

Eligible Physical Loss:

* * * * *

(b) * * *

(8) If the property damaged is property used in the production of food and fiber, ranching and raising livestock, aquaculture and all other farming and agricultural related industries.

* * * * *

4. Section 123.41 would be amended by adding the following sentence at the end of paragraph (g)(1) to read as follows:

§ 123.41 General provisions.

* * * * *

(g) **Use of Proceeds.** (1) * * *

Proceeds of loans under this subpart shall not be used for the purpose of alleviating economic injury or providing working capital in conjunction with real or personal property used in the production of food and fiber, ranching and raising livestock, aquaculture and all other farming and agricultural related industries.

* * * * *

Dated: May 2, 1995.

Philip Lader,

Administrator.

[FR Doc. 95-14372 Filed 6-12-95; 8:45 am]

BILLING CODE 8025-01-M

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

[Docket No. 95-NM-55-AD]

Airworthiness Directives; Boeing Models 727, 737, and 747 Series Airplanes; McDonnell Douglas Model DC-8 and DC-9 Series Airplanes, Model MD-88 Airplanes, and Models MD-11 and MD-90-30 Series Airplanes; Lockheed Models L-1011-385 Series Airplanes; Fokker Models F28 Mark 1000, 2000, 3000, 4000, and 0100 Series Airplanes; and British Aerospace Model Avro 146-RJ Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of two existing airworthiness directives (AD), that are applicable to certain transport category airplanes equipped with certain Honeywell Standard Windshear Detection Systems (WSS). Those AD's currently require a revision to the FAA-

approved Airplane Flight Manual (AFM) to alert the flight crew of the potential for significant delays in the WSS detecting windshear when the flaps of the airplane are in transition. Those AD's were prompted by a report of an accident during which an airplane encountered severe windshear during a missed approach. This action would require that the currently-installed line replaceable unit (LRU) be replaced with a modified LRU having new software that eliminates delays in the WSS detecting windshear when the flaps of the airplane are in transition. The actions specified by the proposed AD are intended to prevent significant delays in the WSS detecting hazardous windshear, which could lead to the loss of flight path control.

DATES: Comments must be received by August 8, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-55-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.

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 90712.

FOR FURTHER INFORMATION CONTACT: J. Kirk Baker, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5345; 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 95-NM-55-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-55-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On February 14, 1995, the FAA issued AD 95-04-01, amendment 39-9153 (60 FR 9619, February 2, 1995), which is applicable to various transport category airplanes equipped with certain Honeywell Standard Windshear Detection and Recovery Guidance Systems (WSS). Additionally, on April 21, 1995, the FAA issued AD 95-09-05, amendment 39-9208 (60 FR 20887, April 28, 1995), which is applicable to British Aerospace Model Avro 146-RJ70A, -RJ85A, and -RJ100A airplanes, equipped with a similar Honeywell WSS. [A correction of AD 95-09-05 was published in the **Federal Register** on May 19, 1995 (60 FR 26824).]

Those AD's require a revision to the FAA-approved airplane flight manual (AFM) to alert the flightcrew of the potential for significant delays in the WSS detecting windshear when the flaps of the airplane are in transition. Those actions were prompted by a report of an accident during which an airplane encountered severe windshear during a missed approach. The requirements of those AD's are intended to ensure that the flightcrew is aware that there may be significant delays in the WSS detecting windshear when the flaps of the airplane are in transition.

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, and that additional rulemaking action was being considered to permit removal of the AFM limitation.

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.

Manufacturer and model of airplane	Type of computer	Part numbers
McDonnell Douglas DC-9-10, -21, -31 -41, and -51	Standard Windshear (Honeywell STC)	4068046-901, -902, 4068048-901, -902.
McDonnell Douglas DC-9-80 and MD-88	Windshear (OEM TC)	4059845-902.
McDonnell Douglas MD-90-30	Windshear (OEM TC)	4059845-910.
McDonnell Douglas MD-11	Flight Control (OEM TC)	4059001-901 through -905 (with windshear option selected).
Lockheed L-1011-385-1, -385-1-14, -385-1-15, and -385-3.	Standard Windshear (OEM TC)	4068044-901.
Fokker F28 Mark 1000, 2000, 3000, and 4000	Standard Windshear (Honeywell STC)	4068052-901.
Fokker F28 Mark 0100	Flight Management (OEM TC)	4052502-951 (with windshear option selected).
British Aerospace Avro 146-RJ70A, -RJ85A, and -RJ100A.	Flight Control (OEM TC)	4068300-902.

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 (d) of this AD 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 significant delays in the Honeywell Standard Windshear Detection Systems (WSS) detecting hazardous windshear, which could lead to the loss of flight path control, accomplish the following:

(a) Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement, at the time specified in either paragraph (a)(1) or (a)(2) of this AD, as applicable. This may be accomplished by inserting a copy of this AD in the AFM.

“During sustained banks of greater than 15 degrees or during flap configuration changes, the Honeywell Windshear Detection and Recovery Guidance System (WSS) is desensitized and alerts resulting from encountering windshear conditions will be delayed.”

(1) For all Boeing, McDonnell Douglas, Lockheed, and Fokker airplanes specified in the applicability statement of this AD: Within 14 days after March 8, 1995 (the effective date of AD 95-04-01, amendment 39-9153).

(2) For British Aerospace Model Avro airplanes specified in the applicability statement of this AD: Within 14 days after May 15, 1995 (the effective date of AD 95-09-05, amendment 39-9208).

(b) Within 24 months after the effective date of this AD, replace 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, in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Accomplishment of this replacement constitutes terminating action for the requirements of paragraph (a) of this AD; after the replacement has been accomplished, the AFM limitation required by paragraph (a) of this AD may be removed.

(c) As of 12 months after the effective date of this AD, no person shall install on any airplane an LRU that has not been modified in accordance with paragraph (b) of this AD. An unmodified LRU may be installed up to 12 months after the effective date of this AD, provided that, during that time, the AFM limitation required by paragraph (a) of this AD remains in effect.

(d) 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 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.

(e) 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 June 7, 1995.

Darrell M. Pederson,
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 95-14402 Filed 6-12-95; 8:45 am]
BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 95-NM-49-AD]

Airworthiness Directives; McDonnell Douglas Model DC-10-10, -30, and -40 Series Airplanes, and KC-10 (Military) 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 Model DC-10, -30, and -40 series airplanes, and KC-10 (military) airplanes. This proposal would require inspections to detect corrosion or cracking of the lower front spar cap and the skin panel of the horizontal stabilizer, and repair of corroded or cracked parts. This proposal would also require eventual modification of the horizontal stabilizer, which would terminate the inspection requirements. This proposal is prompted by reports indicating that corrosion, caused by water entrapment, was found on the horizontal stabilizer. The actions specified by the proposed AD are intended to prevent water entrapment and subsequent damage to the horizontal stabilizer, which could result in reduced controllability of the airplane.

DATES: Comments must be received by August 8, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-49-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00