mounts of Model DC-10-10 airplane engines. However, McDonnell Douglas has not yet developed a bolt retainer for Model DC-10-10 or -15 airplanes, or KC-10A airplanes.

Broken lockwires, if not corrected, could result in loosening of the engine mount bolts and subsequent separation of the engine from the airplane.

The lockwires on the forward engine mount bolts of Model DC-10-30 airplanes are similar to those installed on Model DC-10-10 and -15 airplanes, and KC-10A airplanes. Therefore, the FAA finds that Model DC-10-10 and -15 airplanes, and KC-10A airplanes are also subject to the same unsafe condition.

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin DC10-71A159, Revision 1, dated January 31, 1995, which describes procedures for repetitive visual inspections to detect broken lockwires on the forward engine mount bolts on engines 1, 2, and 3. If any broken lockwire is found, the service bulletin describes procedures to check the torque of the bolt, to install a new lockwire, and to install a torque stripe on the bolt. This service bulletin also describes procedures for subsequent visual inspections to detect misalignment of the torque stripe.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent broken lockwires, which could result in loosening of the engine mount bolts and subsequent separation of the engine from the airplane. This AD requires visual inspections to determine the condition of the lockwires on the forward engine mount bolts on engines 1, 2, and 3, and correction of discrepancies found. The actions are required to be accomplished in accordance with the alert service bulletin described previously.

The required compliance time of 120 days is usually sufficient to allow for a brief comment period before adoption of a final rule. In this AD, however, that compliance time was selected because of the degree of urgency associated with addressing the subject unsafe condition and the practical aspects of performing the inspection within a maximum interval of time allowable for all affected airplanes to continue to operate without compromising safety. Further, the FAA took into account the 6-month compliance time recommended by the manufacturer, as well as the number of days required for the rulemaking process; in consideration of these factors, the FAA finds that 120 days after the effective date of this rule will

fall approximately at the same time as that recommended by the manufacturer.

This AD also requires that operators report the results of the visual inspections to the FAA. The intent of these reports is to enable the FAA to determine how widespread the problem of broken lockwires may be in the affected fleet. Based on the results of these reports, further corrective action may be warranted.

Since retainers have been developed only for Model DC-10-30 airplanes and KC-10A airplanes, this AD also provides for the termination of the visual inspections by installing retainers on the engine mount bolts on Model DC-10-30 airplanes and KC-10A airplanes in accordance with Revision 6 of McDonnell Douglas DC-10 Service Bulletin 71-133, dated June 30, 1992.

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 rule to clarify this long-standing requirement.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

## **Comments Invited**

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public 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 shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. 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 rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94–NM–253–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 that it 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, Incorporation by reference, Safety.

## **Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the