

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.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-234-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 and DC-10 Series Airplanes, and KC-10A (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD-11 and DC-10 series airplanes, and KC-10A (military) airplanes. That action would have superseded a previously issued AD that currently requires functional testing to verify proper installation of the electrical connectors to the engine generator and fire bell shutoff switches, and correction of the installation, if necessary. The previous proposal would have added a requirement to install tethers on the electrical connectors to the engine generator and fire bell shutoff switches, which would terminate the required repetitive functional tests. That proposal was prompted by the development of a modification that minimizes the possibility of improperly connecting (crossing) the electrical connectors to the fire extinguishing handles. The actions specified by that proposal were intended to prevent the wrong engine-driven generator from being shut down unnecessarily in the event of an engine fire warning. This new action revises the proposed rule by including additional actions as part of the terminating modification for certain airplanes.

DATES: Comments must be received by December 2, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-234-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: Raymond Vakili, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5262; fax (310) 627-5262.

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-234-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-234-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD-11 and DC-10 series airplanes, and KC-10A (military) airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal Register on March 20, 1996 (61 FR 11347). That NPRM would have superseded AD 93-25-09 R1, amendment 39-9070 (59 FR 56383, November 14, 1994), which currently requires operators to perform repetitive functional tests to verify proper installation of the electrical connectors to the engine generator and fire bell shutoff switches, and to correct the installation, if necessary. AD 93-25-09 R1 was prompted by a report indicating that the electrical connectors to the fire extinguishing handles were found to be connected incorrectly (crossed) on one airplane. The requirements of that AD are intended to prevent the wrong engine-driven generator from being shut down unnecessarily in the event of an engine fire warning.

The previously issued NPRM proposed to require the installation of tethers on the electrical connectors to the engine generator and fire bell shutoff switches, which would terminate the requirement to perform functional tests repetitively. That proposal was prompted by the development of a modification by the manufacturer, which would eliminate the need for the functional tests required by AD 93-25-09 R1. The modification consists of installing tethers on the electrical connectors to the engine generator and of the fire bell shutoff switches located forward of the overhead circuit breaker

panel in the flight compartment. Installation of the modification would minimize the possibility of improperly connecting (crossing) the electrical connectors to the fire extinguishing handles.

Actions Since Issuance of Previous Proposal

Since the issuance of that NPRM, the manufacturer has advised the FAA that additional actions must be accomplished in order for the terminating modification to be fully effective.

Explanation of Relevant Service Information

The FAA has reviewed and approved Revision 1 of McDonnell Douglas Service Bulletin DC10-26-047, dated August 22, 1996. This revision of the service bulletin describes procedures for accomplishing additional actions on Model DC-10 series airplanes as part of the terminating modification. These additional actions include revising the installation of the tethers and associated hardware on the No. 1 and 3 engine generator and fire bell shutoff switches' electrical connectors, located forward of the overhead circuit breaker panel in the flight compartment.

FAA's Conclusion

The FAA has determined that the new additional actions included in the terminating modification must be accomplished in order to positively address the unsafe condition. Installation of the modification, including the new actions, will more effectively minimize the possibility of improperly connecting (crossing) the electrical connectors to the fire extinguishing handles.

In light of this determination, the FAA has revised the proposed rule to include a requirement to accomplish these additional actions in accordance with Revision 1 of McDonnell Douglas Service Bulletin DC10-26-047.

Since this change expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

There are approximately 100 Model MD-11 airplanes, and 426 Model DC-10 series and KC-10A (military) airplanes, of the affected design in the worldwide fleet. The FAA estimates that 30 Model MD-11 airplanes, and 239 Model DC-10 series and KC-10A (military) airplanes of U.S. registry would be affected by this proposed AD.

For U.S.-registered Model MD-11 airplanes: The checks that are currently required by AD 93-25-09 R1 (and retained by this proposed action) take approximately 0.5 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the actions currently required on U.S. operators of Model MD-11 airplanes is estimated to be \$900, or \$30 per airplane, per check.

The modification that is proposed by this AD action would take approximately 3 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. The cost of required parts would be negligible. Based on these figures, the cost impact of the proposed modification requirements of this AD on U.S. operators of Model MD-11 airplanes is estimated to be \$3,240, or \$180 per airplane.

For U.S.-registered Model DC-10 series and KC-10A (military) airplanes: The checks that are currently required by AD 93-25-09 R1 (and retained by this proposed action) take approximately 0.5 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the actions currently required on U.S. operators of these models of airplanes is estimated to be \$7,170, or \$30 per airplane, per check.

The modification that is proposed by this AD action would take an average of 3.5 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. The cost of required parts would be negligible. Based on these figures, the cost impact of the proposed modification requirements of this AD on U.S. operators of these models of airplanes is estimated to be \$50,190, or \$210 per airplane.

The 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 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-9070 (59 FR 56383, November 14, 1994), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 95-NM-234-AD. Supersedes AD 93-25-09 R1, Amendment 39-9070.

Applicability: Model MD-11 series airplanes as listed in McDonnell Douglas MD-11 Alert Service Bulletin A26-16, dated November 22, 1993; and Model DC-10 series airplanes and KC-10A (military) airplanes as listed in McDonnell Douglas DC-10/KC-10A Alert Service Bulletin A26-46, dated December 6, 1993; 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 request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not

been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the wrong engine-driven generator from being shut down unnecessarily in the event of an engine fire warning, accomplish the following:

(a) As of January 7, 1994 (the effective date of AD 93-25-09, amendment 39-8775), prior to further flight following any maintenance performed on the fire extinguishing handle system, perform a functional test to verify proper installation of the electrical connectors to the engine generator and fire bell shutoff switches in accordance with the Accomplishment Instructions of McDonnell Douglas MD-11 Alert Service Bulletin A26-16, dated November 22, 1993 (for Model MD-11 series airplanes); or McDonnell Douglas DC-10/KC-10A Alert Service Bulletin A26-46, dated December 6, 1993 [for Model DC-10 series airplanes, and KC-10A (military) airplanes]; as applicable.

(b) If the electrical connectors are found to be properly installed, repeat the functional test thereafter prior to further flight following any maintenance performed on the fire extinguishing handle system, until the requirements of paragraph (d) of this AD are accomplished.

(c) If the electrical connectors are found to be improperly installed, prior to further flight, correct the wiring installation and repeat the functional test, in accordance with the Accomplishment Instructions of McDonnell Douglas MD-11 Alert Service Bulletin A26-16, dated November 22, 1993 (for Model MD-11 series airplanes); or McDonnell Douglas DC-10/KC-10A Alert Service Bulletin A26-46, dated December 6, 1993 [for Model DC-10 series airplanes, and KC-10A (military) airplanes]; as applicable. Thereafter, repeat the functional test prior to further flight following any maintenance performed on the fire extinguishing handle system, until the requirements of paragraph (d) of this AD are accomplished.

(d) Within 24 months after the effective date of this AD, install tethers on the engine generator and fire bell shutoff system and fire bottle electrical connectors, in accordance with McDonnell Douglas Service Bulletin MD11-26-018, dated August 24, 1995 (for Model MD-11 series airplanes), or McDonnell Douglas Service Bulletin DC10-26-047, Revision 1, dated August 22, 1996 [for Model DC-10 series airplanes and KC-10A (military) airplanes], as applicable. This installation constitutes terminating action for the functional tests required by this AD.

(e) 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 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(f) 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 November 5, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-28866 Filed 11-8-96; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 96-NM-89-AD]

RIN 2120-AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all CASA Model C-212 series airplanes. This proposal would require that the rudder pedal assemblies be adjusted prior to each flight until the rudder pedal setting mechanisms are modified. It also would require replacement of the attachment rails for certain flight crew seats. This proposal is prompted by reports indicating that the flight crew may not be able to achieve the maximum certified deflection of the rudder at the airplane's minimum controllable airspeed and in other flight conditions, because the existing range of settings for adjusting the rudder pedals restricts the flight crew in its ability to move the rudder. This condition, if not corrected, could result in insufficient rudder deflection, and consequent reduction in controllability of the airplane.

DATES: Comments must be received by December 23, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-89-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 Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Greg Dunn, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2799; 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 96-NM-89-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. 96-NM-89-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Dirección General de Aviación (DGAC), which is the airworthiness authority for Spain, recently notified the FAA that an unsafe condition may exist on all CASA Model C-212 series airplanes. The DGAC advises that it has received a report from the manufacturer indicating that the flight crew may not be able to achieve the maximum certified deflection of the rudder at the airplane's minimum controllable