

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 97-NM-327-AD." The postcard will be date stamped and returned to the commenter.

### 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:

**98-07-23 Airbus Industrie:** Amendment 39-10445. Docket 97-NM-327-AD.

**Applicability:** Model A340-211, -212, -213, -311, -312, and -313 series airplanes;

on which Airbus Modification 45504 (reference Airbus Service Bulletin A340-73-4012, revision 1, dated August 25, 1997) has not been accomplished; 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 (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 significant thrust loss during initial climb, which could result in an increased risk of collision with obstacles in the initial climb path of the airplane, accomplish the following:

(a) Within 5 days after the effective date of this AD, revise the Normal Procedures Section of the FAA-approved Airplane Flight Manual (AFM) to include the information specified in Airbus A340 AFM Temporary Revision 4.03.00/14, dated October 18, 1996, to provide the flightcrew with procedures to prevent thrust loss during initial climb, as specified in the temporary revision; and operate the airplane in accordance with those limitations and procedures.

**Note 2:** This may be accomplished by inserting a copy of Temporary Revision 4.03.00/14 into the AFM. When this temporary revision has been incorporated into general revisions of the AFM, the general revisions may be inserted into the AFM, provided the information contained in the general revision is identical to that specified in Temporary Revision 4.03.00/14.

(b) Within 6 months after the effective date of this AD, replace the existing electronic control unit (ECU) on each engine with a new ECU, or modify the existing ECU on each engine; in accordance with Airbus Service Bulletin A340-73-4012, Revision 1, dated August 25, 1997. After the replacement or modification has been accomplished, Airbus A340 AFM Temporary Revision 4.03.00/14, dated October 18, 1996, may be removed from the AFM.

(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, International Branch, ANM-116, 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, International Branch, ANM-116.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(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 AFM revision shall be done in accordance with Airbus A340 Airplane Flight Manual Temporary Revision 4.03.00/14, dated October 18, 1996. The replacement or modification shall be done in accordance with Airbus Service Bulletin A340-73-4012, Revision 1, dated August 25, 1997. 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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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.

**Note 4:** The subject of this AD is addressed in French airworthiness directive 97-166-065(B), dated July 30, 1997.

(f) This amendment becomes effective on April 17, 1998.

Issued in Renton, Washington, on March 26, 1998.

**Darrell M. Pederson,**

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

[FR Doc. 98-8542 Filed 4-1-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-NM-338-AD; Amendment 39-10446; AD 98-07-24]

RIN 2120-AA64

### Airworthiness Directives; Airbus Model A340 Series Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A340 series airplanes. This action requires a rototest inspection for fatigue cracking of the vertical support beam at the upper first fastener row of the actuator attachment fitting of the center landing gear (CLG), and follow-on actions. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent fatigue cracking in the vertical support beam that supports

the CLG actuator attachment fitting, which could result in reduced structural integrity of the airplane.

**DATES:** Effective April 17, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 17, 1998.

Comments for inclusion in the Rules Docket must be received on or before May 4, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 97-NM-338-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

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 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.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A340 series airplanes. The DGAC advises that, during full-scale fatigue tests on a test article, cracks were found at 22,849 flight cycles at frame 53.2, zones 147 and 148, on the vertical support beam that supports the actuator attachment fitting of the center landing gear (CLG). Such fatigue cracking, if not detected and corrected in a timely manner, could result in reduced structural integrity of the airplane.

#### **Explanation of Relevant Service Information**

Airbus has issued Service Bulletin A340-53-4043, Revision 02, dated July 18, 1997, which describes procedures for a rototest inspection (i.e., eddy-current rotating probe) to detect cracking of the vertical support beam at the upper first fastener row of the actuator attachment fitting of the CLG (zones 147 and 148).

In addition, Airbus has issued Service Bulletin A340-53-4030, Revision 1, dated February 22, 1996, which

describes procedures for replacement of the CLG actuator attachment fitting with new parts at frame 53.2, zones 147 and 148, and reinforcement of the vertical support beam by adding one stiffening fitting on each side. Accomplishment of the actions specified in Airbus Service Bulletin A340-53-4030, Revision 1, is intended to adequately address the identified unsafe condition.

The DGAC classified Airbus Service Bulletin A340-53-4043 as mandatory and issued French airworthiness directive 96-105-043(B)R1, dated July 30, 1997, in order to assure the continued airworthiness of these airplanes in France.

#### **FAA's Conclusions**

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### **Explanation of Requirements of the Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD requires accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

#### **Differences Between Rule and Service Bulletins**

Operators should note that, although Airbus Service Bulletin A340-53-4043 specifies that the manufacturer may be contacted for disposition of certain repair conditions, this AD requires the repair of those conditions to be accomplished in accordance with a method approved by the FAA.

In addition, operators should note that, for certain airplanes, this AD mandates the modification described in Airbus Service Bulletin A340-53-4030 as terminating action for the repetitive inspections described in Airbus Service Bulletin A340-53-4043. [Incorporation of the terminating actions specified in Airbus Service Bulletin A340-53-4030 is optional in French airworthiness directive 96-105-043(B)R1, dated July 30, 1997.]

The FAA has determined that long-term continued operational safety will be better assured by design changes to remove the source of the problem, rather than by repetitive inspections. Long-term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous continual inspections, has led the FAA to consider placing less emphasis on inspections and more emphasis on design improvements. The replacement and reinforcement requirements of this AD are in consonance with these conditions.

#### **Cost Impact**

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 2 work hours to accomplish the inspection specified in this AD, at an average labor rate of \$60 per work hour. Based on this figure, the cost impact of the inspection required by this AD would be \$120 per airplane, per inspection cycle.

It would require approximately 11 work hours to accomplish the modifications specified in this AD, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$2,912 per airplane. Based on these figures, the cost impact of the modifications required by this AD would be \$3,572 per airplane.

#### **Determination of Rule's Effective Date**

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

#### **Comments Invited**

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to

comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 97-NM-338-AD." The postcard will be date stamped and returned to the commenter.

### 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:

**98-07-24 Airbus Industrie:** Amendment 39-10446. Docket 97-NM-338-AD.

**Applicability:** Model A340 series airplanes on which Airbus Modification 42606 has not been accomplished, 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 (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 fatigue cracking in the vertical support beam that supports the actuator attachment fitting of the center landing gear (CLG), which could result in reduced structural integrity of the airplane, accomplish the following:

(a) Prior to the accumulation of 6,400 total flight cycles, or within 30 days after the effective date of this AD, whichever occurs later, perform a rototest inspection for fatigue cracking of the vertical support beam at the upper first fastener row of the CLG actuator attachment fitting (zones 147 and 148), in accordance with Airbus Service Bulletin A340-53-4043, Revision 02, dated July 18, 1997.

(b) If the inspection accomplished in paragraph (a) of this AD reveals no cracking,

accomplish either paragraph (b)(1) or (b)(2) of this AD:

(1) Prior to further flight, replace the CLG actuator attachment fitting with new parts, and reinforce the vertical support beam by adding one stiffening fitting on each side, in accordance with Airbus Service Bulletin A340-53-4030, Revision 1, dated February 22, 1996. Accomplishment of the replacement and reinforcement constitutes terminating action for the requirements of this AD. Or

(2) Prior to the accumulation of 11,100 total flight cycles, or within 30 days after the effective date of this AD, whichever occurs later: Repeat the rototest inspection of the vertical support beam at the upper first fastener row of the CLG actuator attachment fitting (zones 147 and 148), in accordance with Airbus Service Bulletin A340-53-4043, Revision 02, dated July 18, 1997.

(i) If the inspection accomplished in paragraph (b)(2) of this AD reveals no cracking: Prior to further flight, replace the CLG actuator attachment fitting with new parts, and reinforce the vertical support beam by adding one stiffening fitting on each side, in accordance with Airbus Service Bulletin A340-53-4030, Revision 1, dated February 22, 1996. Accomplishment of the replacement and reinforcement constitute terminating action for the requirements of this AD.

(ii) If the inspection accomplished in paragraph (b)(2) of this AD reveals any cracking: Prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate.

(c) If the inspection accomplished in paragraph (a) of this AD reveals any cracking: Prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM-116.

(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, International Branch, ANM-116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(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) The inspections and modifications required by this AD shall be done in accordance with the following Airbus service bulletins, which contain the specified list of effective pages:

Service bulletin referenced and date	Page number	Revision level shown on page	Date shown on page
A340-53-4043, Revision 02, July 18, 1997 .....	1-15 .....	02 .....	July 18, 1997.
A340-53-4030, Revision 1, February 22, 1996 .....	1, 2, 8-9, 17 .....	1 .....	February 22, 1996.
	3-7, 10-16 .....	Original .....	March 13, 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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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.

**Note 3:** The subject of this AD is addressed in French airworthiness directive 96-105-043(B)R1, dated July 30, 1997.

(g) This amendment becomes effective on April 17, 1998.

Issued in Renton, Washington, on March 26, 1998.

**Darrell M. Pederson,**

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

[FR Doc. 98-8543 Filed 4-1-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-48-AD; Amendment 39-10447; AD 98-07-25]

RIN 2120-AA64

#### Airworthiness Directives; Aerospatiale Model ATR42-500 Series Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Aerospatiale Model ATR42-500 series airplanes. This action requires a one-time inspection to measure the gap between the lower fairing of the rudder horn and the vertical stabilizer, and corrective action, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent interference between the rudder horn and the vertical stabilizer, which could cause the rudder to jam, and consequent reduced controllability of the airplane.

**DATES:** Effective April 17, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 17, 1998.

Comments for inclusion in the Rules Docket must be received on or before May 4, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-48-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined 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.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Aerospatiale Model ATR42-500 series airplanes. The DGAC advises that interference between the lower fairing of the rudder horn and the vertical stabilizer has been found on an in-service airplane. Because this condition has been traced to quality control problems that occurred during manufacture, similar interference may exist on other airplanes of this type. Such interference, if not detected and corrected, could cause the rudder to jam, which could result in reduced controllability of the airplane.

#### Explanation of Relevant Service Information

Aerospatiale has issued Service Bulletin ATR42-55-0007, dated November 13, 1997, which describes procedures for performing a one-time visual inspection to measure whether the gap between the lower fairing of the

rudder horn and the vertical stabilizer is within certain specified limits.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 97-328-072(B)R1, dated November 19, 1997, in order to assure the continued airworthiness of these airplanes in France.

#### FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent interference between the rudder horn and the vertical stabilizer, which could cause the rudder to jam, consequent reduced controllability of the airplane. This AD requires accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

#### Differences Between the AD and Service Bulletin

Operators should note that, although the service bulletin specifies that the manufacturer may be contacted for disposition of inspection results that are outside certain specified limits, this AD requires the repair of such conditions to be accomplished in accordance with a method approved by the FAA.

In addition, unlike the procedure described in the service bulletin, this AD would not permit further flight on