senses the engine failure or by the pilot manually adjusting the cockpit controls.

The requirements proposed in NPRM 94–15 would allow the propeller to be in the feathered position if the propeller feathering is done automatically. Credit for pilot action to manually feather the propeller would be inappropriate during this high workload phase of flight. Because an autofeather system may not be designed to respond to an engine failure at low power settings, one commenter proposes adding a statement to the advisory material in AC 25-7 to state that the engine failure could be assumed to occur after the pilot sets goaround power. The commenter's proposal would ensure that automatic propeller feathering could be taken into account in determining V_{MCL} and V_{MCL-2}, even if the automatic feathering would not occur for engine failures at low power settings.

The FAA does not concur with the commenter's proposal. As was noted in the NPRM 94–15 preamble discussion, $V_{\rm MCL}$ and $V_{\rm MCL-2}$ must be determined assuming the critical engine suddenly fails during, or just prior to, the goaround maneuver. A sudden engine failure during an approach for landing may be the reason for initiating the goaround. If the autofeather system does not feather the propeller in this situation, the minimum control speeds should not assume the propeller is feathered.

To clarify this point, $\S\S 25.149(f)(5)$ and 25.149(g)(5) have been revised to state that the engine failure must be assumed to occur from the power setting associated with maintaining a three degree approach path angle. The revised wording also clarifies that these provisions apply only to propeller airplanes. The word "automatically," referring to the position achieved by the propeller, has been replaced with 'without pilot action.'' This revision further clarifies the intent of the requirement and is more appropriate terminology for applying these requirements to airplanes lacking an autofeather system.

The FAA is clarifying § 25.201(d)(1) by removing the reference to rolling motion. Section 25.201(d) defines and lists the airplane behavior that gives the pilot a clear indication that the airplane has stalled. The presence of rolling motion is immaterial to determining whether or not the airplane has stalled. The proposed wording had been intended to emphasize that a rolling motion by itself would be unacceptable as a stall indication, and that any rolling motion that did occur must be within the bounds allowed by §§ 25.203 (b) and (c); however, the FAA has decided that

this explanatory material would be better placed in AC 25–7.

With the exceptions noted above, the FAA is revising parts 1 and 25 as proposed. These amendments apply only to airplanes for which an application for a new (or amended or supplemental, if applicable) type certificate is made after the date the amendment becomes effective.

Regulatory Evaluation Summary

Final Regulatory Evaluation, Final Regulatory Flexibility Determination, and Trade Impact Assessment

Three principal requirements pertain to the economic impacts of changes to the Federal Aviation Regulations. First, Executive Order 12866 directs Federal agencies to promulgate new regulations or modify existing regulations only if the expected benefits to society outweigh the expected costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Finally, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this rule: (1) Will generate benefits exceeding costs: (2) is not "significant" as defined in the Executive Order and the Department of Transportation's (DOT) policies and procedures; (3) will not have a significant impact on a substantial number of small entities; and (4) will lessen restraints on international trade. These analyses, available in the docket, are summarized below.

Cost Benefit Analysis

Three of the 48 provisions will require additional flight testing and engineering analysis, resulting in compliance costs of \$18,500 per typecertification, or about \$37 per airplane when amortized over a representative production run of 500 airplanes. The primary benefits of the rule are harmonization of flight test airworthiness standards with the **European Joint Aviation Requirements** and clarification of existing standards. The resulting increased uniformity of flight test standards will simplify airworthiness approvals and reduce over flight testing costs. While not readily quantifiable, these benefits will far exceed the incremental costs of the

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not

unnecessarily or disproportionately burdened by Federal regulations. The RFA requires a Regulatory Flexibility Analysis if a rule will have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, prescribes standards for complying with RFA review requirements in FAA rulemaking actions. The Order defines "small entities" in terms of size thresholds, "significant economic impact" in terms of annualized cost thresholds, and "substantial number" as a number which is not less than eleven and which is more than one-third of the small entities subject to the proposed or final rule.

The rule will affect manufacturers of transport category airplanes produced under future new airplane type certifications. For manufacturers, Order 2100.14A specifies a size threshold for classification as a small entity as 75 or fewer employees. Since no part 25 airplane manufacturer has 75 or fewer employees, the rule will not have a significant economic impact on a substantial number of small airplane manufacturers.

Trade Impact Assessment

This final rule will not constitute a barrier to international trade, including the export of American airplanes to foreign countries, and the import of foreign airplanes into the United States. Instead, the flight testing standards have been harmonized with those of foreign aviation authorities, thereby lessening restraints on trade.

Federalism Implications

This final rule will not have substantial direct effects on the States, on the relationship between the national government and the State, 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 final rule will not have sufficient federalism implications to warrant preparing a Federalism Assessment.

Conclusion

Because the changes to standardize specific flight requirements of part 25 of the FAR are not expected to result in substantial economic cost, the FAA has determined that this regulation is not significant under Executive Order 12866. Because this is an issue that has not prompted a great deal of public concern, the FAA has determined that this action is not significant under DOT