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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98–NM–229–AD; Amendment 39–10678; AD 98–15–51]

RIN 2120–AA64

#### Airworthiness Directives; Airbus Model A319, A320, A321, A300, A310, A300–600, A330, and A340 Series Airplanes

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

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

**SUMMARY:** This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) T98–15–51 that was sent previously to all known U.S. owners and operators of all Airbus Model A319, A320, A321, A300, A310, A300–600, A330, and A340 series airplanes by individual telegrams. This AD requires an initial and repetitive in-flight operational checks of the alternate braking system, and replacement of the braking dual distribution valve (BDDV) with a serviceable part, if necessary. This action is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the alternate braking system, which could result in the airplane overrunning the end of the runway during landing.

**DATES:** Effective August 5, 1998, to all persons except those persons to whom it was made immediately effective by telegraphic AD T98–15–51, issued July 14, 1998, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director

of the Federal Register as of August 5, 1998.

Comments for inclusion in the Rules Docket must be received on or before August 31, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–229–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The applicable service information may be obtained from Airbus Industrie, 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:** Todd Thompson, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–1175; fax (206) 227–1149.

**SUPPLEMENTARY INFORMATION:** On July 14, 1998, the FAA issued telegraphic AD T98–15–51, which is applicable to all Airbus Model A319, A320, A321, A300, A310, A300–600, A330, and A340 series airplanes.

The Direction Gónorale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Airbus Model A319, A320, A321, A300, A310, A300–600, A330, and A340 series airplanes. The DGAC advises that it received a report indicating a Model A320 series airplane overran the end of the runway upon landing. Investigation revealed that this event was attributed to the freezing of water that entered the bottom of the braking dual distribution valve (BDDV) during flight, which resulted in the failure of both the normal and alternate modes of the braking system upon landing.

Subsequent investigation revealed that the normal braking system was lost at touchdown due to a malfunction of the brake steering control unit (BSCU) at autobrake selection in flight. Airplane and laboratory tests indicate that the absence of braking on the alternate braking system resulted from seizure of the alternate BDDV. Reports indicate

this seizing of the BDDV was caused by the freezing of 33 cubic centimeters of water found in the BDDV cover located at the bottom of the BDDV. The manufacturer indicated that the freezing occurred during flight and that there was insufficient time between the end of the flight and the landing for the ice to melt. The manufacturer also indicated that the rubber sealant normally applied to the junction area of the BDDV body and the cover was missing. In addition, a significant concentration of detergent was found in the water that was removed from the BDDV cover. Because the reasons for the missing sealant and existence of water in the BDDV are not yet determined, further analyses, tests, and investigations are being conducted.

These conditions, if not corrected, could result in failure of the alternate braking system, which could result in the airplane overrunning the end of the runway during landing.

#### Similar Airplane Models

The BSCU and BDDV installed on Model A320 series airplanes are similar in design to the BSCU and BDDV installed on Model A319, A320, A300, A310, A300–600, A330, and A340 series airplanes; therefore, the FAA finds that all such airplanes are subject to the same unsafe condition identified in this AD.

#### Explanation of Relevant Service Information

Airbus has issued All Operator Telex (AOT) 32–19, dated July 7, 1998, which describes procedures for in-flight operational checks of the alternate braking system by the flight crew, and replacement of the BDDV with a serviceable part, if necessary.

The AOT references the following Flight Operation Telexes (FOT's) as additional sources of service information: FOT 999.0062 (for Model A300 series airplanes), FOT 999.0061 (for Model A300–600 and A310 series airplanes), FOT 999.059 (for Model A319, A320, and A321 series airplanes), and FOT 999.0060 (for Model A330 and A340 series airplanes); all dated July 7, 1998.

The DGAC classified the AOT as mandatory and issued French airworthiness directives T98–263–120 (B), T98–263–255 (B), T98–263–075 (B), and T98–263–092 (B), all dated July 8, 1998, in order to assure the continued

airworthiness of these airplanes in France.

#### FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) 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 the Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design registered in the United States, the FAA issued telegraphic AD T98-15-51 to prevent failure of the alternate braking system, which could result in the airplane overrunning the end of the runway upon landing. The AD requires an initial and repetitive in-flight operational checks of the alternate braking system, and replacement of the BDDV with a serviceable part, if necessary. This AD also requires that operators report to the manufacturer any findings of the initial operational check and findings of any defective BDDV parts for the repetitive operational checks. The actions are required to be accomplished in accordance with the AOT described previously.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued on July 14, 1998, to all known U.S. owners and operators of all Airbus Model A319, A320, A321, A300, A310, A300-600, A330, and A340 series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an 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 98-NM-229-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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an

emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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:

**98-15-51 Airbus:** Amendment 39-10678. Docket 98-NM-229-AD.

**Applicability:** All Model A319, A320, A321, A300, A310, A300-600, A330, and A340 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 failure of the alternate braking system, which could result in the airplane overrunning the end of the runway during landing, accomplish the following:

(a) Within 10 days after the effective date of this AD, perform an initial in-flight operational check of the alternate braking system, in accordance with Airbus All Operator Telex (AOT) 32-19, dated July 7, 1998. Thereafter, perform repetitive in-flight

operational checks at intervals not to exceed 7 days.

