

§ 206.7 [Removed]

■ 9. Remove § 206.7.

By order of the Board of Governors of the Federal Reserve System, September 3, 2003.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 03-22862 Filed 9-9-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2001-NM-306-AD; Amendment 39-13298; AD 2003-18-07]

RIN 2120-AA64

Airworthiness Directives; Aerospatiale Model ATR42-200, -300, -320, and -500 Series Airplanes; and Model ATR72 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Aerospatiale Model ATR42-200, -300, -320, and -500 series airplanes; and all Model ATR72 series airplanes; that currently requires revising the Airplane Flight Manual (AFM) to modify procedures for calculating takeoff performance when Type II or IV de-icing or anti-icing fluids have been used. This amendment requires revising the existing AFM revision to correct the performance values for Model ATR-72 series airplanes and to provide an additional method of compliance for all airplanes. This amendment is prompted by issuance of mandatory continuing airworthiness information by a civil aviation authority. The actions specified by this AD are intended to ensure that the flightcrew is advised of the potential effects of Type II or IV de-icing or anti-icing fluids on the airplane's performance during takeoff, and to ensure that the flightcrew is advised of the revised performance calculations for takeoff to address these effects.

DATES: Effective October 15, 2003.

ADDRESSES: Information pertaining to this amendment may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Gary Lium, Aerospace Engineer, International Branch, ANM-116, Transport Airplane

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SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2001-16-10, amendment 39-12379 (66 FR 44032, August 22, 2001), which is applicable to all Aerospatiale Model ATR42-200, -300, -320, and -500 series airplanes; and all Model ATR72 series airplanes; was published in the **Federal Register** on February 24, 2003 (68 FR 8555). The action proposed to require revising the Airplane Flight Manual (AFM) to modify procedures for calculating takeoff performance when Type II or IV de-icing or anti-icing fluids have been used.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received from a single commenter.

Request To Change Paragraph (b)

The commenter does not agree that the follow-on procedures for Type II or Type IV de-icing fluid use, as specified in paragraph (b) of the proposed rule, are adequate. The commenter states that using these types of fluid on the subject airplanes can cause higher-than-normal stick forces during rotation. The commenter notes that a lightly loaded ATR airplane typically has a rotation speed of under 100 knots, and due to the shearing dynamics of the de-icing fluid, there may be fluid on the tail during rotation. The commenter adds that it objects to the solutions for these problems, as specified in the proposed rule and recommended by the airplane manufacturer and the Direction Générale de l'Aviation Civile (which is the airworthiness authority for France). The commenter states that Compliance Method Number 1 would result in a flightcrew aborting the takeoff after V_1 (takeoff decision speed), which negates the procedures the flightcrews have been trained to use and would seriously jeopardize safety of flight. The commenter adds that Compliance Method Number 2 should be used only in a dire emergency, because both crew members should not be manipulating the controls during a critical phase of flight, such as takeoff.

The FAA does not agree that a potential unsafe condition could occur should an operator choose to use Compliance Method Number 1. This compliance method necessitates an

increase in required runway length in order to provide the necessary margins in a case of late rotation or an aborted takeoff after V_1 . This should not be interpreted as a reconsideration of the concept of V_1 as a decision speed, or as an incentive to abort takeoff after V_1 . Flightcrews should be trained to continue the takeoff after V_1 , even in the case of increased pitch control forces. However, despite published procedures and training, the possibility that a flightcrew would consider the pitch control forces so high that takeoff is impossible, and decide to abort the takeoff after V_1 , cannot be excluded. In such a case, the AFM procedures specified in this final rule would provide an additional margin for accelerate-stop distance.

In addition, we do not agree that implementation of Compliance Method Number 2 would cause an unsafe condition. The use of this procedure would include a mandatory pre-takeoff briefing between the flightcrew members regarding the need for assistance in rotating the airplane if necessary. Thus, the co-pilot would be prepared for such a request should the pilot decide to ask for assistance. No change to the final rule is necessary in this regard.

The commenter previously requested an alternative method of compliance (AMOC) for AD 2001-16-10, amendment 39-12379. (The requirements of that AD are restated in paragraph (a) of the proposed rule.) After receiving the AMOC, the commenter implemented new training procedures for its flightcrews to teach them to anticipate the additional stick forces that may be required when using Type II or Type IV de-icing fluid. The training procedures have been added to the training manuals and training curriculum, and the commenter notes that following those procedures is safer than following those specified in the proposed rule. The commenter does not make a specific request; however, we infer that the commenter wants its procedures to be used by all operators.

Although the commenter has an FAA-approved AMOC allowing the use of other training procedures, we do not agree that those training procedures can be used by all operators. Since 1991, there have been five incidents of aborted takeoff after V_1 following the use of Type II or Type IV de-icing fluid. Analysis of in-service experience has shown that following inadequate procedures for the use and application of Type II and Type IV de-icing fluids could lead to high control forces during rotation. If combined with the lack of flightcrew awareness or insufficient