

and subsequent separation of the engine and pylon from the airplane.

One of the intended purposes of the one-time visual inspection and submission of reports required by that AD was to allow the FAA and the manufacturer to obtain data as to the general condition of the affected fleet relevant to the identified fatigue cracking. Based on this data, the manufacturer has conducted further investigation and analysis of the cracking found in the subject areas. This effort has revealed that the cracking was caused by fatigue that was accelerated by preload conditions. The manufacturer has developed inspection procedures that will ensure that this fatigue cracking is identified and corrected before it reaches critical lengths.

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin A54-106, Revision 2, dated November 3, 1994, which describes procedures for conducting repetitive eddy current inspections to detect fatigue cracking of the pylon aft bulkhead flange, upper pylon box web, fitting radius, and adjacent tangent areas.

The service bulletin also describes procedures for performing a visual inspection for gaps between the pylon aft bulkhead flange, upper pylon box web, fitting radius, and adjacent tangent areas, and shimming any gaps found. Once this inspection is performed, the repetitive eddy current inspections of these areas are no longer necessary.

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 require repetitive eddy current inspections to detect fatigue cracking of the pylon aft bulkhead flange, upper pylon box web, fitting radius, and adjacent tangent areas. If any cracks are found, they would be required to be repaired in accordance with a method approved by the FAA. The proposed AD would also provide for an optional terminating action consisting of a gap inspection of bulkhead components and necessary shimming. The actions would be required to be accomplished in accordance with the service bulletin described previously.

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 requirement.

There are approximately 426 Model DC-10 and KC-10 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 269 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed eddy current inspections, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$129,120, or \$480 per airplane, per inspection cycle.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Should an operator elect to accomplish the optional terminating action that would be provided by this proposed rule, it would require approximately 2 work hours per airplane to accomplish the gap inspection, at an average labor rate of \$60 per work hour. The cost and labor associated with any necessary shimming would vary, depending upon what was revealed by the gap inspection.

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 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 94-NM-176-AD.

Applicability: Model DC-10-10, -15, -30, -40, and KC-10 (military) series airplanes; as listed in McDonnell Douglas Alert Service Bulletin A54-106, Revision 2, dated November 3, 1994; 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 use the authority provided in paragraph (d) 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 failure of the wing pylon aft bulkhead due to fatigue cracking, which could lead to separation of the engine and pylon from the airplane, accomplish the following:

(a) Prior to the accumulation of 1,800 landings after the effective date of this AD, conduct an eddy current inspection to detect fatigue cracks in the pylon aft bulkhead flange, upper pylon box web, fitting radius, and adjacent tangent areas, in accordance