

Request for Clarification of Existing Requirements

One commenter questions whether an aircraft could be dispatched with the thrust reversers active after failing the thrust reverser sync lock integrity test but passing subsequent testing in accordance with Boeing Service Bulletin 757-78-0025 or Airplane Maintenance Manual 78-31-00/501.

Paragraph (e) of AD 94-01-10 requires that any discrepancy found during any test required by that AD be corrected before further flight in accordance with the Boeing 757 Maintenance Manual. Therefore, any failures experienced during the integrity test must be appropriately addressed and resolved prior to dispatch of the airplane with the thrust reverser system active. No change to the final rule is necessary regarding this issue.

Request To Add Procedure

One commenter requests the addition of a step in the technical procedures that returns the airplane to its normal operational configuration after the required testing (Section 2.C. ("Put the Airplane Back to Its Usual Condition")) of the "Thrust Reverser Sync Lock Integrity Test"). This step was not included in AD 94-01-10. Specifically, the additional step involves returning a maintenance power switch (which was configured to "Alternate" before testing) to the "Normal" position after testing.

The FAA agrees with the request, for the reasons stated by the commenter. Section 2.C., set forth in paragraph (e) of this final rule, has been revised accordingly to add new step (5). The FAA has determined that this minor, axiomatic change does not expand the scope of the proposed AD.

Request To Broaden Terminating Action

One commenter requests that the proposed AD be revised to provide for terminating action for all actions of the AD. The commenter suggests limiting the applicability of paragraphs (a), (b), and (d) of the proposed AD to airplanes having line numbers prior to 442 (associated design changes were incorporated in production beginning with line number 442) and revising paragraphs (c) and (e) of the proposed AD to require operators to include the inspection requirements as part of their maintenance plan in the form of certification maintenance requirements (CMRs).

The FAA concurs with the request to revise the applicability of (a), (b), and (d). Those paragraphs have been revised accordingly.

However, as explained in the proposed AD, the FAA has approved CMRs as alternative methods of compliance (AMOCs) with the inspection requirements of paragraphs (c) and (e) of AD 94-01-10 for Model 757-300 series airplanes. In addition, the FAA has approved the inspection requirements in the Boeing Maintenance Planning Document as an AMOC for the inspections required by the AD for Model 757-200 series airplanes. The intent of CMRs is not to terminate inspection requirements in ADs but to define specific repetitive inspections or component replacements for equipment, systems, and installations as a result of safety analyses approved by the FAA before an airplane type certificate is issued. Therefore, the FAA does not concur with this request to terminate the actions of paragraphs (c) and (e) of this AD. No change to the final rule is necessary in this regard.

Changes to 14 CFR Part 39/Effect on the AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. However, for clarity and consistency in this final rule, we have retained the language of the NPRM regarding that material.

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

Since this AD merely removes airplanes from the applicability of the existing AD, it adds no additional costs, and requires no additional work to be performed by affected operators. The current costs associated with this amendment are reiterated below for the convenience of affected operators:

The FAA estimates that 270 airplanes of U.S. registry will be affected by this AD.

It takes approximately 624 work hours per airplane to accomplish the modification required by AD 94-01-10, at an average labor rate of \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to operators.

Based on these figures, the cost impact of the modification is estimated to be \$37,440 per airplane.

It takes approximately 1 work hour per airplane to accomplish the functional test required by AD 94-01-10, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the tests is estimated to be \$60 per airplane, per test.

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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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: