Issued in Renton, Washington, on December 30, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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14 CFR Part 39

[Docket No. 94–NM–175–AD]

Airworthiness Directives; McDonnell Douglas Model MD–11 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 certain McDonnell Douglas MD–11 series airplanes. This proposal would require the installation of an electrically controlled slat system. This proposal is prompted by numerous incidents of inadvertent deployment of the slats while the airplane was in flight at cruise altitude. The actions specified by the proposed AD are intended to prevent inadvertent deployment of the slats during flight, which could result in an abrupt pitch up of the airplane and consequent injury to crew and passengers; it could also result in significant vibrations and cause damage to the elevators.

DATES: Comments must be received by March 3, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–175–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, P.O. Box 1771, Long Beach, California 90801–1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2–98. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Wahib Mina, Aerospace Engineer, Airframe Branch, ANM–120L, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (310) 627–5324; 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 94–NM–175–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. 94–NM–175–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA previously has issued several AD's, applicable to McDonnell Douglas Model MD–11 series airplanes, whose requirements have addressed the problems associated with inadvertent deployment of the slats during flight:

1. AD 92–13–03, amendment 39–8273 (57 FR 27155, June 18, 1992), requires either modification or replacement of the flap control module quadrant. That action was prompted by an incident in which a flightcrew member inadvertently bumped the flap/slat handle, which then placed the handle in an improper position that allowed the slats to extend during cruise.

2. AD 92–14–51, amendment 39–8325 (57 FR 38264, August 24, 1992), requires a one-time inspection of the slat mechanical input system for proper clearance and rigging, and adjustment of the system, if necessary. That action was prompted by two incidents in which the slats extended during flight at cruise altitude because the rigging of the slat input system was out of tolerance in three separate places in the extended position

3. AD 92–26–03, amendment 39–8430 (57 FR 57906, December 8, 1992), requires installing a cover on the flap/slat control module quadrant in the flight compartment. That action was prompted by an incident in which a flightcrew member inadvertently initiated slat deployment by unintentionally depressing the zero degree detent gate while the flap/slat handle was stowed in the retracted detent and the handle was not in the proper position within the detent.

4. AD 93–15–03, amendment 39–8649 (58 FR 41421, August 4, 1993), requires installing a retainer assembly on the upper pedestal flap/slat control module quadrant in the flight compartment. That action was prompted by several incidents in which flightcrew members accidentally bumped the flap/slat handle and the slats deployed during cruise.

Deployment of the slats during flight at cruise altitude could result in abrupt pitch up of the airplane and consequent injury to crew and passengers; it could also create significant vibrations and cause damage to the elevators.

In the preambles to those AD's, the FAA stated that the requirements of each of the AD's were considered to be interim action until final action was identified. The manufacturer had undertaken a design review of the flap/slat system of the Model MD–11 in an effort to positively address the problems associated with it, and the FAA indicated that it would consider further rulemaking once that design review was completed.

The manufacturer's design review has now been completed and the manufacturer has developed an electrically controlled slat system. Installation of this new system will reduce the possibility of uncommanded operation of the slats and inadvertent displacement of the flap/slat handle. The FAA has determined that the system positively addresses the unsafe condition addressed in the previously-issued AD's. In light of this, the FAA has determined that further rulemaking action is indeed necessary, and this

proposed AD follows from that determination.

The FAA has reviewed and approved McDonnell Douglas MD–11 Service Bulletin 27–36, Revision 1, dated December 9, 1994, which describes procedures for installation of the newly-designed electrically controlled slat system. This system involves:

1. modifying and reidentifying the flap/slat module;
2. removing the slat control cables and associated pulleys, pushrods, and spring coupler;
3. modifying the input bellcrank;
4. removing the inboard follow-up cable, drum, and pushrods to the outboard valve;
5. removing the auto-slat actuator and pushrod;
6. replacing the mechanical slat control valves with electro-mechanical slat control valves and installing associated wiring;
7. installing nameplates on the overhead circuit breaker panel;
8. installing circuit breakers and nameplates on the avionics circuit breaker panel;
9. installing relays at the electrical and main avionics rack; and
10. installing lightplates on the pedestal.

Besides its main purpose to reduce the possibility of uncommanded slat operation, other benefits of this new system include greatly simplified flap/slat operation with reduced handle force, enhanced protection against uncontained engine failure, and reduced aircraft weight.

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 installation of an electrically controlled slat system. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Installation of this new system necessarily entails removal of the items that previously were required to be installed in accordance with AD's 92–13–03, 92–14–51, 92–26–03, and 93–15–03. Therefore, once the installation of the new system is completed on an airplane, the requirements of the previously-issued AD's are considered terminated.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that 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 to this notice to clarify this requirement.

There are approximately 124 Model MD–11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 43 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 68 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be supplied by the manufacturer at no charge to operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $175,440, or $4,080 per airplane.

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.

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–175–AD.

Applicability: Model MD–11 series airplanes; as listed in McDonnell Douglas MD–11 Service Bulletin 27–36, Revision 1, dated December 9, 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 (c) 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 inadvertent deployment of the slats during flight, accomplish the following:

(a) Within 24 months after the effective date of this AD, modify the airplane and install an electrically controlled slat control system in accordance with McDonnell Douglas MD–11 Service Bulletin 27–36, Revision 1, dated December 9, 1994.

(b) Accomplishment of the actions required by paragraph (a) of this AD constitutes terminating action for the requirements of the following AD's:

AD No.	Amendment No.	Federal Register citation
92–13–03	39–8273	(57 FR 27155, June 18, 1992).
92–14–51	39–8325	(57 FR 38264, Aug. 24, 1992).

AD No.	Amendment No.	Federal Register citation
92–26–03	39–8430	(57 FR 57906, Dec. 8, 1992).
93–15–03	39–8649	(58 FR 41421, Aug. 4, 1993).

(c) 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.

(d) 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 December 30, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–308 Filed 1–5–95; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 94–AGL–36]

Proposed Modification of Class D Airspace Areas; Detroit, MI, and Alton, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify the Class D airspace areas at Willow Run Airport, Detroit, MI, and St. Louis Regional Airport, Alton, IL. The Class D airspace area at Willow Run Airport, Detroit, MI, would be modified by lowering the vertical limit of the Class D airspace area up to but not including the base altitude of the overlying Detroit, MI, Class B airspace area. The Class D airspace area description at St. Louis Regional Airport, Alton, IL, would be modified by excluding that airspace within the Lambert-St. Louis International Airport, MO, Class B airspace area. The intended effect of this proposal is to eliminate pilot confusion by modifying the controlled airspace areas at Willow Run Airport, Detroit, MI, and St. Louis Regional Airport, Alton, IL.

DATES: Comments must be received on or before February 20, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 94–AGL–36, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Griffith, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 94–AGL–36.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Class D airspace areas at Willow Run Airport, Detroit, MI, and St. Louis Regional Airport, Alton, IL. The Class D airspace area at Willow Run Airport, Detroit, MI, would be modified by lowering the vertical limit of the class D airspace area up to but not including the base altitude of the overlying Detroit, MI, Class B airspace area. The Class D airspace area description at St. Louis Regional Airport, Alton, IL, would be modified by excluding that airspace within the Lambert-St. Louis International Airport, MO, Class B airspace area. Airspace reclassification, effective September 16, 1993, has necessitated new guidelines for depicting and describing Class D airspace areas that underlie Class B airspace areas. The intended effect of this proposal is to eliminate pilot confusion by modifying the controlled airspace areas at Willow Run Airport, Detroit, MI, and St. Louis Regional Airport, Alton, IL.

The coordinates for this airspace docket are based on North American Datum 83. Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies