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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 92-NM-225-AD; Amendment 39-9882; AD 97-01-11]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A300 Series Airplanes

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects information in an existing airworthiness directive (AD) that is applicable to certain Airbus Model A320 series. The AD requires detailed visual inspections to detect cracking of a certain fuselage frame, and repair, if necessary; and provides for an optional terminating action for the repetitive inspections. The AD was prompted by reports of a fatigue crack found initiating at hole "T" of frame 47 on two of these airplanes. The actions specified by the AD are intended to detect and correct such fatigue cracking, which could result in reduced structural integrity of the airplane. This action corrects the applicability of the currently existing AD to cite an airplane model that was inadvertently omitted.

**DATES:** Effective February 10, 1997.

The incorporation by reference of certain publications listed in the regulations was previously approved by the Director of the Federal Register as of November 4, 1996 (61 FR 50988, September 30, 1996).

**FOR FURTHER INFORMATION CONTACT:** Charles D. Huber, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2589; fax (206) 227-1149.

**SUPPLEMENTARY INFORMATION:** On September 19, 1996, the FAA issued AD 96-20-02, amendment 39-9768 (61 FR 50988, September 30, 1996) that is applicable to certain Airbus Model A300 series airplanes. That AD requires repetitive detailed visual inspections to detect cracking of fuselage frame 47, and repair, if necessary. It also provides for an optional terminating action for the repetitive inspections.

That action was prompted by reports of a fatigue crack found initiating at hole "T" of frame 47 on two of these airplanes. The actions specified by that AD are intended to detect and correct such fatigue cracking, which could result in reduced structural integrity of the airplane.

#### Actions Since Issuance of AD 96-20-02

Recently, the FAA has become aware of an incongruity between the stated applicability for AD 96-20-02 and certain of the requirements of that AD. Specifically, the applicability statement for AD 96-20-02 was published as follows:

"Applicability: Model A300 B2-1C, B2K-3C, B2-203, B4-2C, and B4-103, series airplanes, on which Modification 2626 has not been installed; certificated in any category."

Paragraph (a)(3) of that AD, however, states:

"(3) For Model A300 B4-203 series airplanes: Perform the inspection prior to the accumulation of 14,100 total landings, or within 50 landings after the effective date of this AD, whichever occurs later."

Because Model A300 B4-203 series airplanes were not cited in the applicability statement of AD 96-20-02, the only U.S. operator of those models was unsure whether it was required to perform the actions stated in paragraph (a)(3) of the AD. That operator contacted the FAA to resolve this issue.

The FAA acknowledges the discrepancy between the applicability of AD 96-20-02 and the applicability of paragraph (a)(3) of that AD. A typographical error on FAA's part resulted in the Model A300 B4-203 being omitted inadvertently from the applicability statement of that AD. In all other respects, the AD is correct as published.

#### FAA's Determination

Although the single U.S. operator of Model A300 B4-203 series airplanes has

advised the FAA that it will comply with AD 96-20-02 within the compliance time that is stated in that AD, the FAA has determined that it is appropriate to take action to correct AD 96-20-02 to include the Model A300 B4-203 in the applicability statement. Since those airplanes are subject to the unsafe condition addressed by that AD, correction of the applicability of the AD is necessary to ensure that any airplane that is imported and placed on the U.S. Register in the future will be inspected as required.

#### Corrections Made to the Current AD

This action revises the applicability of AD 96-20-02 by correcting the applicability statement to include Model A300 B4-203 series airplanes.

In making this correction, the formatting of the text of the AD has been revised somewhat: Paragraph (a)(3) that appeared in AD 96-20-02 has been designated as new paragraph (b); it pertains only to the initial inspection action required of Model A300 B4-203 series airplanes. Accordingly, all other paragraphs of the AD have been redesignated to account for the new paragraph (b).

Since this action only clarifies the applicability of an existing rule, it has no additional economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary.

#### Cost Impact

The economic analysis that was iterated in the preamble to AD 96-20-02 correctly included affected Model A300 B4-203 series airplanes in its figures. This correction of the previously-issued AD poses no new, additional economic burden on any operator.

However, for the convenience of all affected operators, the cost impact information is repeated below:

The FAA estimates that 20 airplanes of U.S. registry will be affected by this AD. (Of this number, 2 are Model A300 B4-203 series airplanes.) It will take approximately 10 work hours per airplane to accomplish the required actions, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$12,000, or \$600 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 Correction

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 removing amendment 39-9768 (61 FR 50988, September 30, 1996), and by adding a new airworthiness directive (AD), amendment 39-9882, to read as follows:

97-01-11 Airbus Industrie: Amendment 39-9882. Docket 92-NM-225-AD. Supersedes AD 96-20-02, amendment 39-9768.

*Applicability:* Model A300 B2-1C, B2K-3C, B2-203, B4-2C, B4-103, and B4-203 series airplanes, on which Modification 2626 has not been installed; certificated in any category.

*Compliance:* Required as indicated, unless accomplished previously.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been 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 (f) 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, which could result in reduced structural integrity of the airplane, accomplish the following:

(a) For Model A300 B2-1C, B2K-3C, B2-203, B4-2C, and B4-103 series airplanes: Perform a detailed visual inspection to detect cracking of the fuselage, frame 47 at hole "I", in accordance with Airbus All Operator Telex (AOT) 53-02, dated November 2, 1992, at the times specified in paragraphs (a)(1) or (a)(2), as applicable.

(1) For Model A300 B2-1C, B2K-3C, and B2-203 series airplanes: Perform the inspection prior to the accumulation of 15,000 total landings, or within 50 landings after November 4, 1996 (the effective date of AD 96-20-02, amendment 39-9768), whichever occurs later.

(2) For Model A300 B4-2C and B4-103 series airplanes: Perform the inspection prior to the accumulation of 18,700 total landings, or within 50 landings after November 4, 1996, whichever occurs later.

(b) For Model A300 B4-203 series airplanes: Prior to the accumulation of 14,100 total landings, or within 50 landings after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracking of the fuselage, frame 47 at hole "I", in accordance with Airbus All Operator Telex (AOT) 53-02, dated November 2, 1992.

(c) If no crack is detected during the inspection required by paragraph (a) or (b) of this AD, repeat the detailed visual inspection at intervals not to exceed 200 landings.

(d) If a crack is detected during any inspection required by paragraph (a), (b), or (c) of this AD, prior to further flight, repair in accordance with either paragraph (d)(1), (d)(2), or (d)(3) of this AD:

(1) Repair in accordance with a method approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate; or

(2) Repair in accordance with crack repair procedures specified in Airbus A300 Service Bulletin 53-265, Revision 2, dated March 10, 1992; or

(3) Repair in accordance with crack repair procedures specified in Airbus Service Bulletin A300-53-299, dated December 14, 1993.

(e) Conducting a repetitive Rototest inspection of hole "I" in accordance with Airbus A300 Service Bulletin 53-265, Revision 2, dated March 10, 1992, or Airbus

Service Bulletin A300-53-299, dated December 14, 1993, constitutes terminating action for the detailed visual inspections required by this AD. If any crack is found during a Rototest inspection, prior to further flight, repair it in accordance with that service bulletin.

(f) 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, Standardization Branch, ANM-113, 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, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(g) 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.

(h) The visual inspection shall be done in accordance with Airbus All Operator Telex (AOT) 53-02, dated November 2, 1992. This incorporation by reference was approved previously by the Director of the Federal Register, in accordance with 5 U.S.C.

552(a) and 1 CFR part 51, as of November 4, 1996 (61 FR 50988, September 30, 1996). 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.

(i) This amendment becomes effective on February 10, 1997.

Issued in Renton, Washington, on January 3, 1997.

S.R. Miller,

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

[FR Doc. 97-536 Filed 1-9-97; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 200

[Release No. 34-38111]

### Delegation of Authority to Director of Division of Market Regulation

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is amending its rules to delegate authority to the Director of the Division of Market Regulation to provide exemptive relief