

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

(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.

Incorporation by Reference

(f) The inspections, removal, and replacement shall be done in accordance with British Aerospace Alert Service Bulletin 53-A-PM5994, Issue 3, dated April 8, 1993; British Aerospace Alert Service Bulletin 53-A-PM5994, Issue 4, dated August 23, 1996; or British Aerospace Alert Service Bulletin 53-A-PM5994, Issue 5, dated April 18, 1997.

(1) The incorporation by reference of British Aerospace Alert Service Bulletin 53-A-PM5994, Issue 4, dated August 23, 1996; and British Aerospace Alert Service Bulletin 53-A-PM5994, Issue 5, dated April 18, 1997, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of British Aerospace Alert Service Bulletin 53-A-PM5994, Issue 3, dated April 8, 1993, as listed in the regulations, was approved previously by the Director of the Federal Register as of April 22, 1996 (61 FR 11534, March 21, 1996).

(3) Copies may be obtained from British Aerospace, Service Support, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. 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 April 9, 1999.

Issued in Renton, Washington, on February 23, 1999.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 99-5041 Filed 3-4-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-12-AD; Amendment 39-11058; AD 99-05-10]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 757 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 series airplanes, that requires revising the maintenance program to require verification that a certain shipping container and shipping sleeve assembly were used in shipping the ram air turbine (RAT) deployment actuator. This amendment also requires inspection of the identification plate on the RAT deployment actuator to determine the actuator serial numbers or a records check to determine such information; and repair or replacement of certain RAT deployment actuators, if necessary. This amendment is prompted by reports of certain RAT actuators that failed to deploy upon command due to interference in the actuator locking mechanism caused by damage incurred during shipping of the actuators. Failure of the RAT to deploy, specifically during a dual engine failure, would result in loss of hydraulic power and would adversely affect the continued safe flight and landing of the airplane.

DATES: Effective April 9, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 9, 1999.

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 I. Mariano, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2675; fax (425) 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 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on October 27, 1997 (62 FR 55540). That action proposed to require revising the FAA-approved maintenance program to require verification that a certain shipping container and shipping sleeve assembly

were used in shipping the ram air turbine (RAT) deployment actuator. That action also proposed to require an inspection of the identification plate on the RAT deployment actuator to determine the actuator serial numbers, and repair or replacement of certain RAT deployment actuators, if necessary.

Comment Received

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 Reference Airplane Maintenance Manual

One commenter requests that the FAA revise paragraph (a) of the proposed AD to allow operators to accomplish the proposed inspection in accordance with the Boeing 757 Airplane Maintenance Manual (AMM). The commenter states that Boeing has revised the AMM to include the procedures specified in Arkwin Industries Service Bulletins 1211233-29-21-4 and 1211233-29-21-3 (which are referenced in the proposed AD as the appropriate sources of service information).

The FAA does not concur. Because AMM's are not FAA-approved and the procedures specified in AMM's vary from operator to operator, there are no assurances that each operator's AMM contains the identical actions required by this AD. The subject inspection must be incorporated into an FAA-approved maintenance program to satisfy the requirements of this AD. Therefore, the FAA finds that no change to the final rule is necessary.

Request To Revise Certain Service Bulletin Revisions

One commenter requests that the FAA require Arkwin Industries, Inc. (the manufacturer of the subject RAT deployment actuator assemblies), to revise Revisions 2 and 3 of Service Bulletin 1211233-29-21-3 to include a detailed step-by-step procedure on how to accomplish the proposed modification. (Service Bulletin 1211-233-29-21-3 is referenced in the proposed AD as the appropriate source of service information for accomplishment of the proposed modification.) The commenter states that **Note 3** of the proposed AD states that "* * * any FAA-approved facility may modify the unit, provided that it has the appropriate equipment to successfully modify and test the unit. * * *" However, Revisions 2 and 3 of the referenced service bulletin do not contain any instructions for modification of the RAT actuator, and

the component maintenance manual (CMM) has not been updated by Arkwin to the show the latest changes. This situation makes it impossible for the work associated with the referenced service bulletin to be accomplished by anyone other than Arkwin.

The FAA acknowledges that **Note 3** of the proposed AD does state that any FAA-approved facility may modify the unit. However, since issuance of the supplemental NPRM, the FAA has determined that, because disassembling the unit by using special equipment for the large spring preload and performing the complex acceptance tests required after reassembly are highly specialized tasks, operators may have difficulty performing these tasks such that actuators may be inoperative once assembled. These factors make the modification costly and unfeasible for anyone other than Arkwin to accomplish. Therefore, the FAA has removed the sentence in **Note 3** of the final rule that allows any FAA-approved facility to modify the unit.

Request To Accomplish Inspection Early To Schedule Replacement

One commenter requests that the FAA revise the proposed AD to provide an option that allows operators to campaign their fleets, and schedule the replacement of any suspect actuator within the compliance time of the proposed AD. The commenter suggests that routine drop checks of the RAT be accomplished until the actuator is replaced. The commenter states that providing such an option in the AD would allow for better planning and scheduling of the required work and would increase the efficiency for the removal of the suspect actuators. The commenter also states that it is concerned about the turnaround time capabilities of Arkwin and the feasibility of accomplishing the proposed replacement.

The FAA does not concur with the commenter's request. If an operator finds any discrepant actuator, it must be removed and replaced or repaired prior to further flight. The FAA finds that revising the compliance time from "prior to further flight" to 30 months would increase the exposure of affected airplanes to the identified unsafe condition. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the availability of required parts and the practical aspect of accomplishing the required replacement/repair within an interval of time that parallels normal scheduled maintenance for the majority

of affected operators. The manufacturer has advised that an ample number of required replacement parts will be available for the U.S. fleet within the proposed compliance period. In addition, the FAA finds that routine drop checks do not detect latent failures caused by the damaged lock rods, pins, etc. Therefore, the FAA finds that no change to the final rule is necessary.

Request To Allow a Records Check

One commenter requests that the FAA revise paragraph (b) of the proposed AD to also allow operators to check their records to determine the actuator serial numbers. The commenter contends that it has a data information file on the part and serial numbers of the RAT deployment actuators for its fleet. The FAA concurs. The FAA finds that a records check is an acceptable alternative method of compliance for accomplishing the requirements of paragraph (b) of the final rule. Therefore, the FAA has revised paragraph (b) of the final rule 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 631 Boeing Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 389 airplanes of U.S. registry will be affected by this AD.

The required revision to the FAA-approved maintenance program will take approximately 2 work hours per operator to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this requirement on U.S. operators is estimated to be \$120 per operator.

The required inspection and replacement of the RAT deployment actuator will take approximately 4 work hours per airplane, at an average labor rate of \$60 per work hour. Required replacement parts will cost approximately \$4,832 per airplane. (If the unit is under warranty, the required parts will be provided by the actuator manufacturer at no cost to the operator. If the actuator is returned to the vendor for modification, the charge will be approximately \$22.33 per actuator.) Based on these figures, the cost impact

of this requirement on U.S. operators is estimated to be between \$240 and \$5,072 per airplane.

The cost impact figures discussed above are 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. However, the FAA has been advised that the proposed requirement to replace the RAT deployment actuator [paragraph (b)] has been accomplished previously on approximately 13 airplanes of U.S. registry. Therefore, the future cost impact of this proposed AD on U.S. operators is reduced by approximately \$65,936.

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:

99-05-10 Boeing: Amendment 39-11058. Docket 96-NM-12-AD.

Applicability: Model 757 airplanes; equipped with ram air turbine (RAT) deployment actuators having Boeing part number (P/N) S271N102-4 (Arkwin P/N 1211233-004) or Boeing P/N S271N102-5 (Arkwin P/N 1211233-005), and having a serial number of 00001 and subsequent; 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 the failure of the actuators used to deploy the RAT, accomplish the following:

(a) Within 120 days after the effective date of this AD, revise the FAA-approved maintenance program to require verification that the shipping container and shipping sleeve assembly, as specified in Arkwin Industries Service Bulletin 1211233-29-21-4, Revision 3, dated February 7, 1997, was used in shipping the actuator to a location where it is to be installed.

Note 2: Once the maintenance program has been revised to include the procedures specified in this paragraph, operators are not required to subsequently record accomplishment each time that an actuator is shipped.

(b) Within 30 months after the effective date of this AD, perform an inspection of the identification plate on the deployment actuator of the RAT to determine the actuator serial numbers in accordance with Arkwin Industries Service Bulletin 1211233-29-21-3, Revision 2, dated June 17, 1994, or Revision 3, dated February 7, 1997; or perform a records check of the same area to determine the actuator serial numbers.

