plate is located forward of the wing spar at WS 153.

(4) Inspect the WS 147.5 rib attachment angle using 10-power magnification.

Note 2: The 100-hour TIS repetitive inspection interval was established to coincide with regularly scheduled maintenance.

(b) If cracks are found during any of the inspections required in paragraph (a) of this AD, prior to further flight, incorporate Piper Kit 763 986 in accordance with the instructions included with this kit, as referenced in Piper Service Bulletin (SB) No. 647A, dated November 24, 1980.

(c) Within the next 1,000 hours TIS after the effective date of this AD, unless already accomplished as required by paragraph (b) of this AD, incorporate Piper Kit 763 986 in the area of WS 147.5. Accomplish this action in accordance with the instructions included with this kit, as referenced in Piper SB No. 647A, dated November 24, 1980.

(d) Incorporating Piper Kit 763 986 as required by paragraphs (b) and (c) of this AD is considered terminating action for the repetitive inspection requirement of this AD.

(e) 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.

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

Note 4: Alternative methods of compliance approved in accordance with AD 80-14-06 (superseded by this action) are not considered approved as alternative methods of compliance with this AD.

(g) All persons affected by this directive may obtain copies of the document referred to herein upon request to The New Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(h) This amendment supersedes AD 80-14-06, Amendment 39-3805.

Issued in Kansas City, Missouri, on December 1, 1995.

John R. Colomy,

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

[FR Doc. 95-29860 Filed 12-6-95; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 71

[Airspace Docket No. 95-AWP-42]

#### Proposed Amendment of Class E Airspace; Phoenix, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to amend the Class E airspace area at Phoenix, AZ to provide additional controlled airspace for aircraft arriving at Phoenix Sky Harbor International Airport. The intended effect of this proposal is to improve service to the users and reduce controller workload.

**DATES:** Comments must be received on or before January 8, 1996.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, System Management Branch, AWP-530 Docket No. 95-AWP-42, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California, 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California, 90261.

An informal docket may also be examined during normal business at the Office of the Manager, System Management Branch, Air Traffic Division at the above address.

**FOR FURTHER INFORMATION CONTACT:** Scott Speer, Airspace, Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6533.

**SUPPLEMENTARY INFORMATION:**  
Comments Invited

Interested parties are invited to participate in this proposal rulemaking by submitting such written data, views, are arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments

are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 95-AWP-42." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, at 15000 Aviation Boulevard, Lawndale, California 90261, both before and after their closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedures.

#### The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Class E airspace area at Phoenix, AZ. The intended effect of this proposal is to provide additional controlled airspace for aircraft arriving at Phoenix Sky Harbor International Airport, Phoenix, AZ. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.