

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:

97-02-19 Boeing: Amendment 39-9904.  
Docket 96-NM-125-AD.

**Applicability:** Model 757 series airplanes, having line positions 001 through 716, inclusive; and Model 767 series airplanes having line positions 001 through 556 inclusive, 558 through 587 inclusive, and 589 through 615 inclusive; 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 (b) 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 runaway of the autothrottle during flight or ground operations, which could distract the crew from normal operation of the airplane or lead to an unintended speed or altitude change, accomplish the following:

(a) Within 18 months after the effective date of this AD, replace the thrust management computer (TMC) with a new TMC in accordance with Boeing Alert Service Bulletin 757-22A0052, dated May 30, 1996 (for Model 757 series airplanes); or Boeing Alert Service Bulletin 767-22A0097, dated May 30, 1996 (for Model 767 series airplanes); as applicable.

(b) 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, Seattle Aircraft Certification Office (ACO), 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, Seattle ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) 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.

(d) The replacement shall be done in accordance with Boeing Alert Service Bulletin 757-22A0052, dated May 30, 1996 (for Model 757 series airplanes); or Boeing Alert Service Bulletin 767-22A0097, dated

May 30, 1996 (for Model 767 series airplanes); as applicable. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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.

(e) This amendment becomes effective on March 4, 1997.

Issued in Renton, Washington, on January 16, 1997.

S.R. Miller,

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

[FR Doc. 97-1617 Filed 1-27-97; 8:45 am]

BILLING CODE 4910-13-U

### 14 CFR Part 39

[Docket No. 96-NM-33-AD; Amendment 39-9905; AD 97-02-20]

RIN 2120-AA64

### Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Airbus Model A300, A310, and A300-600 series airplanes, that requires a one-time inspection of the autopilot actuators on the pitch and yaw controls to ensure correct rigging, and re-rigging, if necessary. This amendment is prompted by a report of sudden pitch up of an airplane during cruise following disengagement of the autopilot; this condition was the result of incorrect rigging of the autopilot pitch actuator. The actions specified by this AD are intended to prevent incorrect rigging of the autopilot actuators on the pitch and yaw controls, which could result in reduced controllability of the airplane.

**DATES:** Effective March 4, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 4, 1997.

**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:** Charles 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:** 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 A300, A310, and A300-600 series airplanes was published in the Federal Register on July 30, 1996 (61 FR 39603). That action proposed to require a one-time inspection of the rigging of the autopilot actuators on the pitch and yaw controls to ensure correct rigging, and, if necessary, re-rigging using a new, longer rigging pin.

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

### Support for the Proposal

One commenter supports the proposed rule.

### Request To Withdraw the Proposal

One commenter, representing several affected U.S. operators, requests that the proposal be withdrawn. This commenter states that all U.S. operators have already accomplished the proposed rigging inspection on their fleets some time ago, and have revised their manuals to reflect the change in rigging pin part number. In light of their having completed all of the proposed actions, the commenter considers an AD to be unnecessary since the unsafe condition has been satisfactorily addressed. Issuance of the AD at this time will require these operators to revise their paperwork, which may be a burdensome task.

Additionally, this commenter states that Presidential Executive Order 12866 requests the various regulatory agencies to identify and assess available alternatives to direct regulation. Therefore, the commenter recommends that airworthiness concerns, such as the one addressed by the proposal, be handled by a less costly method other than rulemaking.

The FAA does not concur with the commenter's request to withdraw the proposed AD. The FAA has no evidence, as suggested by the

commenter, that all U.S. operators have already complied with the required actions. Until an AD is issued, there is no legal basis for requiring U.S. operators to comply with those actions. The AD is the only vehicle available for ensuring, by law, that all affected operators perform the necessary actions that will address the identified unsafe condition. It also will ensure that those actions are accomplished on any airplane that is imported and placed on the U.S. Register in the future. In light of this, the FAA has determined that this AD is both appropriate and warranted.

Further, the FAA is not convinced that issuance of the AD will add a significant economic or administrative burden on operators who have already accomplished the required actions, as the commenter suggests. First, the FAA points out that there are currently only 86 U.S.-registered airplanes that are affected by this AD. Second, the compliance provision of the AD clearly states that compliance is "required as indicated, unless accomplished previously." Therefore, operators who have already accomplished the required actions need merely make a single entry in their maintenance logs to indicate compliance with the AD. The FAA considers that such a procedure could not possibly pose a serious burden on any operator.

#### 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 as proposed.

#### Cost Impact

The FAA estimates that 86 Airbus Model A300, A310, and A300-600 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$5,160, or \$60 per airplane.

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.

#### 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:

97-02-20 Airbus: Amendment 39-9905.

Docket 96-NM-33-AD.

*Applicability:* All Model A300, A310, and A300-600 series airplanes, certificated in any category.

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 (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 uncommanded pitch up or down, or yaw upset of the airplane due to incorrect rigging of the autopilot actuators on the yaw and pitch controls, accomplish the following:

(a) Within 500 flight hours after the effective date of this AD, inspect the rigging of the autopilot actuators on both the pitch and the yaw controls to ensure that the rigging is correct, in accordance with Airbus All Operators Telex (AOT) 27-20, dated December 19, 1994. If the rigging is not correct, prior to further flight, re-rig in accordance with the AOT.

(b) As of the effective date of this AD, no person shall rig the autopilot actuator on the pitch or yaw control on any airplane using a rigging pin having part number (P/N) OU131388.

(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, 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.

(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 actions shall be done in accordance with Airbus All Operators Telex (AOT) 27-20, dated December 19, 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.

(f) This amendment becomes effective on March 4, 1997.

Issued in Renton, Washington, on January 16, 1997.

S. R. Miller,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 97-1618 Filed 1-27-97; 8:45 am]

**BILLING CODE 4910-13-U**