(1) If no discrepancy is found, continue the repetitive in-flight operational checks.

(2) If any discrepancy is found, prior to further flight, replace the brake dual distribution valve (BDDV) with a serviceable part, in accordance with AOT 32-19, dated July 7, 1998.

**Note 2:** AOT 32-19, dated July 7, 1998, references the following Flight Operation Telexes (FOT's) as additional sources of service information: FOT 999.0062 (for Model A300 series airplanes), FOT 999.0061 (for Model A300-600 and A310 series airplanes), FOT 999.059 (for Model A319, A320, and A321 series airplanes), and FOT 999.0060 (for Model A330 and A340 series airplanes); all dated July 7, 1998.

(b) Within 5 days after accomplishment of the initial in-flight operational check of the alternate braking system, or within 5 days after the effective date of this AD, whichever occurs later: Submit a report to the manufacturer of all findings of the initial operational check to Airbus Customer Services, Engineering and Technical Support, Attention Mr. Zanderigo, AI/SE-E32; phone number 33 (0)5 61 93 40 38; fax number 33 (0)5 61 93 32 73; SITA code TLBSW7X. Thereafter, within 5 days after the accomplishment of any repetitive in-flight operational check of the alternate braking system, submit a report of any defective BDDV part to the Airbus address specified previously in this paragraph. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the paperwork reduction act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 2120-0056.

(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, FAA, Transport Airplane Directorate, 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 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 actions shall be done in accordance with Airbus All Operator Telex (AOT) 32-19, dated July 7, 1998. 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 directives T98-263-120 (B), T98-263-255(B), T98-263-075(B), and T98-263-092(B), all dated July 8, 1998.

(f) This amendment becomes effective on August 5, 1998, to all persons except those persons to whom it was made immediately effective by telegraphic AD T98-15-51, issued July 14, 1998, which contained the requirements of this amendment.

Issued in Renton, Washington, on July 22, 1998.

**D.L. Riggan,**

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

[FR Doc. 98-20224 Filed 7-30-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-CE-40-AD; Amendment 39-10681; AD 98-11-01 R2]

RIN 2120-AA64

#### Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes

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

**ACTION:** Final rule; correction.

**SUMMARY:** This amendment clarifies information contained in Airworthiness Directive (AD) 98-11-01 R1, which currently requires replacing the fuel tank vent valves and drilling a 4.8 millimeter (0.1875 inch) hole in each fuel filler cap on certain Pilatus Aircraft Ltd. (Pilatus) Models PC-12 and PC-12/45 airplanes. AD 98-11-01 R1 also requires inserting a temporary revision in the Pilot's Operating Handbook (POH) that specifies checking to assure that the fuel filler cap hole is clear of ice and foreign objects. The intent of AD 98-11-01 R1 was to provide the option of incorporating new modified fuel tank vent valves instead of the replacement, drilling, and POH insertion requirements. The new modified vent valves cannot be incorporated without removing the fuel tank vent valves installed as originally required by AD 97-23-04 and carried over in the current AD. This provision of removing those vent valves is currently not provided for. This document clarifies and corrects this procedure. The actions specified in this AD are intended to continue to prevent moisture from entering the fuel tank inward vent valve

and then freezing after a cold soak at altitude, which could result in wing airfoil distortion and structural damage with consequent degradation of the airplane's handling qualities.

**DATES:** Effective September 22, 1998.

The incorporation by reference of Pilatus Service Bulletin No. 28-003, Revision 1, dated September 30, 1997, as listed in the regulations, was previously approved by the Director of the Federal Register as of December 1, 1997 (62 FR 59993, November 6, 1997).

The incorporation by reference of Pilatus Service Bulletin No. 28-004, dated March 27, 1998, as listed in the regulations, was previously approved by the Director of the Federal Register as of June 7, 1998 (63 FR 27195, May 18, 1998).

The incorporation by reference of Pilatus Service Bulletin No. 28-005, dated May 4, 1998, was previously approved by the Director of the Federal Register as of September 22, 1998 (63 FR 34565, June 25, 1998).

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-40-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Pilatus Aircraft Ltd., CH-6370 Stans, Switzerland. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-40-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6934; facsimile: (816) 426-2169.

**SUPPLEMENTARY INFORMATION:**

#### Discussion

On October 29, 1997, the FAA issued AD 97-23-04, Amendment 39-10192 (62 FR 5993, November 6, 1997), which applies to certain Pilatus Models PC-12 and PC-12/45 airplanes. AD 97-23-04 was the result of a report from the Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, of an instance of abnormal automatic engagement of the fuel booster pumps during normal operation of a Pilatus Model PC-12 airplane. The FOCA's investigation