

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 52

Standard Design Certification for the U.S. Advanced Boiling Water Reactor and the System 80+ Standard Designs; Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will conduct a public meeting to discuss comments submitted on the proposed design certification rules (DCRs) for the U.S. Advanced Boiling Water Reactor (ABWR) and System 80+ Standard Designs. The applicant for certification of the U.S. ABWR design is GE Nuclear Energy and the applicant for certification of the System 80+ design is Combustion Engineering, Inc. The purpose of the public meeting is to provide an opportunity to clarify or elaborate on comments already submitted on the proposed DCRs.

DATES: Monday, December 4, 1995, 1:00 p.m.

ADDRESSES: 11545 Rockville Pike, Rockville, Maryland 20852.

The meeting will be held in the NRC Auditorium. The NRC Auditorium is located on an underground level between the One White Flint North Building and the Two White Flint North Building. The NRC buildings are located across the street from the White Flint Metro Station. The entrance to the auditorium is located underneath the glass pyramid, near the Two White Flint North Building.

Comments on the proposed design certification rules were received from the Department of Energy, the Nuclear Energy Institute, Ohio Citizens for Responsible Energy, 2 Architect-engineers, 3 reactor vendors, and 13 utilities. These comments are available for examination and copying at the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC,

between the hours of 7:45 a.m. and 5:15 p.m. on Federal workdays.

FOR FURTHER INFORMATION CONTACT: Jerry N. Wilson or Dino C. Scaletti, Office of Nuclear Reactor Regulation, Mail Stop 0-11 H3, U.S. NRC, Washington, DC 20555-0001, telephone (301) 415-3145 or (301) 415-1104, respectively.

SUPPLEMENTARY INFORMATION: The NRC has issued two proposed DCRs pursuant to Subpart B of 10 CFR Part 52, for comment (60 FR 17901). The comment period for these rules ended on August 7, 1995. The NRC is providing an opportunity to clarify and elaborate on the comments received to date. In order to facilitate the discussion of the written comments received on the DCRs, the NRC is holding a public meeting on this topic. The meeting will begin at 1:00 p.m. with registration beginning at 12:30 p.m.

Dated at Rockville, Maryland, this 11th day of October 1995.

For the Nuclear Regulatory Commission,
Theodore R. Quay,

*Director, Standardization Project Directorate,
Division of Reactor Program Management,
Office of Nuclear Reactor Regulation.*

[FR Doc. 95-25805 Filed 10-17-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-146-AD]

Airworthiness Directives; Aerospatiale Model ATR-42 and ATR-72 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to all Aerospatiale Model ATR-42 and ATR-72 series airplanes. Unless modifications are accomplished or alternative procedures and training are adopted, that AD currently prohibits operation of the airplane in certain icing conditions, and requires restrictions on the use of the autopilot in certain conditions. That AD was prompted by an FAA determination that, during

flight in certain icing conditions, and with the airplane in a specific flight configuration, a ridge of ice can form on the wing and cause an interruption in the airflow over the ailerons, aileron deflection, and resultant lateral control forces. The actions specified by that AD are intended to prevent a roll upset from which the flight crew may be unable to recover. This action would add requirements for modification of the deicing boots on the leading edge of the wing and various follow-on actions.

DATES: Comments must be received by November 28, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-146-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Gary Lium, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1112; fax (206) 227-1149.

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 shall 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 summarizing 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 Number 95-NM-146-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, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-146-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On December 9, 1994, the FAA issued telegraphic AD T94-25-51, applicable to all Aerospatiale Model ATR-42 and ATR-72 series airplanes, to address an unsafe condition related to potential hazards associated with operation of those airplanes in icing conditions. That AD required an operational limitation that prohibits operation of the airplane when icing conditions [as defined in the Airplane Flight Manual (AFM)] are forecast or reported. It also required restrictions on the use of the autopilot in inadvertent icing encounters, when the airplane is operated in moderate or greater turbulence, or whenever any unusual lateral trim situation is observed.

That AD action was prompted by data obtained following an accident involving a Model ATR-72 series airplane that occurred when the airplane was enroute from Indianapolis to Chicago. The accident occurred during the initial descent for approach to Chicago. The airplane had been in a holding pattern for more than 30 minutes with flaps at the 15-degree position; icing conditions and turbulence were reported in the area.

The official cause of the accident has not been determined. However, preliminary information from the accident investigation indicates that, immediately after the autopilot disconnected, at an indicated airspeed of approximately 185 knots, the ailerons abruptly deflected in the right-wing-down direction, and the airplane entered an abrupt roll to the right, which was not corrected before the airplane impacted the ground.

Results of Flight Tests Conducted at Edwards Air Force Base, California

Prior to the issuance of telegraphic AD T94-25-51, Aerospatiale conducted wind tunnel and ground tests in Toulouse, France. Subsequent to the issuance of that AD, Aerospatiale contracted with the United States Air Force (USAF) to conduct a series of flight tests at Edwards Air Force Base, California. The test program was developed in conjunction with the National Transportation Safety Board (NTSB), National Aeronautics and Space Administration (NASA), the USAF, the FAA, and the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France.

During these tests, a Model ATR-72 series airplane flew in close formation behind an "icing tanker," which is a specially modified aerial refueling airplane designed to create icing conditions by spraying supercooled water droplets on a test airplane during flight. Appendix C of part 25 of the Federal Aviation Regulations (14 CFR part 25) defines droplet diameters, liquid water content, temperature, and horizontal extent parameters for testing leading to approval of flight in icing conditions. Water droplet diameters specified in part 25 of the Federal Aviation Regulations (FAR) for certification of transport category airplanes, and larger droplets well outside the diameters specified in part 25 of the FAR (commonly referred to as "freezing rain or freezing drizzle"), were sprayed onto the leading edges of the outer wing and on other airplane surfaces to determine ice accretion characteristics of the various diameter droplets. Droplet diameters larger than those specified in part 25 of the FAR were tested since meteorological evidence exists indicating that the accident airplane encountered such large droplets (freezing rain or freezing drizzle) prior to the accident.

Results of data from the numerous flight tests conducted revealed the following significant findings:

- Ice accretion characteristics of the normal diameter droplets, as specified in the FAR, were entirely satisfactory. This confirmed that Model ATR-42 and ATR-72 series airplanes comply fully with performance requirements relating to the icing envelope specified in part 25 of the FAR for certification of these airplanes.
- Results of additional testing that was conducted with large water droplets (outside certification standards) revealed that it is possible for ice to accrete aft of the wing boot surface

during a 17-minute exposure to the tanker spray when the aircraft operates with the flaps set at 15 degrees. Results of flight tests conducted with the flaps set at 15 degrees indicated that a spanwise ridge could disrupt the flow of air over the aileron when the flaps are retracted to the zero-degree position. This interruption of airflow caused an uncommanded aileron deflection and resultant unusual lateral control forces. However, during the tests conducted, the forces required to control the aircraft were within limits specified by the FAR.

- Exposure to freezing rain or freezing drizzle on the forward side windows of the cockpit produced ice on a substantial part of the forward side windows. This ice accretion on the forward side windows does not appear when the airplane is flying in the icing conditions defined in part 25 of the FAR. This characteristic ice accretion begins to form within 30 seconds of the beginning of the encounter with freezing rain or freezing drizzle. Additionally, test data indicate that the flight crew can observe the accumulation of ice on the forward side windows at least several minutes before a significant amount of ice accumulates on the wings.

The cause of the accident is still under investigation. However, in light of the findings discussed previously, the FAA has determined that if a Model ATR-42 or ATR-72 series airplane is in flight with the flaps set at 15 degrees during freezing rain or freezing drizzle, an unusual ridge of ice on the wing (aft of the ice protection boots) can accrete. This ridge can interrupt the airflow over the ailerons when the flaps are retracted to the zero-degree position. This interruption of airflow can cause an aileron deflection and resultant unusual lateral control forces. In actual operations, these unusual forces may result in a roll upset from which the flight crew may be unable to recover.

Explanation of the Provisions of AD 95-02-51

In an effort to break the chain of events that may lead to an aircraft roll upset, the manufacturer developed a set of procedures to be followed if the airplane should inadvertently encounter freezing rain or freezing drizzle conditions. These procedures were based on results of the tests conducted at Edwards Air Force Base. These procedures prohibit dispatch into or operation in known or forecast freezing rain or freezing drizzle, provide the

flight crew with a means to identify inadvertent encounters with freezing rain and freezing drizzle conditions, and describe appropriate corrective actions. Accomplishment of these procedures will ensure safe operation of the airplane while operating in all icing conditions, including inadvertent encounters with freezing rain or freezing drizzle.

These procedures were incorporated into several documents and related actions, which formed the basis for the FAA to expand operation of Model ATR-42 and ATR-72 series airplanes beyond that defined in telegraphic AD T94-25-51. Subsequently, on February 13, 1995, the FAA issued AD 95-02-51, amendment 39-9152 (60 FR 9616, February 21, 1995) to mandate the procedures developed by the manufacturer and approved by the FAA. Unless modifications are accomplished or alternative procedures and training are adopted, that AD continues to require an operational limitation that prohibits operation of the airplane when icing conditions (as defined in the AFM) are forecast or reported; and restrictions on the use of the autopilot in inadvertent icing encounters, when the airplane is operated in moderate or greater turbulence, or whenever any unusual lateral trim situation is observed. That AD also permits, as an interim measure prior to installation of an FAA-approved modification, operation of the airplane into icing conditions, provided that certain actions have been accomplished, as follows:

1. The FAA-approved AFM must be revised to incorporate ATR-42 AFM Temporary Revision 18, dated January 10, 1995 (for Model ATR-42 series airplanes); or ATR-72 AFM Temporary Revision 14, dated January 10, 1995 (for Model ATR-72 series airplanes).

2. All Model ATR-42 and ATR-72 flight crew members must attend an FAA-approved training course prior to flight in known or forecast icing conditions. This training course provides instruction in the recognition of characteristic ice accretion on the cockpit forward side windows. This course also defines the procedures designed to escape freezing rain and freezing drizzle conditions and to minimize the hazard posed by flight in freezing rain or freezing drizzle.

Documents used in this training course include the following: ATR Icing Conditions Procedures Brochure, Version 1.0 or 2.0; ATR Technical Background Paper, Version 1.0, dated January 6, 1995; Flight Crew Operation Manual, Revision 20, dated January 11, 1995 (for Model ATR-42 series airplanes); and Flight Crew Operation

Manual, Revision 12, dated January 11, 1995 (for Model ATR-72 series airplanes).

3. Operators must establish an FAA-approved system to provide forecasts and reports of freezing rain and freezing drizzle at enroute altitudes along the route of flight and at all airports considered in the flight planning process.

4. Operators of Model ATR-72 series airplanes must install ATR Modification Number 4213 to eliminate the multi-function computer inhibition against flap extension. The modification permits movement of the flaps above limit speed to give crews more operational discretion in an emergency.

That AD also provides for an optional terminating action, which, if accomplished, would terminate the requirements of the AD. The optional terminating action, which must be approved by the FAA, involves installing a modification that precludes the formation of hazardous ice accumulation during flight in freezing rain or freezing drizzle conditions. The AD requires that, upon accomplishment of the optional terminating action, ATR Modification Number 4213 must be removed from Model ATR-72 series airplanes.

The expanded operation provided by AD 95-02-51 includes the resumption of dispatch of the airplane into or operation in known or forecast icing conditions. (However, as specified in the AFM revisions cited in that AD, flight into known or forecast freezing drizzle or freezing rain conditions continues to be prohibited.)

The procedures provided by AD 95-02-51 were permitted as an interim measure to allow resumption of normal flight operations in icing conditions until June 1, 1995, at which time an FAA-approved modification was to have been developed, tested, approved, and installed. The AD specifies that if such a modification was not installed by June 1, 1995, operation of the airplane when icing conditions are forecast or reported would again be prohibited and restrictions on the use of the autopilot in certain conditions would again be required.

Explanation of a Letter to Affected Operators

While AD 95-02-51 was being developed, the manufacturer was developing certain modifications to the deicing boots on the leading edges of the wing. Subsequently, Aerospatiale issued Service Bulletins ATR42-30-0059, Revision 1, dated April 10, 1995 (for Model ATR-42 series airplanes), and ATR72-30-1023, Revision 1, dated

April 10, 1995 (for Model ATR-72 series airplanes). These service bulletins describe procedures for modification of the deicing boots by extending the coverage of the deicing boots on the leading edges of the outer wing. Accomplishment of the modification will increase the deiced area of the leading edges of the outer wing. [The Aerospatiale modification numbers are: 4216 (retrofit) and 4222 (production line), for Model ATR-42 series airplanes; and 4215 (retrofit) and 4221 (production line), for Model ATR-72 series airplanes. These modifications were approved by the FAA on March 20, 1995, as type design changes to Model ATR-42 and ATR-72 series airplanes.]

During development of those modifications and following issuance of AD 95-02-51, it became clear to the FAA that installation of modified deicing boots alone would not be sufficient to ensure an acceptable level of safety. Consequently, the FAA determined that certain existing flight crew procedures specified currently in AD 95-02-51 must remain in place and must be used in conjunction with the modified deicing boots. Further, the FAA recognized that a new AD to mandate installation of the deicing boots and observation of flight crew procedures could not be completed before the June 1, 1995, deadline specified in AD 95-02-51, and that sufficient justification existed to extend that deadline.

In light of this, the FAA approved an alternative method of compliance for the requirements of AD 95-02-51 in accordance with the provisions of paragraph (d) of that AD. This approval is contained in a letter that was distributed to all operators of the affected airplanes on May 26, 1995. The approval allowed continued operation of these airplanes in icing conditions beyond June 1, 1995, provided that certain additional procedures and restrictions were observed and modification of the deicing boots, as described previously, was accomplished.

The specific additional procedures and restrictions specified in the letter to operators included the following:

1. For Model ATR-72 series airplanes only, Aerospatiale Modification 4213, "Flaps Extension Inhibition Above VFE 15," must be installed (or remain installed, if already accomplished). Procedures for accomplishment of the modification are contained in Aerospatiale Service Bulletin ATR72-27-1039, dated January 12, 1995. The modification removes the flap movement cutout at speeds greater than

185 knots to provide flight crews more operational discretion in an emergency.

2. Flight crew training based on the revised ATR Icing Procedures Brochure "Freezing Drizzle: Towards a Better Knowledge and a Better Protection," Issue 1, dated May 11, 1995, must be conducted prior to flight in icing conditions, and at least annually thereafter, for all ATR-42 and ATR-72 flight crews. (Training conducted previously in compliance with AD 95-02-51 may serve as the initial training for purposes of computing the training interval.)

3. ATR-42 AFM Temporary Revision 20, dated May 1995 (for Model ATR-42 series airplanes), or ATR-72 AFM Temporary Revision 16, dated May 1995 (for Model ATR-72 series airplanes), must be inserted into the Limitations Section of the respective AFM. These temporary revisions specify that dispatch or operation into known freezing rain or freezing drizzle conditions is prohibited. Once inserted, the AFM revision required by AD 95-02-51 may be removed.

The FAA determined that observing the procedures and restrictions outlined above, in addition to installing modified deicing boots, will provide an additional margin of safety during flight in icing conditions or during an inadvertent encounter with freezing rain or freezing drizzle conditions. The FAA also determined that the procedures identified in the letter to operators will provide the flight crews with an acceptable means to identify and safely exit those conditions.

It should be noted that the procedures specified in the letter to operators are essentially the same as those mandated by AD 95-02-51 with the exception that the letter allows dispatch into forecast (but not actual or reported) freezing rain or freezing drizzle conditions, while the AD prohibits such dispatch. Based on its determination that installing the modifications and observing the operational procedures and restrictions discussed previously will provide an additional margin of safety while flying in icing conditions, the FAA finds that the restriction specified in AD 95-02-51 concerning dispatch into forecast (but not actual or reported) freezing drizzle or freezing rain conditions can be eliminated.

Explanation of the Provisions of the Proposed AD

Based on the information discussed previously, and since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the FAA

proposes to supersede AD 95-02-51 with a new AD with the following requirements:

Unless modifications are accomplished or alternative procedures and training are adopted, the proposed AD would continue to prohibit operation of the airplane in certain icing conditions, and requires restrictions on the use of the autopilot in certain conditions.

The proposed AD would require installation of the FAA-approved modification of the deicing boots on the leading edges of the wing, which must be used in conjunction with certain flight crew procedures.

Accomplishment of the modification and observation of the flight crew procedures would terminate the requirements of AD 95-02-51, thereby allowing operation of the airplane in certain icing conditions, allowing use of the autopilot in certain conditions, and eliminating the restriction specified in that AD concerning dispatch into forecast (but not actual or reported) freezing drizzle or freezing rain conditions.

In addition, the FAA finds that the requirement specified in AD 95-02-51 for operators to establish an FAA-approved system to provide forecasts and reports of freezing rain and freezing drizzle at enroute altitudes along the route of flight and at all airports considered in the flight planning process must be retained in this proposed AD.

The proposed actions would be required to be accomplished in accordance with various documents 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 long-standing requirement.

Cost Estimate

The airplane models affected by this proposed AD action are manufactured

in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

There are approximately 158 Model ATR-42 and ATR-72 series airplanes of U.S. registry that would be affected by this proposed AD.

