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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing; McDonnell Douglas; and British Aerospace Regional Aircraft Limited, AVRO International Aerospace Division (Formerly British Aerospace, PLC; British Aerospace Commercial Aircraft Limited): Docket 96–NM–121–AD.

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

Manufacturer and model of airplane	Type of computer	Part numbers
Boeing 727–200 series	Expandable Windshear (Honeywell STC)	4053818–904, –905, or –906.
McDonnell Douglas MD–11 series	Flight Control Computer (OEM TC)	4059001–906.
British Aerospace Avro 146–RJ70A, –RJ85A, and –RJ100A series.	Flight Control Computer (OEM TC)	4068300–903.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

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) Within 14 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. 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.

(b) Within 30 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 revised to read as follows:

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

(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. However, an unmodified LRU may be installed on the airplane for 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. 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 September 6, 1996.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–23446 Filed 9–12–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–95–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9 Series Airplanes and C–9 (Military) 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 Model DC–9 series airplanes and C–9 (military) series airplanes. This proposal would require modification of the emergency internal release system of the tailcone and the accessory compartment. This proposal is prompted by a report that, due to failure of the tailcone release system, the tailcone did not deploy on an airplane during an emergency evacuation. The actions specified by the proposed AD are intended to ensure that the emergency internal release system of the tailcone performs its intended function in the event of an emergency evacuation. The actions are also intended to prevent people on board the airplane from striking their head on exposed metal frames in the tailcone area, which could cause injury and delay or impede their evacuation during an emergency.

DATES: Comments must be received by October 24, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103,

Attention: Rules Docket No. 96–NM–95–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, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Albert Lam, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5346; 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 96–NM–95–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. 96–NM–95–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that, during an emergency evacuation of a McDonnell Douglas Model DC–9–10 series airplane, the tailcone did not deploy when commanded. Extensive testing on the airplane indicated that the tailcone release system did not work properly. Subsequent investigations of other airplanes revealed that numerous tailcone release systems on these airplanes were not in proper working order.

Additionally, results of that testing has led the FAA to conclude that the area where the internal release system of the tailcone is located must be modified. The current location requires that the flight attendant enter the tailcone area to jettison the tailcone. If the flight attendant and evacuees enter the tailcone area during an emergency and the release handle fails to deploy the tailcone, the current configuration of the area makes it difficult for the passengers to reverse direction; this may contribute to slowing down the emergency egress. The FAA also finds that the metal frames in the tailcone area are exposed and without padding; this could result in the passengers or other personnel on board the airplane striking their head on these frames and injuring themselves.

All of these conditions, if not corrected, could delay or impede the evacuation of passengers during an emergency.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Service Bulletin DC–9 Service Bulletin 53–257, Revision 1, dated February 9, 1996, which describes procedures for modification of the emergency internal release system of the tailcone. For all airplanes, this modification involves installing a second internal release handle; revising the electrical wiring; installing a light in close proximity to the left-side of the doorway of the aft pressure bulkhead; and installing emergency decals. For certain airplanes, this modification also involves modifying and reidentifying the control panel assembly of the ventral stairway. Accomplishment of this modification will minimize the possibility of flight attendants encountering difficulty in evaluating conditions aft of the tailcone exit door of the airplane during an emergency evacuation. It also will allow trained or untrained personnel better access to deploy the tailcone and slide.

The FAA also has reviewed and approved McDonnell Douglas DC–9 Service Bulletin 25–331, dated December 10, 1993, which describes procedures for modification of the accessory compartment. This modification involves installing overhead ceiling panels on the lower side of three frames and a protective pad on the last frame in the aft accessory compartment. Accomplishment of this modification will increase protection to passengers/personnel from striking their head against fuselage structure during an emergency.

Explanation of Requirements of Proposed Rule

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 modification of the emergency internal release system of the tailcone and the accessory compartment. The actions would be required to be accomplished in accordance with the service bulletins described previously.

