cost impact on U.S. operators of the new requirements of this AD is estimated to be $15,840, or $360 per airplane. This cost impact figure is based on assumptions that no operator has yet accomplished this requirement of this AD action, and that no operator would accomplish that action in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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 removing amendment 39–9241 (60 FR 28035, May 30, 1995), and by adding a new airworthiness directive (AD), amendment 39–9772, to read as follows:

96–20–06 Jetstream Aircraft Limited: Amendment 39–9772. Docket 96–NM–49–AD. Supersedes AD 95–09–03, Amendment 39–9241.

Applicability: Model 4101 airplanes, constructor numbers 41001 through 41073 inclusive; certificated in any category.

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 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 uncommanded retraction of the landing gear, which can adversely affect airplane controllability, accomplish the following:

(a) For airplanes having constructor numbers 41001 through 41046 inclusive, and 41048 through 41052 inclusive; equipped with either landing gear control unit part number 717701–1 or 717701–1 Mod A: Within 8 hours time-in-service after June 14, 1995 (the effective date of AD 95–09–03, amendment 39–9241), perform an inspection to determine the number of hours time-in-service on the landing gear control unit, in accordance with Jetstream Alert Service Bulletin J41–A32–042, dated April 13, 1995.

(1) For those airplanes on which the control unit has accumulated less than 200 hours time-in-service: Prior to further flight, modify the cable (electrical wiring circuit) of the landing gear control unit in accordance with the alert service bulletin.

(2) For those airplanes on which the control unit has accumulated 200 hours or more time-in-service: Within 50 hours time-in-service or within 7 days after June 14, 1995 (the effective date of AD 95–09–03, amendment 39–9241), whichever occurs earlier, modify the cable (electrical wiring circuit) of the landing gear control unit in accordance with the alert service bulletin.

(b) For airplanes having constructor numbers 41001 through 41073 inclusive: Within 6 months after the effective date of this AD, install a new improved landing gear control unit and modify the wiring, in accordance with Jetstream Service Bulletin J41–32–044, dated September 22, 1995.

(c) As of the effective date of this AD, no person shall install a landing gear control unit having part number 717701–1 or 717701–1 Mod A, on any airplane.

(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, Standardization Branch, ANM–113, 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, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(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.

(f) The inspection and modification shall be done in accordance with Jetstream Alert Service Bulletin J41–A32–042, dated April 13, 1995. The installation shall be done in accordance with Jetstream Service Bulletin J41–32–044, dated September 22, 1995. The incorporation by reference of Jetstream Alert Service Bulletin J41–A32–042, dated April 13, 1995, was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of June 14, 1995 (60 FR 28035, May 30, 1995). The incorporation by reference of Jetstream Service Bulletin J41–32–044, dated September 22, 1995, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 4, 1996.

Issued in Renton, Washington, on September 19, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–24651 Filed 9–27–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–NM–203–AD; Amendment 39–9771; AD 96–20–05]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Boeing Model 767 series airplanes, that requires repetitive operational tests to verify proper deployment of the ram air turbine

(RAT), and replacement of the rotary actuator motor with a new or serviceable rotary actuator motor, if necessary. This amendment is prompted by reports of corroded rotary actuator motors of the RAT found on in-service airplanes. The actions specified by this AD are intended to ensure that the RAT actuator motor is not corroded to the point where it may result in the failure of the RAT to deploy and subsequently result in loss of emergency hydraulic power to the flight controls in the event that power is lost in both engines.

DATES: Effective November 4, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 4, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sheila Kirkwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2675; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Boeing Model 767 series airplanes was published in the Federal Register on March 21, 1996 (61 FR 11593). That action proposed to require repetitive operational tests to verify proper deployment of the ram air turbine (RAT) system, and replacement of the rotary actuator motor with a new or serviceable rotary actuator motor, if necessary.

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

Support for the Proposal

One commenter supports the proposed rule.

Request To Revise Unsafe Condition Finding

One commenter, Boeing Commercial Airplane Group, requests that certain language that appeared in the preamble to the notice, which referred to the FAA's finding of an unsafe condition, be revised. Specifically, the commenter requests that the wording be changed to state that the addressed unsafe condition ''could exist,'' rather than is ''likely to exist'' [on other airplanes of this same type design]. The commenter gives no particular justification for this request; however, the FAA infers that, by changing this wording as suggested, the commenter seeks to minimize the adverse implication regarding the safety of its products.

The FAA does not concur. The phrasing used in that discussion is not accidental. Part 39.1, ''Applicability,'' of the Federal Aviation Regulations (FAR) (14 CFR 39.1) states:

> This part prescribes airworthiness directives that apply to aircraft * * * when—
>
> (a) An unsafe condition exists in a product; and
>
> (b) That condition is likely to exist or develop in other products of the same type design.''

Therefore, the finding that the condition is ''likely to exist'' (or develop) is necessary to ensure that the AD falls within the scope of part 39; its absence would arguably subject the FAA to legal challenge for inappropriately using the AD process to issue rules that do not meet the criteria for AD's. While it is understandable that a manufacturer would like to minimize any adverse implications regarding the safety of its products, the FAA reiterates that the purpose of an AD is to correct an identified unsafe condition in aircraft, regardless of where it is or what it is caused by. In essence, the AD serves to protect the flying public from the consequences of the unsafe condition. The AD also serves to protect the manufacturer from the liability that would be faced should the unsafe condition not be corrected.

Request To Clarify Description of Intent of the Rule

This same commenter requests that the description of the intent of the rule, which appeared in the preamble to the notice, be changed so that it is more accurate. The specific statement in the preamble relevant to this issue indicated that the AD actions are:

> Intended to prevent * * * corrosion, which could result in failure of the RAT to deploy and subsequent loss of emergency hydraulic power to the flight controls, in the event that power is lost in both engines.

The commenter points out that the proposed operational tests will help to ensure that the RAT motor is not heavily corroded, but the tests will not prevent corrosion. The commenter suggests that the language be revised to specify more accurately that the operational tests:

> * * * Will ensure that the RAT motor is not heavily corroded and can deploy the RAT. The RAT must be able to be deployed to provide emergency hydraulic power to the flight controls in the event that power is lost in both engines.

The FAA partially agrees with this commenter's request.

First, the commenter is correct in pointing out that the required operational tests will not prevent corrosion. The FAA has revised the wording relative to this issue in the appropriate places in this final rule.

Second, the FAA points out that the intent of the statement that appeared in the preamble to the notice was to specify what unsafe condition the requirements of the AD are addressing. The commenter's suggested rewording (i.e., ''The RAT must be able to be deployed * * *'') highlights the fact that there are pertinent sections of part 25 of the Federal Aviation Regulations (14 CFR part 25) which require that the RAT be able to be deployed in order to provide emergency hydraulic power to the flight controls. However, the language that is used in the AD is formatted to highlight the unsafe condition that is created when the failure of associated components in a system does not permit the RAT to deploy as required. It is this concept that the statement of the intent of the AD is meant to convey, not merely to restate the function of a required system.

The FAA acknowledges that the statement could be clarified further, however, and has revised the language in the appropriate portions of this final rule to specify that the intent of the actions of this AD is:

> ''* * * To ensure that the RAT actuator motor is not corroded to the point where it may result in the failure of the RAT to deploy and subsequently result in loss of emergency hydraulic power to the flight controls in the event that power is lost in both engines.

Requests To Extend Compliance Time

Several commenters request that the proposal be revised to extend the compliance time for the repetitive operational tests from the proposed 1,000-flight hour intervals to as much as 3,000 flight hours or 15 months, whichever occurs later. To justify this request, the commenters point out the following issues:

1. The airframe manufacturer, Boeing, recommends a 3,000-flight hour interval for repetitive tests.

2. One of the failed rotary actuator motors of the RAT that was found in service was on a high-cycle airplane that was operated in a high humidity, salt water environment. That type of environment is more conducive to the initiation of corrosion, but is not the typical environment in which the majority of affected airplanes are operated. Further, these commenters state that, even though Boeing has advised that recent high humidity tests have demonstrated that the subject motor has a propensity to corrode under high humidity conditions, affected operators are not seeing such results under field conditions. While the conclusions drawn from reviewing results of the Boeing tests may justify the FAA's adoption of the rule, the commenters request that service experience be considered in determining an appropriate compliance interval.

