

AD 2003-11-18, which incorporates the RCC rear HPC on engines installed in the Boeing fleet. That action also proposed to mandate the terminating actions to incorporate the RCC rear HPC on engines installed in the Airbus fleet.

AD 2003-11-18 and the proposal noted that RCC rear HPC certification to 14 CFR part 25 was pending for engines installed in the McDonnell Douglas fleet. The AD and proposal noted that once certified, the terminating action requirements would be added for the McDonnell Douglas MD-11 fleet, by a superseding AD. Based on comments received on the proposal, and the recent 14 CFR part 25 certification for RCC rear HPC engines to be installed in McDonnell Douglas MD-11 airplanes, this AD adds the terminating action requirements for the MD-11 fleet.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. We received comments from four operators and one airframe manufacturer, who all agree with the technical aspects of the proposal, but have concerns with the procedural aspects of the proposal. Due consideration has been given to the comments received.

Typographical Error

One commenter states there is a typographical error in proposal paragraph (u)(3)(ii). In that paragraph, August 31, 2007, should read August 31, 2006.

The FAA agrees and has changed the final rule accordingly.

Request To Add Two Engine Manual References

One commenter recommends adding the engine manual references of PW4000 EM 50A605, 71-00-00, Testing-21, dated June 15, 2003, and PW4000 EM 50A822, 71-00-00, Testing-21, dated March 15, 2002, to paragraph (j)(2) of the proposal. The commenter states that this is needed to ensure that engines tested before the effective date of this superseding AD but after the effective date of AD 2003-11-18 are in compliance.

The FAA does not agree. AD 2003-11-18 already requires Testing-21 to be done in paragraph (j)(1) of the proposal, in accordance with the recommended references regardless if the testing was done before or after the effective date of AD 2003-11-18. Therefore, compliance is achieved, and no changes are made to the final rule based on this comment.

Undue Economic Burden

Three commenters state that in general, when the FAA supersedes ADs, operators must review and revise engineering and maintenance program documentation because the superseded AD carries a new AD number. In this case, the commenters state that since the changes proposed in the NPRM are essentially changes to the effectivity, and not to any of the technical requirements, the expense to operators that results from this AD being superseded would create an undue economic burden. The commenters suggest that the FAA either delay issuing this AD until the McDonnell Douglas MD-11 terminating action can be included, in order to prevent yet another supersedure, or change the superseding AD to a revision to AD 2003-11-18, or issue separate ADs to cover the Airbus fleet and the McDonnell Douglas MD-11 fleet instead of combining all fleets into a single AD as proposed.

The FAA does not agree. Almost a year ago the FAA announced that it would be adding required terminating action to the existing AD by superseding the AD as that terminating action was approved for use on engines installed in the various airplane fleets. The FAA received no comments regarding the use of that method of adding terminating action. When the FAA first superseded the AD to add required terminating action for engines installed in the Boeing fleet, no commenters objected and one commenter even stated that it expected the FAA to supersede the AD again once the terminating action was approved for use on engines installed in the Airbus and McDonnell Douglas fleets. Therefore, the FAA provided ample notice to operators of the intention to supersede the AD on multiple occasions. Including this action, the FAA has superseded a total of eight ADs while addressing the takeoff power surge condition in PW4000 engines. Therefore, the FAA does not agree that this additional supersedure will create an undue or unforeseen economic burden. The FAA does recognize, however, that by issuing an AD that supersedes a previous AD, rather than revising the previous AD, that operators may have to make additional entries in their maintenance records. This is a long-standing issue that pre-dates by many years this particular series of ADs addressing the PW4000 takeoff power surge issue. Approximately 13 years ago, in response to the desires of many operators who did not include a revision number in their maintenance documentation

programs, the FAA established criteria for when we would issue an AD as a revision, thus keeping the root AD number the same, and when we would issue a superseding AD, thereby changing the AD number. Generally, the FAA issues a superseding AD when making a change to an instruction or referenced document that affects the substance of the required actions. Even though the applicability of each of the ADs in this series remained the same, supersedures were warranted as we made substantive changes to the regulatory requirements in each subsequent AD, for example, adding mandatory terminating action. Therefore, this AD remains as a supersedure, as proposed. In an effort to keep the economic burden on operators as low as possible, however, the FAA has decided to include in this final rule the mandatory terminating action for engines installed in McDonnell Douglas MD-11 airplanes. Engines incorporating the RCC rear HPC were only recently approved for installation on McDonnell Douglas MD-11 airplanes. Since the original proposal to add mandatory terminating action contemplated that the RCC rear HPC would eventually be required for engines installed in the McDonnell Douglas MD-11 fleet, and since operators expected that the FAA would take that action, the FAA is adding that mandatory action to this final rule, in part, to avoid having to propose yet another superseding AD.

Paragraph Added To Allow Credit For RCC Incorporation

Based on the potential for operators to have already incorporated the RCC rear HPC before the effective date of this AD, a paragraph has been added to the AD to allow credit for incorporating the RCC rear HPC before the effective date of the AD.

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 described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it would 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.