The AFM revision that is currently required by AD 95-02-51 takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the total cost impact on U.S. operators of the actions currently required is estimated to be \$9,480, or \$60 per airplane.

The AFM revision that is proposed in this AD would take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the total cost impact on U.S. operators for the proposed AFM revision is estimated to be \$9,480, or \$60 per airplane.

Accomplishment of training concerning the use of icing forecasts and reports, as proposed in this AD, would be approximately \$300,000 annually, or \$1,900 per airplane. Accomplishment of flight crew training based on the Icing Procedures Brochure discussed previously, as proposed in this AD, would cost approximately \$150,000 annually, or \$950 per airplane.

For Model ATR-42 series airplanes, Modification 4216 (or 4222), as proposed in this AD, would take approximately 52 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would be supplied by the manufacturer at no cost to operators. Based on these figures, the total cost impact on U.S. operators for this proposed modification is estimated to be \$492,960, or \$3,120 per airplane.

For Model ATR-72 series airplanes, Modification 4215 (or 4221), as proposed in this AD, would take approximately 96 work hours per airplane to accomplish. Required parts for this modification would be supplied by the manufacturer at no cost to operators. Modification 4213, as proposed in this AD, would take approximately 4 work hours to accomplish. Required parts would cost approximately \$200 per airplane. The average labor rate for accomplishment of both modifications is \$60 per work hour. Based on these figures, the total cost impact on U.S. operators for these proposed modifications is estimated to be \$979,600, or \$6,200 per airplane.

The total cost impact figures discussed above are based on

assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-9152 (60 FR 9616, February 21, 1995), and by adding a new airworthiness directive (AD), to read as follows:

Aerospatiale: Docket 95-NM-146-AD.
Supersedes AD 95-02-51, Amendment 39-9152.

Applicability: All Model ATR-42 and ATR-72 series airplanes, 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) 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 minimize the potential hazards associated with operating in icing conditions, as defined in the Airplane Flight Manual (AFM), accomplish the following:

(a) For all airplanes: Except as provided in paragraphs (b) and (c) of this AD, within 24 hours after receipt of telegraphic AD T94-25-51, incorporate the following information into the Limitations Section of the FAA-approved AFM. This may be accomplished by inserting a copy of this AD in the AFM.

"(1) Operation of the airplane into forecast or reported icing conditions, as such conditions are defined in the AFM, is prohibited.

"(2) Use of the autopilot is prohibited during inadvertent flight in icing conditions, as defined in the AFM, or when the airplane is operated in moderate or greater turbulence.

"(3) If any unusual lateral trim situations are observed, such as excessive trim displacement; illumination of the message 'RETRIM ROLL R WING DN' or 'RETRIM ROLL L WING DN' on the advisory display unit (ADU); illumination of the message 'AILERON MISTRIM' on the ADU; or abnormal flight characteristics of the airplane: Disconnect the autopilot and manually fly the airplane prior to adjusting the lateral trim. The autopilot may be re-engaged following manual adjustment of the lateral trim."

(b) For Model ATR-42 series airplanes: Within 6 months after the effective date of this AD, accomplish the requirements of paragraph (b)(1), (b)(2), (b)(3), and (b)(4) of this AD. Accomplishment of the requirements of this paragraph constitutes terminating action for the requirements of paragraph (a) of this AD.

(1) Modify the deicing boots on the leading edges of the wing by accomplishing Aerospatiale Modification 4216 (during retrofit) or 4222 (during production) in accordance with Aerospatiale Service Bulletin ATR42-30-0059, Revision 1, dated April 10, 1995.

(2) Insert ATR-42 AFM Temporary Revision 20, dated May 1995, into the

Limitations Section of the FAA-approved AFM. Once inserted, the AFM revision required by AD 95-02-51 may be removed from the AFM.

Note 2: This may be accomplished by inserting copies of Temporary Revision 20 in the AFM. When these temporary revisions have been incorporated into general revisions of the AFM, the general revisions may be inserted in the AFM, provided the information contained in the general revisions is identical to that specified in Temporary Revision 20.

(3) Establish an FAA-approved system to provide forecasts and reports of freezing rain and freezing drizzle at enroute altitudes along the route of flight and at all airports considered in the flight planning process. Training concerning the use of these icing forecasts and reports shall be accomplished at intervals not to exceed one year in accordance with Flight Standards Information Bulletin "ATR-42 and ATR-72 Airworthiness Directive T95-02-51 Compliance Procedures," dated January 11, 1995.

Note 3: Training conducted previously in compliance with the requirements of AD 95-02-51, amendment 39-9152, may serve as initial training for purposes of computing the training interval.

(4) Prior to flight in known or forecast icing conditions, and thereafter at intervals not to exceed one year, conduct flight crew training based on the revised ATR Icing Procedures Brochure "Freezing Drizzle: Towards a Better Knowledge and a Better Protection," Issue 1, dated May 11, 1995.

Note 4: Training conducted previously in compliance with the requirements of AD 95-02-51, amendment 39-9152, may serve as initial training for purposes of computing the training interval.

(c) For Model ATR-72 series airplanes: Within 6 months after the effective date of this AD, accomplish the requirements of paragraph (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5) of this AD. Accomplishment of the requirements of this paragraph constitutes terminating action for the requirements of paragraph (a) of this AD.

(1) Modify the deicing boots on the leading edges of the wing by accomplishing Aerospatiale Modification 4215 (during retrofit) or 4221 (during production) in accordance with Aerospatiale Service Bulletin ATR72-30-1023, Revision 1, dated April 10, 1995.

(2) Install Aerospatiale Modification 4213, "Flaps Extension Inhibition Above $V_{FE} 15^\circ$," in accordance with Aerospatiale Service Bulletin ATR72-27-1039, dated January 12, 1995.

(3) Insert ATR-72 AFM Temporary Revision 16, dated May 1995, into the Limitations Section of the FAA-approved AFM. Once inserted, the AFM revision required by AD 95-02-51 may be removed from the AFM.

Note 5: This may be accomplished by inserting copies of Temporary Revision 16 in the AFM. When these temporary revisions have been incorporated into general revisions of the AFM, the general revisions may be inserted in the AFM, provided the

information contained in the general revisions is identical to that specified in Temporary Revision 16.

(4) Establish an FAA-approved system to provide forecasts and reports of freezing rain and freezing drizzle at enroute altitudes along the route of flight and at all airports considered in the flight planning process. Training concerning the use of these icing forecasts and reports shall be accomplished at intervals not to exceed one year in accordance with Flight Standards Information Bulletin "ATR-42 and ATR-72 Airworthiness Directive T95-02-51 Compliance Procedures," dated January 11, 1995.

Note 6: Training conducted previously in compliance with the requirements of AD 95-02-51, amendment 39-9152, may serve as initial training for purposes of computing the training interval.

(5) Prior to flight in known or forecast icing conditions, and thereafter at intervals not to exceed one year, conduct flight crew training based on the revised ATR Icing Procedures Brochure "Freezing Drizzle: Towards a Better Knowledge and a Better Protection," Issue 1, dated May 11, 1995.

Note 7: Training conducted previously in compliance with the requirements of AD 95-02-51, amendment 39-9152, may serve as initial training for purposes of computing the training interval.

(d) 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, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 8: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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.

Issued in Renton, Washington, on October 12, 1995.

S. R. Miller,

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14 CFR Part 39

[Docket No. 95-NM-127-AD]

Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes, that currently requires a revision to the FAA-approved Airplane Flight Manual (AFM) which specifies that autothrottles must be disconnected if engine surge (stall) is detected during takeoff. That AD was prompted by results of an accident investigation, which revealed that the digital flight guidance computer (DFGC) on these airplanes can incorrectly identify an engine surge or stall as being an engine failure. This can cause the autothrottles to unclamp and automatically advance the thrust levers during takeoff. The actions specified in that AD are intended to prevent automatic advance of the thrust lever on a surging engine during takeoff, which could cause engine failure. This action would require the installation of a modified DFGC's which, when accomplished, would terminate the requirement for the AFM revision.

DATES: Comments must be received by December 13, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-127-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule 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 FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Robert Baitoo, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; telephone (310) 627-5245; fax (310) 627-5210.

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 shall 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 summarizing 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 Number 95-NM-127-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, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-127-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On April 23, 1992, the FAA issued AD 92-10-13, amendment 39-8247 (57 FR 19249, May 5, 1992), applicable to all McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes. That AD requires a revision to the Limitations Section and the Procedures Section of the FAA-approved Airplane Flight Manual (AFM), which specifies that autothrottles must be disconnected if engine surge (stall) is detected during takeoff. That action was prompted by an