3. One affected operator states that it has accomplished roughly 90 deployment tests similar to the proposed test over a 9-year period and there have been no reports of failure.

4. The proposed 1,000-flight hour interval would pose an ''unjustified economic burden on the affected operators,'' since it does not take into account the necessary removal and return to service of the motor, repetitive testing, and administrative costs to monitor and schedule accomplishment of the tests for the remaining life of the Model 767 fleet. The repetitive interval should be extended to coincide with normally scheduled maintenance, so that special scheduling will be unnecessary. An interval of 3,000-flight hours would be appropriate, and would to ensure that any detrimental effect associated with corrosion is identified.

5. An extension of the repetitive test interval to include both a flight cycle threshold and a calendar time will address the FAA's concern that the addressed problem is caused by exposure to high cycling. This would also provide an acceptable level of safety without overburdening operators who use their aircraft on longer stage lengths.

The FAA has considered this information presented by the commenters, and agrees that the test interval can be revised somewhat. The FAA concurs with the point that a calendar time interval is appropriate since corrosion of the RAT actuator motor could occur while the airplane is on the ground. In light of this, the FAA finds that repetitive interval of 6 months will ensure that both long-range and short-range airplanes, as well as those that are infrequently used, will achieve the same level of safety with respect to the RAT deploy system.

However, corrosion that occurs as a result of high-cycle use (condensation due to thermal cycling) is also a concern; therefore, the FAA maintains that the repetitive test interval cannot be based solely on calendar time, but must be related to flight hours as well. Based on recent test data presented by the manufacturer, as well as in-service history, the FAA has determined that a repetitive interval of 3,000 flight hours is appropriate. This interval will also coincide with regularly scheduled maintenance visits for most affected operators.

The final rule has been revised to specify that the repetitive tests must be performed at intervals of 3,000 flight hours or 6 months, whichever occurs first.

Request To Revise Description of Test Result Conditions

One commenter requests that the proposed rule be revised to clarify the conditions for which the operational testing is performed. The commenter maintains that the tests are actually deployment tests to determine merely if the RAT deploys or if it does not. In light of this, the commenter requests that paragraph (a)(1) be revised to state, ''If the RAT deploys * * *''; and that paragraph (a)(2) be revised to state, ''If the RAT does not deploy * * *'' The commenter considers this revised wording to be clearer than that which appeared in the notice.

The FAA does not concur with the commenter's suggested changes, but acknowledges that some clarification is warranted.

As for paragraph (a)(1), the intent of the test is that the RAT deploy properly. Even the Boeing service bulletin containing the test procedures, describes a successful test as one in which the RAT ''deploys correctly.'' The FAA finds that the quality of deployment should be considered for this test. For example, a RAT could deploy, but have some problems in doing so; in that case, the RAT should not be considered to have deployed correctly. In light of this, and to maintain standard terminology between the AD and the referenced service bulletin, the FAA has revised paragraph (a)(1) to read, ''If the RAT deploys correctly * * *''

As for paragraph (a)(2), the FAA finds that commenter's suggested phrase, ''does not deploy,'' is not specific enough for determining the test result. That language would not encompass deployments where the RAT may get stuck in transit and may only partially deploy. However, the FAA does consider that the language should be clarified on this point and therefore, has revised the phrasing of paragraph (a)(2) to read, ''If the RAT does not fully deploy * * *''

Request To Permit Use of ETOPS Program in Lieu of Rule Requirements

One commenter requests that the proposal be revised to allow operators to rely on their approved Extended Range Twin-Engine Operations (ETOPS) programs, in lieu of the AD requirements, as a means to ensure the reliability of the RAT on each airplane. The commenter considers that this approach takes into account individual operators' operating environments and service experience. This commenter also states that it has been accomplishing deployment tests ever since its Model 767's went into service as part of the ETOPS program and, in approximately 90 deployment tests accomplished over a period of 9 years, has had no reports of failure.

The FAA does not concur with the commenter's request. The deployment tests that are performed as part of this commenter's ETOPS program apparently entail the deployment of the RAT only every 10 months. As explained previously, the FAA has determined that repetitive deployments must be performed every 6 months or 3,000 flight cycles, whichever occurs first, in order to ensure that corrosion is detected and corrected before it can lead to the problems that this AD addresses.

Request To Give Credit for Testing Prior to Delivery

One commenter requests that the proposed rule be revised to give credit to new airplanes on which a RAT system functional test, which includes a manual RAT deployment test, is accomplished either in the factory or on the flight line prior to delivery of the airplane.

The FAA concurs and has added a statement to the final rule to give credit for such testing only as the initial test required by the AD. However, all airplanes are subject to the repetitive tests.

Request To Reference Later Revisions of Cited Service Bulletin

Boeing requests that the proposed rule be revised to reference Revision A of Boeing Alert Service Bulletin 767–29A0080 as the appropriate source of service information. The commenter states that this service bulletin, as yet unreleased, will clarify some of the RAT manual deploy test and the RAT retraction procedures. It will also

contain additional information concerning corrective action if the RAT manual deploy circuit breaker trips and there is no measured RAT down-stop gap after deploying the RAT.

The FAA does not concur. The revision of the service bulletin that the commenter refers to has not yet been issued, nor has it been approved by the FAA.

Request To Clarify Background Information

One commenter requests that the description of the service history prompting this AD action, as it appeared in the preamble to the notice, be clarified as follows:

1. In the preamble, the FAA indicated that there had been ''several'' reports of corroded rotary actuator motors of the RAT found on in-service airplanes. However, the commenter points out that there have been only two reports of heavily corroded RAT motors in service that have resulted in failures to deploy.

2. The preamble contained a statement indicating that ''investigation revealed'' that the RAT motor is not sealed. The commenter points out that *by design* the RAT motor is not sealed.

3. The preamble described the area where the RAT actuator motor is located as the ''right aft fairing;'' however, this area is specifically the ''right aft wing-to-body fairing.''

4. The preamble stated that the motor is susceptible to moisture accumulation when exposed to ''high'' cycling; however, a more accurate description is ''altitude'' cycling.

The FAA agrees that these points should be clarified as suggested by the commenter. However, because this background information is not repeated in the final rule, no specific change is necessary.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Interim Action

This rule is considered to be interim action. The manufacturer has advised the FAA that it is pursuing development of a redesigned RAT rotary actuator motor that is not susceptible to corrosion. Once that item is developed, approved, and available, the FAA may consider further rulemaking.

Cost Impact

There are approximately 583 Boeing Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 197 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $11,820, or $60 per airplane, per operational test.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

96–20–05 Boeing: Amendment 39–9771. Docket 95–NM–203–AD.

Applicability: All Model 767 series airplanes, certificated in any category.

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 (b) 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.

To ensure that the RAT actuator motor is not corroded to the point where it may result in the failure of the RAT to deploy and subsequently result in loss of emergency hydraulic power to the flight controls in the event that power is lost in both engines, accomplish the following:

(a) Within 6 months after the effective date of this AD; unless previously accomplished within the last 6 months or 3,000 flight hours prior to the effective date of this AD, whichever is later; perform an operational test to verify proper deployment of the ram air turbine (RAT) in accordance with Boeing Alert Service Bulletin 767–29A0080, dated October 12, 1995.

(1) If the RAT deploys correctly, repeat the operational test thereafter at intervals not to exceed 6 months or 3,000 flight hours, whichever occurs first.

(2) If the RAT does not fully deploy, prior to further flight, replace the rotary actuator motor with a new or serviceable rotary actuator motor, in accordance with the service bulletin. Thereafter, repeat the operational test at intervals not to exceed 6 months or 3,000 flight hours, whichever occurs first.

(b) 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, Seattle 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, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) 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.

(d) The actions shall be done in accordance with Boeing Alert Service Bulletin 767–29A0080, dated October 12, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on November 4, 1996.

Issued in Renton, Washington, on September 19, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–24650 Filed 9–27–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 94–CE–22–AD; Amendment 39–9774; AD 96–20–08]

RIN 2120–AA64

Airworthiness Directives; Fairchild Aircraft SA26, SA226, and SA227 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes AD 93–19–06, which currrently requires repetitively inspecting acrylic cabin and cockpit side windows for cracks on certain Fairchild Aircraft SA26, SA226, and SA227 series airplanes, and, if cracks are found that exceed certain limitations, replacing that window. This action maintains the requirement of repetitively inspecting the cabin and cockpit side windows, and adds a life limit for the single-pane cockpit side windows. Acrylic window failures on the affected airplanes prompted this action. The actions specified by this AD are intended to prevent acrylic cabin or cockpit side window failures, which could result in airframe damage and decompression injuries.

DATES: Effective November 14, 1996.

The incorporation by reference of certain publications listed in the regulations was previously approved by the Director of the Federal Register as of November 19, 1993 (58 FR 51771, October 5, 1993).

ADDRESSES: Service information that applies to this AD may be obtained from Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279–0490; telephone (210) 824–9421. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 94–CE–22–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Hung Viet Nguyen, Aerospace Engineer, FAA, Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone (817) 222–5155; facsimile (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Events Leading to This Action

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Fairchild Aircraft SA26, SA226, and SA227 series airplanes was published in the Federal Register on April 26, 1996 (61 FR 18524). The action proposed to supersede AD 93–19–06 with a new AD that would maintain the requirement of repetitively inspecting the cabin and cockpit side windows, and would add a life limit for the single-pane cockpit side windows. Accomplishment of the single-pane window installation as specified in the supplemental notice of proposed rulemaking (NPRM) would be in accordance with the applicable maintenance manual. The proposed inspections as specified in the supplemental NPRM would be accomplished in accordance with the following service bulletins (SB), as applicable:

Fairchild SB 26–56–20–042, Issued: November 28, 1988; Revised: February 7, 1991.

Fairchild SB 226–56–001, Issued: February 2, 1983; Revised: November 26, 1991.

Fairchild SB 227–56–001, Issued: February 2, 1983; Revised: November 26, 1991.

Fairchild SB 226–56–002, Issued: March 3, 1983; Revised: May 29, 1992.

Fairchild SB 227–56–002, Issued: January 5, 1984; Revised: May 29, 1992, and April 1, 1993.

Fairchild SB 226–56–003, Issued: September 13, 1984; Revised: November 2, 1989.

Fairchild SB 227–56–003, Issued: September 13, 1984; Revised: November 2, 1989.

Fairchild SB 26–56–10–038, Issued: October 8, 1984; Revised: February 7, 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comment received.

Disposition of the Comment

The commenter supports the proposal as written, and would like the FAA to treat this as interim action until a new improved cockpit side window defogging system is developed. The FAA basically concurs. A new window design is now going through analysis and testing. Based on the results of this analysis and testing, the FAA will determine if additional improvements are needed to assure that an acceptable level of safety (to the actions specified in this AD) can be maintained. The FAA then may initiate additional rulemaking activity to require installation of the new design window. In the meantime, the FAA has determined that the actions required by this AD will maintain the required level of safety (as it relates to cabin and cockpit side windows) until the improved design windows are approved and available. No changes have been made to the AD as a result of this comment.

No comments were received regarding the FAA's determination of the cost impact on the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, including the referenced service information, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Compliance Time Criteria

The compliance time for this AD is presented in both hours time-in-service (TIS) and calendar time. The referenced acrylic cabin and cockpit side windows are affected whether the airplane is in flight or on the ground. In addition, the utilization rates of the affected airplanes vary among operators. For example, operators in unscheduled service utilize their airplanes an average of approximately 200 to 300 hours TIS annually, while those in commuter service (scheduled) utilize their airplanes an average of approximately 2,000 hours TIS annually. Based on this