Differences Between the Proposed Rule and the Relevant Service Information

Operators should note that, unlike the recommended compliance time of 12 months specified in Service Bulletin 25–331 for accomplishing the modification of the accessory compartment, the proposed AD would require the modification to be accomplished within 36 months. The FAA has determined that a 36-month compliance time will not adversely affect safety, and will allow the modification to be performed at a base during regularly scheduled maintenance where special equipment and trained maintenance personnel will be available, if necessary.

Other Relevant Rulemaking

The FAA has previously issued several other ADs that concern the tailcone deployment system on Model DC–9 series airplanes:

1. AD 87–13–09, amendment 39–5665 (52 FR 24982, June 23, 1987), requires the installation of a tailcone ''unlatched/missing'' warning system.

2. AD 91–22–03, amendment 39–8063 (56 FR 60913, November 7, 1991), requires the installation of a ''tailcone missing'' indication system.

3. AD 91–26–09, amendment 39–8122 (57 FR 789, December 5, 1991), requires the replacement or modification of the internal and external tailcone release system cable and handle assemblies.

4. AD 95–02–02, amendment 39–9121 (60 FR 4074, January 6, 1995), requires an inspection of the tailcone release locking cable fitting assembly, and modification or replacement, if necessary.

However, this proposed AD would not affect the current requirements of any of those previously issued AD's.

Cost Impact

There are approximately 878 McDonnell Douglas Model DC–9 series airplanes and C–9 (military) series airplanes of the affected design in the worldwide fleet. The FAA estimates that 590 airplanes of U.S. registry would be affected by this proposed AD.

The proposed modification of the emergency internal release system would take approximately 7 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $6,660 per airplane. Based on these figures, the cost impact of this modification proposed by this AD on U.S. operators is estimated to be $4,177,200, or $7,080 per airplane.

The proposed modification of the accessory compartment would take approximately 10 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. For the 395 airplanes identified as ''Group I'' in the referenced service bulletin, required parts would cost approximately $1,777 per airplane. For the 195 airplanes identified as ''Group 2'' in the referenced service bulletin, required parts would cost $5,369 per airplane. Based on these figures, the cost impact of this modification proposed by this AD on U.S. operators of Group 1 airplanes is estimated to be $938,915, or $2,377 per airplane; and on U.S. operators of Group 2 airplanes is estimated to be $1,163,955, or $5,969 per airplane.

The cost impact figures discussed above are 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. However, the FAA has been advised that 1 U.S.-registered airplanes has been inspected in accordance with the requirements of this AD. Therefore, the future economic cost impact of this rule on U.S. operators has been reduced by that amount.

Regulatory Impact

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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 96–NM–95–AD.

Applicability: Model DC–9–10, –20, –30, –40, and –50 series airplanes and C–9 (military) series airplanes; as listed in McDonnell Douglas DC–9 Service Bulletin 53–257, Revision 1, dated February 9, 1996, and McDonnell Douglas DC–9 Service Bulletin 25–331, dated December 10, 1993; operating in a passenger or passenger/cargo configuration; certificated in any category.

Note 1: The requirements of this AD become applicable at the time an airplane operating in an all-cargo configuration is converted to a passenger or passenger/cargo configuration.

Note 2: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the emergency internal release system of the tailcone performs its intended function in the event of an emergency evacuation, accomplish the following:

(a) For airplanes listed in McDonnell Douglas DC–9 Service Bulletin 53–257, Revision 1, dated February 9, 1996: Within 36 months after the effective date of this AD, modify the emergency internal release system of the tailcone in accordance with the service bulletin.

(b) For airplanes listed in McDonnell Douglas DC–9 Service Bulletin 25–331, dated December 10, 1993: Within 36 months after the effective date of this AD, modify the accessory compartment in accordance with the service bulletin.

(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 3: 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 §§ 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 September 6, 1996.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–23445 Filed 9–12–96; 8:45 am]

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14 CFR Part 39

[Docket No. 96–NM–156–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).