

terminates the repetitive inspection requirements for the area repaired.

(b) If any crack is found during any inspection required by paragraph (a) of this AD, and the service bulletin specifies to contact Airbus for appropriate action: Prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate.

(c) Accomplishment of Airbus Modification 21905 in accordance with Airbus Service Bulletin A320-53-1056, Revision 02, dated February 16, 1998, prior to the accumulation of 20,000 total flight

cycles constitutes terminating action for the repetitive inspection requirements specified in paragraph (a)(1)(i) and (a)(1)(ii) of this AD.

(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) Except as provided by paragraph (b) of this AD, the inspections and repairs shall be done in accordance with Airbus Service Bulletin A320-53-1057, Revision 2, dated July 5, 1996, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 3-4 .....	2 .....	July 5, 1996.
2, 8 .....	1 .....	June 28, 1995.
5-7, 9-17 .....	Original .....	December 9, 1994.

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 97-312-106(B), dated October 22, 1997.

(g) This amendment becomes effective on February 12, 1999.

Issued in Renton, Washington, on December 30, 1998.

**Darrell M. Pederson,**

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

[FR Doc. 99-181 Filed 1-7-99; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-08-AD; Amendment 39-10985; AD 99-01-17]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A320 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A320 series airplanes, that requires repetitive inspections to detect fatigue cracking in certain areas of the fuselage;

and corrective action, if necessary. This amendment also provides for an optional terminating action for the repetitive inspections. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct fatigue cracking of the fuselage, which could result in reduced structural integrity of the airplane.

**DATES:** Effective February 12, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 12, 1999.

**ADDRESSES:** 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 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:

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:

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 all Airbus Model A320 series airplanes was published in the **Federal Register** on April 14, 1998 (63 FR 18164). That action proposed to

require repetitive inspections to detect fatigue cracking in certain areas of the fuselage; and corrective action, if necessary. That action also proposed to provide for an optional terminating action for the repetitive inspections.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

#### Requests To Issue Separate Rulemaking Actions

Two commenters support the intent of the proposed AD, but request that the FAA issue separate rulemaking actions for each inspection service bulletin referenced in the proposed AD and its associated modification service bulletin. One commenter states that it is concerned with the combination of three unrelated service bulletins being mandated by a single rulemaking action. The commenter states that, as the proposed AD is currently written, operators could erroneously determine the applicability and compliance times of the proposed AD. The commenter points out that the effectivity listing, repetitive inspection intervals, and affected areas are different in each of these service bulletins.

The FAA concurs with the commenters' request to issue separate rulemaking actions. The FAA has determined to separate the required actions as follows:

1. Rules Docket 98-NM-08-AD will address the actions associated with Airbus Service Bulletin A320-53-1034 and Airbus Service Bulletin A320-53-1033.

2. Rules Docket 98-NM-356-AD will address the actions associated with Airbus Service Bulletin A320-53-1057

and Airbus Service Bulletin A320-53-1056.

3. Rules Docket 98-NM-357-AD will address the actions associated with Airbus Service Bulletin A320-53-1032 and Airbus Service Bulletin A320-53-1031.

Because the public has already been given notice of the subject merits in Rules Docket No. 98-NM-08-AD, the FAA has determined that there is no need to issue notices of proposed rulemaking (NPRM) for Rules Docket No.'s 98-NM-356-AD and 98-NM-357-AD. These two new rulemaking actions will be issued as final rules.

#### **Request To Cite the Manufacturer's Serial Numbers in the Applicability Statement**

One commenter suggests that the FAA revise the applicability statement of the proposed AD to include the manufacturer's serial numbers (MSN) of the affected airplanes. Without the MSN's listed in the applicability, the commenter contends that operators, leasing groups, or other non-technical groups have difficulty evaluating any pending or applicable rulings against a specific aircraft serial number. The commenter states that such a revision would clearly identify the affected airplanes and would avoid any questions regarding the applicability of the rule.

The FAA concurs partially with the commenter's request to include the MSN's. The FAA finds that listing the MSN's in the applicability statement of AD's may not be appropriate in all cases. In certain cases where a terminating modification is available, the applicability of an AD may be more accurately determined if operators check their maintenance records to verify if that particular modification has been accomplished. Such a check will better ensure that all airplanes subject to the identified unsafe condition of an AD have been correctly identified by operators. However, as discussed previously, the FAA has decided to issue three separate rulemaking actions. As a result, the FAA has revised the applicability statement of each of these final rules to accurately reflect what is specified in the appropriate French airworthiness directive, which in one case (Rules Docket No. 98-NM-356-AD) necessitates listing MSN's.

#### **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 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.

#### **Cost Impact**

The FAA estimates that 24 airplanes of U.S. registry will be affected by this AD.

It will take approximately 6 work hours per airplane to accomplish the required ultrasonic inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the ultrasonic inspection required by this AD on U.S. operators is estimated to be \$8,640, or \$360 per airplane, per inspection cycle.

The cost impact figure discussed above is 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.

Should an operator elect to accomplish the optional terminating action specified in Airbus Service Bulletin A320-53-1033 that is provided by this AD action, it would take approximately 5 work hours to accomplish it, at an average labor rate of \$60 per work hour. The cost of required parts would be approximately \$72 per airplane. Based on these figures, the cost impact of that optional terminating action would be \$372 per airplane.

#### **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:

**99-01-17 Airbus Industrie:** Amendment 39-10985. Docket 98-NM-08-AD.

*Applicability:* Model A320 series airplanes on which Airbus Modification 21202 (reference Airbus Service Bulletin A320-53-1033, Revision 3, dated July 4, 1994) 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 detect and correct fatigue cracking of the fuselage, which could result in reduced structural integrity of the airplane, accomplish the following:

(a) Prior to the accumulation of 30,000 total flight cycles, or within 6 months after the effective date of this AD, whichever occurs later, perform an ultrasonic inspection to detect cracking in the bottom panels of the keel beam (both left and right), in the area of the frame 46 and stringer 37 intersection at the pressure bulkhead, in accordance with Airbus Service Bulletin A320-53-1034, dated March 30, 1992. Thereafter, repeat the ultrasonic inspection at intervals not to exceed 6,000 flight cycles. If any crack is found, prior to further flight, repair in accordance with the service bulletin, except as provided by paragraph (b) of this AD.

(b) If any crack is found during any inspection required by paragraph (a) of this AD, and the service bulletin specifies to

contact Airbus for appropriate action: Prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate.

(c) Accomplishment of Airbus Modification 21202 in accordance with Airbus Service Bulletin A320-53-1033, Revision 3, dated July 4, 1994, constitutes terminating action for the repetitive inspection requirement of paragraph (a) of this AD.

(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) Except as provided by paragraph (b) of this AD, the inspections and repairs shall be done in accordance with Airbus Service Bulletin A320-53-1034, dated March 30, 1992. 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 97-314-108(B), dated October 22, 1997.

(g) This amendment becomes effective on February 12, 1999.

Issued in Renton, Washington, on December 30, 1998.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 99-179 Filed 1-7-99; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### 15 CFR Parts 744 and 772

[Docket No. 981013256-8256-01]

RIN 0694-AB63

#### Revisions to the Export Administration Regulations; Exports and Reexports to Specially Designated Terrorists and Foreign Terrorist Organizations

**AGENCY:** Bureau of Export Administration, Commerce.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule amends the end-user and end-use control policy of the Export Administration Regulations (EAR) to impose new foreign policy controls on exports and certain reexports to persons identified as Specially Designated Terrorists or Foreign Terrorist Organizations and listed in the Appendices to 31 CFR Chapter V published by the Department of the Treasury, Office of Foreign Assets Control (OFAC). (The term "person" includes individuals as well as entities or other organizations.)

Specifically, this rule creates a new § 744.10 and § 744.11 that set forth the license requirements for exports and certain reexports of items subject to the EAR to these persons. To avoid duplication, the Bureau of Export Administration (BXA) will not require a separate license when the Office of Foreign Assets Control has authorized an export or reexport to a Specially Designated Terrorist.

**DATES:** *Effective Date:* This rule is effective January 8, 1999. *Comment Date:* Comments on this rule must be received on or before February 8, 1999.

**ADDRESSES:** Written comments (six copies) should be sent to Denis Kerner, Office of Export Enforcement, Bureau of Export Administration, Room 4616, 14th Street and Constitution Ave., N.W., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Joan Roberts, Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, Department of Commerce, Telephone: (202) 482-0171.

#### SUPPLEMENTARY INFORMATION:

##### Background

This rule amends part 744 of the EAR by imposing new foreign policy controls on exports and certain reexports of items subject to the EAR to persons identified as Specially Designated Terrorists or Foreign Terrorist Organizations. Numerous persons have been determined pursuant to Executive

Order 12947 of January 23, 1995 (3 CFR, 1995 Comp., p. 319, as amended by Executive Order 13099 of August 20, 1998 (63 FR 45167, August 25, 1998)) to be disrupting the Middle East Peace Process. These persons have been identified as Specially Designated Terrorists, are subject to OFAC's Terrorism Sanctions Regulations (31 CFR part 595) and are listed in Appendices to 31 CFR Chapter V followed by the bracketed suffix initials [SDT].

In addition, certain organizations have been designated by the Secretary of State as Foreign Terrorist Organizations pursuant to 8 U.S.C. 1189 and are listed in Appendices to 31 CFR Chapter V followed by the bracketed suffix initials [FTO] and identified by State and Treasury Department notices. Funds of these organizations are subject to blocking pursuant to OFAC's Foreign Terrorist Organizations Sanctions Regulations (31 CFR part 597). Criminal sanctions may also be imposed against any person subject to the jurisdiction of the United States who provides material support or resources to an FTO pursuant to 18 U.S.C. 2339. BXA is revising the EAR to further U.S. counterterrorism objectives. This rule revises part 744 of the Export Administration Regulations (EAR) by describing the license requirements for exports and certain reexports to SDTs and FTOs of items subject to the EAR.

(a) For SDTs, a license is required for:

- (1) All exports and reexports by a U.S. person of any item subject to the EAR; and
- (2) All exports and reexports by any person of any item subject to the EAR on the Commerce Control List (CCL).

To avoid duplication, exporters are not required to seek separate authorizations from BXA and from OFAC for an export or reexport subject both to the EAR and to OFAC's Terrorism Sanctions Regulations. OFAC regulations apply to transactions by U.S. persons with SDTs. Therefore, if OFAC authorizes a transaction involving an export or reexport by a U.S. person to a designated SDT, no separate authorization from BXA is necessary. An authorization issued by OFAC constitutes authorization under the EAR. Transactions not covered under OFAC regulations (e.g., reexports by non-U.S. persons to SDTs of items subject to the EAR on the CCL) will require a license from BXA under this rule.

(b) For FTOs, a license is required for:

- (1) All exports and reexports by a U.S. person of any item subject to the EAR; and
- (2) All exports and reexports by any person of any item subject to the EAR on the CCL.