OEA Aerospace, Inc., and has relocated from Colorado to California. Therefore, the ADDRESSES section and paragraph (g) of the final rule have been revised accordingly.

One commenter requests that all references in the proposal to the escape system for Model 747 series airplanes be revised to "the door opening thrusters of the two-piece off-wing escape ramp and slide system." The commenter notes that this change in nomenclature would clearly differentiate the escape system installed on Model 747 series airplanes from those installed on Model 767 series airplanes. The FAA does not concur. Since this rule is applicable only to Model 767 series airplanes, the FAA finds that the broad, generic references to the escape systems cannot and has not created confusion for the operators. Therefore, no change to the final rule is necessary.

One commenter requests that the description of the unsafe condition be edited to specify that the unsafe condition would exist during certain flight configurations or during certain failure modes. The commenter states that the description should include the fact that only one door opening snubbing actuator is necessary to open the door when the airplane is at a level altitude, and that two door opening/ snubbing actuators are necessary to open the slide compartment door on the upward facing side when the airplane is at an adverse roll. The FAA does not concur that a revision to the description is necessary. According to § 39.1 ("Airworthiness Directives") of the Federal Aviation Regulations (14 CFR 39.1), the issuance of an AD is based on the finding that an unsafe condition exists or is likely to develop in aircraft of a particular type design. While the FAA's intent is to describe as specifically as possible the addressed unsafe condition that has prompted an AD, the FAA considers that it would be virtually impossible to list every potential flight configuration or failure mode for when the unsafe condition may exist or occur. To do so would add little value, and would make for an especially long, complex, and cumbersome regulation.

Two commenters request that the proposed compliance time of 2 years to accomplish the replacement of door opening actuators with new, improved actuators be extended to 4 years. One of the commenters asserts that safety of the fleet would be ensured in the interim with the repetitive inspections (weighing program) currently required by AD 92–16–17, amendment 39–8327 (57 FR 47987, October 21, 1992), which are restated in proposed paragraph (a).

The other commenter notes that the suggested 4-year compliance time would allow operators to amortize these costs over a longer period of time, which would significantly minimize the economic impact of having to purchase and install the new actuators. Two other commenters point to a potential parts availability problem due to the large number of airplanes that will be affected by the proposed rule.

The FAA does not concur with these commenters' request. 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 manufacturer's recommendation as to an appropriate compliance time, the availability of required parts, and the practical aspect of replacing the actuators within a maximum interval of time allowable for all affected airplanes to continue to operate without compromising safety. The FAA has been advised that replacement actuators are readily available; therefore, obtaining them within the proposed compliance time should not pose a problem for any affected operator. Further, the FAA took into account the 2-year compliance time recommended by the manufacturer, as well as the number of days required for the rulemaking process; in consideration of these factors, the FAA finds that 2 years after the effective date of this final rule is consistent with the time recommended by the manufacturer. However, under the provisions of paragraph (e) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Two commenters request that the proposed requirement of paragraph (c) to replace the actuators be optional rather than mandatory. These commenters state that safety of the fleet could be ensured in the interim with the repetitive inspections required by paragraph (a) of the proposal. The FAA does not concur. Paragraph (a) merely restates the requirements of AD 92-16-17, which proved to be unreliable in accurately determining the fluid level in the actuators. Therefore, the FAA has determined that these fluid-filled actuators must be replaced with new, improved actuators that are gas-filled.

One commenter requests that proposed paragraph (d) be revised to correct a typographical error in the reference to the Boeing part number. (The OEA part number was correctly referenced in the proposal. The Boeing part number was provided only for purposes of cross-referencing the OEA

part number. It is only this cross-referenced Boeing part number that contained a typographical error.) The FAA concurs. Paragraph (d) of the final rule has been revised accordingly to correct this typographical error.

One commenter requests that the reference to airplanes in proposed paragraph (d) be revised to specify that the old oil-filled actuators may not be installed on Model 767 series airplanes equipped with off-wing emergency escape systems. The FAA does not concur. Since the rule is applicable to Boeing Model 767 series airplanes equipped with off-wing escape slides, the reference to airplanes clearly refers to Boeing Model 767 series airplanes equipped with off-wing escape slides. Repeating the applicability statement for this paragraph of the final rule would only be redundant and would not add to the clarity of the rule. Conversely, repeating the applicability for this paragraph may introduce confusion by leading the reader to deduce that the remaining paragraphs are applicable to other models or configurations.

Two commenters request that the cost of the proposed replacement action be partially borne by Boeing and partially by OEA. These commenters point to the faulty design of the OEA actuators that caused the initial problem (oil leakage from the actuators). Therefore, these commenters contend that OEA should assume partial financial responsibility for its faulty design, and that Boeing should assume partial financial responsibility for this problem since it chose to use these actuators on its airplanes.

The FAA cannot concur with this request. According to § 39.1 of the Federal Aviation Regulations (14 CFR 39.1), the issuance of an AD is based on the finding that an unsafe condition exists or is likely to develop in aircraft of a particular type design. The FAA has the authority to issue an AD when it is found that an unsafe condition is likely to exist or develop on other products of the same type design. In accordance with § 39.3 (14 CFR 39.3), operators whose products are subject to an AD must operate those products in accordance with the requirements of that AD. While the subject of this AD relates to a problem with the escape slides, this AD eliminates the unsafe condition by requiring replacement of the door opening actuators with new, improved actuators. The AD is the appropriate vehicle for mandating such actions. The FAA's authority in part 39 does not extend to whether or how those costs are negotiated. However, operators may negotiate the costs