(1) If the actuator bears Boeing P/N S271N102-4 (Arkwin P/N 1211233-004) or Boeing P/N S271N102-5 (Arkwin P/N 1211233-005), and has a serial number of 00001 through 00631 inclusive (with no "B" suffix): Prior to further flight, remove the RAT deployment actuator and repair or replace it, in accordance with the Arkwin Industries service bulletins previously referenced in paragraph (b) of this AD or in accordance with a method approved by the

Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note 3: Arkwin Industries Service Bulletin 1211233-29-21-3, Revision 2, dated June 17, 1994, or Revision 3, dated February 7, 1997, recommends that the actuator unit be returned to Arkwin Industries for modification, since specialized equipment is needed to perform the rework of the unit.

(2) Prior to further flight, remove the RAT deployment actuator and repair or replace it, in accordance with Arkwin Industries Service Bulletin 1211233-29-21-3, Revision 2, dated June 17, 1994, or Revision 3, dated February 7, 1997, if the actuator:

(i) Has Boeing P/N S271N102-4 (Arkwin P/N 1211233-004) or Boeing P/N S271N102-5 (Arkwin P/N 1211233-005); and

(ii) Has a serial number of 00001 through 00631 inclusive, with a suffix letter "B;" or has a serial number of 00632 or subsequent; and

(iii) Has been removed previously from an airplane and shipped in the extended position and not in accordance with Arkwin Industries Service Bulletin 1211233-29-21-4, Revision 2, dated June 17, 1994, or Revision 3, dated February 7, 1997.

Note 4: Shipping records or tags may be reviewed to determine whether the actuator was shipped in accordance with Arkwin Industries Service Bulletin 1211233-29-21-4, Revision 2 or Revision 3.

Note 5: Arkwin Industries Service Bulletin 1211233-29-21-4, Revision 2 or Revision 3, provides procedures for proper identification of the necessary reusable shipping container and shipping sleeve assembly that are to be used when transporting or shipping the RAT deployment actuator assembly. Use of this container and sleeve will prevent damage to the assembly during shipping.

(3) No further action is required by paragraph (b) of this AD, if the actuator:

(i) Has Boeing P/N S271N102-4 (Arkwin P/N 1211233-004) or Boeing P/N S271N102-5 (Arkwin P/N 1211233-005); and

(ii) Has a serial number of 00001 through 00631 inclusive, with a suffix letter "B;" or has a serial number of 00632 or subsequent; and

(iii) Has not been removed previously from an airplane, or has been removed and shipped in the extended position, in accordance with Arkwin Industries Service Bulletin 1211233-29-21-4, Revision 2, dated June 17, 1994, or Revision 3, dated February 7, 1997.

(c) As of 30 months after the effective date of this AD, no person shall install on any airplane a RAT deployment actuator assembly, having Boeing P/N S271N102-4 (Arkwin P/N 1211233-004) or Boeing P/N S271N102-5 (Arkwin P/N 1211233-005), and having serial number 00001 and subsequent; unless the conditions, as specified in both paragraphs (c)(1) and (c)(2) of this AD apply:

(1) The actuator assembly has been modified (repaired and reidentified) in accordance with Arkwin Industries Service Bulletin 1211233-29-21-3, Revision 2, dated June 17, 1994, or Revision 3, dated February 7, 1997; or the actuator is replaced with a

new actuator from Arkwin Industries, Inc.; and

(2) Prior to installation, the actuator was shipped (i.e., to the place where installation is accomplished) in accordance with Arkwin Industries Service Bulletin 1211233-29-21-4, Revision 2, dated June 17, 1994, or Revision 3, dated February 7, 1997.

(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, Seattle ACO. 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 6: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle 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.

(f) Except as provided in paragraphs (a) and (b)(1) of this AD, the actions shall be done in accordance with Arkwin Industries Service Bulletin 1211233-29-21-3, Revision 2, dated June 17, 1994, or Arkwin Industries Service Bulletin 1211233-29-21-3, Revision 3, dated February 7, 1997. Revision 2 of Arkwin Industries Service Bulletin 1211233-29-21-3 contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1-3	2	June 17, 1994.
4, 5	1	Dec. 20, 1993.
6	Original ..	July 26, 1993.

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.

(g) This amendment becomes effective on April 9, 1999.

Issued in Renton, Washington, on February 23, 1999.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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