

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,

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

[FR Doc. 95-25836 Filed 10-17-95; 8:45 am]

BILLING CODE 4910-13-U

## 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

ongoing investigation following an accident involving a Model DC-9-80 series airplane, which revealed that the digital flight guidance computer (DFGC) apparently can incorrectly identify an engine surge or stall as being an engine failure, and cause the autothrottles to unclamp and subsequently advance the thrust levers during takeoff. The requirements of that AD are intended to prevent automatic advance of the thrust lever on a surging engine during takeoff, which could cause engine failure.

In the preamble of that AD, the FAA indicated that the requirements of that rule were considered interim action until final action is identified, at which time the FAA may consider further rulemaking. As a follow-on action from that determination, the FAA is now proposing to mandate a terminating action for the requirements of that rule.

#### Explanation of Service Information

The FAA has reviewed and approved McDonnell Douglas Service Bulletin MD80-22-111, dated May 23, 1995, which describes procedures for modification of DFGC's having part number 4034241-971. The modification entails incorporation of several improvements to the flight software and corresponding hardware in the DFGC's. Once this modification is accomplished, the DFGC's are re-identified as "part number 4034241-972." The subject DFGC's are located in the electrical/electronics (E/E) compartment on the left and right radio racks. (The McDonnell Douglas service bulletin references Honeywell Service Bulletin 4034241-22-44, dated May 22, 1995, as an additional source of service information.)

Additionally, for DFGC's having part numbers other than (lower than) part number 4034241-971, the McDonnell Douglas service bulletin references additional procedures that are necessary to be accomplished prior to installing the subject modification. These additional procedures are intended to bring those DFGC's to the level of configuration of DFGC's having part number 4034241-971. Once that level is reached, those DFGC's subsequently would be modified in accordance with the service bulletin and re-identified as part number 4034241-972.

Modification of the DFGC's to the part number 4034241-972 configuration will positively address the unsafe condition presented by a DFGC incorrectly identifying an engine surge or stall as being an engine failure. This condition could cause the autothrottles to unclamp and subsequently advance the thrust levers during takeoff, which could cause engine failure.

#### Explanation of the Proposed Rule

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 supersede AD 92-10-13, but would continue to require a revision to the Limitations Section and Procedures Section of the FAA-approved AFM, which specifies that autothrottles must be disconnected if engine surge (stall) is detected during takeoff.

The proposed AD also would require installation of modified DFGC's having part number 403241-972. Accomplishment of this installation would constitute terminating action for the currently required AFM revision. The installation would be required to be accomplished in accordance with the McDonnell Douglas service bulletin described previously.

#### Cost Impact

There are approximately 1,117 Model DC-9-80 series airplanes and Model MD-88 airplanes of the affected design in the worldwide fleet. The FAA estimates that 643 airplanes of U.S. registry would be affected by this proposed AD.

The AFM revision that is currently required by AD 92-10-13 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 this current requirement is estimated to be \$38,580, or \$60 per airplane.

The FAA estimates that the removal of DFGC's having part number 4034241-971 and installation of DFGC's having part number 4034241-972 would take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. The required parts would cost approximately \$2,000 (that is, \$1,000 per DFGC, and 2 DFGC's per airplane). Based on these figures, the cost impact on U.S. operators of this proposed installation is estimated to be \$1,324,580, or \$2,060 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.

Should an operator have an airplane equipped with DFGC's having part numbers other than (lower than) 4034241-971, additional actions may be required prior to accomplishing the installation proposed in this action. Those additional actions involve

modification(s) of the DFGC's to bring them to the level of configuration of DFGC's having part number 4034241-971. Depending on the current configuration of the DFGC's installed on the airplane, the highest costs associated with modifying a DFGC to a part number 4034241-971 configuration (excluding subsequent modification to the part number 4034241-972 configuration) could be as much as \$92,000 per airplane (that is \$46,000 per DFGC, and 2 DFGC's per airplane).

The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent operators would accomplish the required actions even if they were not required to do so by the AD.

A full cost-benefit analysis has not been accomplished for this proposed AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this proposed AD, makes a finding of an unsafe condition, this means that the original cost-beneficial level of safety is no longer being achieved and that the proposed actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this proposed AD would be redundant and unnecessary.

#### 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 39-8247 (57 FR 19249, May 5, 1992), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 95-NM-127-AD. Supersedes AD 92-10-13, Amendment 39-8247.

*Applicability:* Model DC-9-80 series airplanes and Model MD-88 airplanes equipped with digital flight guidance computers (DFGC) having part numbers other than 4034241-972; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 prevent automatic thrust lever advance on a surging engine during takeoff, which could cause engine failure, accomplish the following:

(a) Within 30 days after May 20, 1992 (the effective date of AD 92-10-13, amendment 39-8247), revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

#### *"Limitations Section*

Autothrottles must be disconnected if engine surge (stall) is detected during takeoff."

(b) Within 30 days after May 20, 1992 (the effective date of AD 92-10-13, amendment 39-8247), revise the Procedures Section of the FAA-approved AFM to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

#### *"Procedures Section*

#### **CAUTION**

During takeoff, the Digital Flight Guidance Computer (DFGC) engine failure logic is armed if (1) the flight director pitch axis is in takeoff mode, (2) the aircraft is above 400 feet radio altitude, and (3) both engine pressure ratios (EPR's) are below the go-around EPR limit. If the DFGC detects an EPR drop greater than or equal to 0.25 EPR and 7% N1 from the same engine, as compared to the other engine, the engine failure logic is satisfied and the DFGC will change the Thrust Rating Panel (or indicator) thrust limit to Go-Around (GA). This will cause the autothrottle system to unclamp and enter normal EPR limit (EPR LIM) mode where the throttles will maintain the higher engine EPR at the selected go-around thrust rating EPR LIM. Such an EPR and N1 drop may also result from an engine surge (stall). Advancing thrust levers on a surging engine will hinder surge recovery and may result in eventual engine failure.

If an engine surge (stall) is detected during takeoff:

- (1) Disconnect autothrottles.
- (2) Reduce thrust on affected engine (idle if necessary).
- (3) Shut down the affected engine if surging and popping continues.
- (4) If affected engine surging or popping stops, accomplish the following:
  - A. Place ignition switch to GRD START & CONTIN.
  - B. Place ENG anti-ice switches to ON.
  - C. Place PNEU X-FEED VALVE lever OPEN on affected side.
  - D. Place AIR FOIL anti-ice switches ON.
  - E. Advance affected throttle slowly.
- (5) If engine surging or popping returns, turn the ENG anti-ice switch OFF.

(6) After normal operation has been established, the autothrottles may be re-engaged.

Note: A NO MODE light may be annunciated due to abnormal bleed configuration."

(c) Within 60 months after the effective date of this AD, remove any DFGC having a part number other than 4034241-972, and replace it with a DFGC having part number 4034241-972, in accordance with McDonnell Douglas Service Bulletin MD80-22-111, dated May 23, 1995. Once these actions are accomplished, the AFM revisions required by paragraphs (a) and (b) of this AD may be removed.

Note 2: McDonnell Douglas Service Bulletin MD80-22-111, dated May 23, 1995, references Honeywell Service Bulletin 4034241-22-44, dated May 22, 1995, as an additional source of service information.

Note 3: Paragraph 1.B of McDonnell Douglas Service Bulletin MD80-22-111, dated May 23, 1995, specifies certain concurrent actions that affect airplanes equipped with DFGC's having part numbers other than 4034241-971.

(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, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(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,

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

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**BILLING CODE 4910-13-U**

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **15 CFR Parts 929 and 937**

#### **Florida Keys National Marine Sanctuary**

**AGENCY:** Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.