

The FAA now has determined that replacement of the currently-installed line replaceable unit (LRU) with a modified LRU, having new software that eliminates delays in the WSS detecting windshear when the flaps of the airplane are in transition, will positively address the unsafe condition. The unsafe condition has been identified as significant delays in the WSS detecting windshear, which could lead to the loss of flight path control. Based on this determination, the FAA finds that additional rulemaking action is indeed necessary, and this proposed rule follows from that determination.

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 95-04-01 and AD 95-09-05. The proposed AD would require replacement of the currently-installed LRU with a modified LRU having new software that eliminates delays in the WSS detecting windshear when the flaps of the airplane are in transition. Replacement would be required to be accomplished in accordance with a method approved by the FAA.

The proposed compliance time of 24 months for replacement is based on the time estimated to be necessary to obtain a modified LRU, plus the time necessary to install that modified LRU on the airplane. Consequently, the FAA has determined that it is appropriate to permit the installation of unmodified LRU's for up to 12 months after the effective date of the rule, provided that the AFM limitation required by the existing AD's continues to remain in effect. This will allow operators to use unmodified LRU's, that may be held as spares, as replacement items is necessary during the 12-month period.

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

There are approximately 2,320 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,618 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 10 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Honeywell would incur the costs for the software upgrade for the LRU's. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$970,800, or \$600 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 removing amendment 39-9153 (60 FR 9619, February 21, 1995) and amendment 39-9208 (60 FR 20887, April 28, 1995), and by adding a new airworthiness directive (AD), to read as follows:

Boeing; McDonnell Douglas; Lockheed; Fokker; and British Aerospace Regional Aircraft Limited, Avro International Aerospace Division (Formerly British Aerospace, plc; British Aerospace Commercial Aircraft, Limited): Docket 95-NM-55-AD. Supersedes AD 95-04-01, Amendment 39-9153; and AD 95-09-05, Amendment 39-9208.

Applicability: The following models and series of airplanes, certificated in any category, equipped with Honeywell Standard Windshear Detection Systems (WSS):

Manufacturer and model of airplane	Type of computer	Part numbers
Boeing 727-100 and -200	Standard Windshear (Honeywell STC)	4061048-902, -903, and -904, 4068054-901, 4068060-901.
Boeing 737-100 and -200	Standard Windshear (Honeywell STC)	4061048-903, -904, and -905, 4068058-903.
Boeing 737-200	Performance Management (Honeywell STC)	4050730-904 through -911, 4051819-906.
Boeing 737-300	Standard Windshear (Honeywell STC)	4068060-901.
Boeing 747-100 and -200	Standard Windshear (Honeywell STC)	4061048-904.
McDonnell Douglas DC-8-50, -60, and -70	Standard Windshear (Honeywell STC)	4068046-903.