

**§ 39.13 [Amended]**

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

97-02-18 Jetstream Aircraft Limited (Formerly British Aerospace Commercial Aircraft Limited): Amendment 39-9903. Docket 95-NM-160-AD.

*Applicability:* BAe Model ATP airplanes having constructor's numbers 2002 through 2063, 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 (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 prevent corrosion of the antenna mounting reinforcing plates and surrounding skin, which could result in reduced structural integrity of the fuselage pressure vessel, accomplish the following:

(a) Within 6 months after the effective date of this AD, perform a detailed external visual inspection to detect damage (i.e., corrosion, cracks, pillowing, and rivet pulling) of the antenna mounting reinforcing plates and surrounding fuselage skin in accordance with Part A of the Accomplishment Instructions of Jetstream Service Bulletin ATP-53-31, Revision 1, dated December 5, 1995.

Note 2: Inspections of the areas specified in Jetstream Service Bulletin ATP-53-31, dated July 1, 1995, that have been accomplished prior to the effective date of this AD and in accordance with that service bulletin, are considered acceptable for compliance with the inspections of those areas as required by paragraph (a) of this AD. (It should be noted, however, that Revision 1 of Service Bulletin ATP-53-31 specifies procedures for inspection of two additional ADF antenna locations.)

(1) If no damage is detected, repeat the inspection thereafter at intervals not to exceed 2 years.

(2) If any damage is detected, replace the reinforcing plate with a new reinforcing plate and/or repair the surrounding fuselage skin at the applicable times specified in Figure 4 of the service bulletin, and in accordance with Part B of the Accomplishment Instructions of the service bulletin. Accomplishment of this replacement/repair constitutes terminating action for the repetitive inspection requirements of paragraph (a)(1) of this AD.

(b) Accomplishment of the replacement/repair procedures specified in Part B of the Accomplishment Instructions of Jetstream Service Bulletin ATP-53-31, Revision 1,

dated December 5, 1995, constitutes terminating action for the requirements of this AD.

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

(d) 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.

(e) The inspections, replacement, and repair shall be done in accordance with Jetstream Service Bulletin ATP-53-31, Revision 1, dated December 5, 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 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.

(f) This amendment becomes effective on March 4, 1997.

Issued in Renton, Washington, on January 16, 1997.

S.R. Miller,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 97-1616 Filed 1-27-97; 8:45 am]

**BILLING CODE 4910-13-U**

**14 CFR Part 39**

**[Docket No. 96-NM-125-AD; Amendment 39-9904; AD 97-02-19]**

**RIN 2120-AA64**

**Airworthiness Directives; Boeing Model 757 and 767 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757 and 767 series airplanes, that requires replacement of the thrust management computer (TMC) with a new TMC. This amendment is prompted by reports indicating that an uncommanded

advancement of the throttle levers occurred; this condition was apparently due to a high impedance connection to the excitation phase of the servo motor. The actions specified by this AD are intended to prevent an uncommanded runaway of the autothrottle during flight or ground operations as a result of problems associated with the TMC, which could distract the crew from normal operation of the airplane or lead to an unintended speed or altitude change.

**DATES:** Effective March 4, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 4, 1997.

**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:** Forrest Keller, Senior Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227-2790; 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 certain Boeing Model 757 and 767 series airplanes was published in the Federal Register on August 29, 1996 (61 FR 45373). That action proposed to require replacement of the thrust management computer (TMC) with a new TMC in the main equipment center.

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

**Request To Clarify Description of Problem Addressed**

One commenter requests that references in the proposal to the problems prompting the AD action be clarified. The commenter points out that the "Discussion" section of the preamble to the notice makes reference to a "defective relay within the TMC" as being the cause of the uncommanded advancement of the autothrottle lever.

However, the commenter considers that statement to be inaccurate. Instead, the commenter suggests that the statement be changed to indicate that the cause is due to "high impedance connection to the excitation phase of the servo motor. The impedance can be internal to the TMC or the result of an external condition."

The FAA concurs that the commenter's suggested wording is more accurate. The pertinent portions of this final rule have been revised to incorporate that wording.

#### Request to Extend Compliance Time

Several commenters request that the proposal be revised to extend the compliance time for the TMC replacement from the proposed 6 months to as much as 24 months. These commenters are concerned that there will be a problem with the availability of ample parts to retrofit the affected U.S. fleet within the proposed compliance time.

The FAA concurs that the compliance time can be extended somewhat. Input from the TMC vendor indicates that there are 1,800 units that will need to be modified and the turn-around time for doing that is 45 days for each unit; based on current production rates, it will be logistically impossible for the vendor to meet a 6-month schedule. In light of this information, the FAA has determined that the compliance time can be extended to 18 months without adversely compromising safety. Paragraph (a) of the final rule has been revised accordingly.

#### Request to Clarify References to E1-3 Shelf

One commenter, Boeing, points out that the references in the proposal to the TMC being located in the "E1-3 shelf of the main equipment center" are incorrect with regard to the Model 757. Further, this commenter states that the Boeing service bulletins referenced in the proposal adequately describe the correct replacement instructions for TMC's in both the Model 757 and 767, including the location of the TMC; therefore, any reference to the specific shelf number is not needed. The commenter suggests that those references be deleted from the final rule.

The FAA concurs. To avoid any confusion on the part of affected operators, the FAA has deleted all references to the "E1-3 shelf" from the final rule.

#### Request to Revise Cost Impact Information

Several commenters request that the cost impact information, which

appeared in the preamble to the proposal, be revised. These commenters point out that the cost figures presented did not include the per-unit modification cost changed by the manufacturer or approved repair station for modification of the TMC. One commenter, Lockheed-Martin, indicates that some operators, if they have the tooling capability, can perform the modification themselves with a \$104 kit obtained from the TMC manufacturer; Lockheed-Martin charges \$1,000 per unit to modify the TMC. Other commenters present cost estimates per airplane that range from \$1,780 to \$2,400. Two commenters also factor in the cost of purchasing an additional new TMC unit as a "seed unit" for implementing the change in their fleets, resulting in cost estimates ranging from \$45,530 to \$60,000.

The FAA concurs that the cost impact information should be revised to reflect more up-to-date and accurate information. While any operator certainly has the option to purchase new TMC's to meet the intent of this AD, the FAA does not consider that to be economically feasible for the majority of the affected fleet. However, based on figures provided by the commenters, the FAA finds that an appropriate estimate of costs is \$2,400 per airplane; this represents 3 work hours to replace the unit (at an average labor charge of \$60 per work hour) and an average of \$2,220 for the required (modified) replacement parts. The cost impact information, below, has been revised accordingly.

#### 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.

#### Cost Impact

There are approximately 1,339 Boeing Model 757 and 767 series airplanes of the affected design in the worldwide fleet; this number represents 716 Model 757 series airplanes and 623 Model 767 series airplanes. Of the total number, the FAA estimates that 558 airplanes of U.S. registry will be affected by this AD; this number represents 356 Model 757 series airplanes and 202 Model 767 series airplanes.

The required replacement will take approximately 3 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. The

cost of the required (modified) replacement units would differ depending upon whether the operator, airframe manufacturer, repair station, or TMC manufacturer performs the modification of the TMC; in any case, the FAA estimates that the average cost for these replacement units will be \$2,220 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$1,339,200, or \$2,400 per airplane.

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:

97-02-19 Boeing: Amendment 39-9904.  
Docket 96-NM-125-AD.

**Applicability:** Model 757 series airplanes, having line positions 001 through 716, inclusive; and Model 767 series airplanes having line positions 001 through 556 inclusive, 558 through 587 inclusive, and 589 through 615 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 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, unless accomplished previously.

To prevent runaway of the autothrottle during flight or ground operations, which could distract the crew from normal operation of the airplane or lead to an unintended speed or altitude change, accomplish the following:

(a) Within 18 months after the effective date of this AD, replace the thrust management computer (TMC) with a new TMC in accordance with Boeing Alert Service Bulletin 757-22A0052, dated May 30, 1996 (for Model 757 series airplanes); or Boeing Alert Service Bulletin 767-22A0097, dated May 30, 1996 (for Model 767 series airplanes); as applicable.

(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 replacement shall be done in accordance with Boeing Alert Service Bulletin 757-22A0052, dated May 30, 1996 (for Model 757 series airplanes); or Boeing Alert Service Bulletin 767-22A0097, dated

May 30, 1996 (for Model 767 series airplanes); as applicable. 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 March 4, 1997.

Issued in Renton, Washington, on January 16, 1997.

S.R. Miller,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 97-1617 Filed 1-27-97; 8:45 am]

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### 14 CFR Part 39

[Docket No. 96-NM-33-AD; Amendment 39-9905; AD 97-02-20]

RIN 2120-AA64

### Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Airbus Model A300, A310, and A300-600 series airplanes, that requires a one-time inspection of the autopilot actuators on the pitch and yaw controls to ensure correct rigging, and re-rigging, if necessary. This amendment is prompted by a report of sudden pitch up of an airplane during cruise following disengagement of the autopilot; this condition was the result of incorrect rigging of the autopilot pitch actuator. The actions specified by this AD are intended to prevent incorrect rigging of the autopilot actuators on the pitch and yaw controls, which could result in reduced controllability of the airplane.

**DATES:** Effective March 4, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 4, 1997.

**ADDRESSES:** The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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:** Charles Huber, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2589; fax (206) 227-1149.

**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 Airbus Model A300, A310, and A300-600 series airplanes was published in the Federal Register on July 30, 1996 (61 FR 39603). That action proposed to require a one-time inspection of the rigging of the autopilot actuators on the pitch and yaw controls to ensure correct rigging, and, if necessary, re-rigging using a new, longer rigging pin.

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 Withdraw the Proposal

One commenter, representing several affected U.S. operators, requests that the proposal be withdrawn. This commenter states that all U.S. operators have already accomplished the proposed rigging inspection on their fleets some time ago, and have revised their manuals to reflect the change in rigging pin part number. In light of their having completed all of the proposed actions, the commenter considers an AD to be unnecessary since the unsafe condition has been satisfactorily addressed. Issuance of the AD at this time will require these operators to revise their paperwork, which may be a burdensome task.

Additionally, this commenter states that Presidential Executive Order 12866 requests the various regulatory agencies to identify and assess available alternatives to direct regulation. Therefore, the commenter recommends that airworthiness concerns, such as the one addressed by the proposal, be handled by a less costly method other than rulemaking.

The FAA does not concur with the commenter's request to withdraw the proposed AD. The FAA has no evidence, as suggested by the