wing forward spar fuselage attach fitting is an integral part of the tubular fuselage attach cluster, and the FAA believes that rewelding this part to the original structure after removal for inspection would present a safety problem. The proposal is unchanged as a result of this comment.

Commenter No. 1 also states that Appendix D in part 43 of the Federal Aviation Regulations (14 CFR part 43, Appendix D) describes the scope and detail of an annual and 100-hour time in-service (TIS) inspection, and that this inspection includes the same area as that specified in the proposal. The FAA acknowledges that 14 CFR part 43, Appendix D, does address the area of the proposed inspection, but does not specify removing the wings to accomplish the proposed wing forward spar fuselage attachment inspection. The FAA has determined that wing removal must be accomplished in order to detect cracks or corrosion in this assembly. The proposal is unchanged as a result of this comment.

Another commenter (referred to as Commenter No. 2 hereon) recommends that the mechanic saturate the attach bolts with penetrating oil to facilitate removal because they are extremely difficult to remove. The FAA concurs that these bolts could be difficult to remove and has added a NOTE to the proposal to recommend this idea.

Paragraph (b) of the proposal specifies: "thoroughly clean around the wing forward spar fuselage attachment fittings with water (only)." Commenter No. 2 states that water will not properly remove all chemical residues. The FAA concurs and has removed this statement from the proposal. The proposed inspection would require preparation to remove paint to ensure a proper inspection surface.

Commenter No. 2 also recommends inspections every two years and any time the wings are removed. The original proposal did not include Commenter No. 2's inspection compliance recommendation because of the inspection criteria available. Since that time, the FAA has established ultrasonic inspection procedures. Confidence in these inspection procedures has allowed the FAA to extend the proposed compliance time to two years and incorporate these procedures into the proposal.

In addition, Commenter No. 2 recommends alternate inspection procedures of magnaflux or x-ray. The FAA believes that magnaflux and x-ray are not viable inspection alternatives because of the design and location of the wing forward spar fuselage attachment fitting. For this reason, the proposal is unchanged as a result of this comment.

Commenter No. 2 suggests that the FAA require only a one-time inspection to those airplanes that have incorporated Supplemental Type Certificate (STC) SA501SW. The FAA does not concur with this suggestion. STC SA501SW does not require modification to the wing forward spar fuselage attachment fittings, and, therefore does not relate to the proposal. The proposal is unchanged as a result of this comment.

No comments were received concerning the FAA's determination of the cost upon the public.

Since issuance of the proposal, the FAA became aware of a similar accident on a Piper Model PA-25-150 airplane. This airplane had accrued over 5,000 hours TIS. Because of the wide variation in hours TIS accrued on the two airlines involved in the referenced accidents (over 10,000 and over 5,000), the FAA determined that immediate initial inspections were required on all Piper Models PA-25-150, PA-25-235, and PA-25-260 airplanes, and issued AD 93-21-12, Amendment 39-8763 (58 FR 65104, December 13, 1993). This AD requires inspecting (one-time) the wing forward spar fuselage attachment assembly for cracks or corrosion, and replacing or repairing any cracked or corroded part.

After examining the circumstances and reviewing all available information related to the accident described above, the FAA has determined that the onetime inspection required by AD 93–21– 12 should be repetitive and the comment period for the initial proposal should be reopened to allow the public additional time to comment on this proposed action.

Since an unsafe condition has been identified that is likely to exist or develop in other Piper PA–25 series airplanes of the same type design, the proposed AD would require repetitively inspecting the wing forward spar fuselage attach fittings for cracks or corrosion, and replacing or repairing any cracked or corroded part.

The compliance time for the proposed AD is presented in calendar time instead of hours TIS. The FAA has determined that a calendar time for compliance is the most desirable method because the unsafe condition described by the proposed AD is caused by corrosion. Corrosion can occur on airplanes regardless of whether the airplane is in service or in storage. Therefore, to ensure that corrosion is detected and corrected on all airplanes within a reasonable period of time without inadvertently grounding any airplanes, a compliance schedule based upon calendar time instead of hours TIS is proposed.

The FAA estimates that 1,272 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 inspection, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$2,289,600. This figure is based on the assumption that no affected airplane owner/operator has accomplished the proposed inspections. This figure also does not reflect the cost of repetitive inspections. The FAA has no way of determining how many repetitive inspections a particular owner/operator may incur.

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 Rule 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: