

**Compliance Time of This AD**

The unsafe condition specified by this AD is caused by corrosion. Corrosion can occur regardless of whether the aircraft is in operation. Therefore, to assure that the unsafe condition specified in this AD does not go undetected for a long period of time, the compliance is presented in calendar time instead of hours time-in-service (TIS).

**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 copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting 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 a new airworthiness directive (AD) to read as follows:

**98-20-17 Saft America Inc.:** Amendment 39-10784; Docket No. 97-CE-116-AD.

**Applicability:** Part Number (P/N) 021929-000 (McDonnell Douglas P/N 43BO34LB02) and P/N 021904-000 (McDonnell Douglas P/N 43BO34LB03) Nickel Cadmium Batteries manufactured prior to December 1997 that are installed on, but not limited to, McDonnell Douglas DC-9 and MD-80 aircraft, all serial numbers, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision that incorporates one of the affected batteries, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For aircraft 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 at the next scheduled battery maintenance that occurs 3 calendar months after the effective date of this AD or within the next 15 calendar months after the effective date of this AD, whichever occurs first, unless already accomplished.

To prevent the battery from shorting out or exploding if the heads of fasteners become sheared off, which could result in loss of emergency power to electrical flight components or other emergency power systems required in the event of loss of the aircraft primary power source, accomplish the following:

(a) Replace all battery terminal screws, verify that the battery contains design specification cells, and replace the cells if the battery contains non-design specification cells. Accomplish these actions in accordance with the INSTRUCTIONS section of SAFT Aviation Batteries Service Bulletin Document No. A00027, Rev G, dated July 14, 1998.

(1) A plastic label indicating compliance with the AD may be obtained from Saft America Inc. at the address specified in paragraph (e) of this AD.

(2) This label shall not cover the original part number of the battery.

(3) SAFT Aviation Batteries Service Bulletin Document No. A00027, Rev G, dated July 14, 1998, provides the option of purchasing this label from Saft or manufacturing your own label.

(4) This label must be installed on the battery as depicted in Figures 3 and 4 on page 8 of SAFT Aviation Batteries Service Bulletin Document No. A00027, Rev G, dated July 14, 1998.

(b) If the actions required by this AD have been previously accomplished in accordance

with SAFT Aviation Batteries Service Bulletin Document No. A00027, Rev F, dated January 15, 1998, then the only action required by this AD would be to install a compliance label on the battery as specified in SAFT Aviation Batteries Service Bulletin Document No. A00027, Rev G, dated July 14, 1998.

(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 aircraft to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

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

(e) The replacements required by this AD shall be done in accordance with SAFT Aviation Batteries Service Bulletin Document No. A00027, Rev G, dated July 14, 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 SAFT America Inc., 711 Industrial Boulevard, Valdosta, Georgia 31601. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(f) This amendment becomes effective on November 2, 1998.

Issued in Kansas City, Missouri, on September 14, 1998.

**Marvin R. Nuss,**

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

[FR Doc. 98-25124 Filed 9-23-98; 8:45 am]

BILLING CODE 4910-13-U

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 98-NM-82-AD; Amendment 39-10793; AD 98-20-27]

RIN 2120-AA64

**Airworthiness Directives; Airbus Industrie Model 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 A300-600 series airplanes, that requires repetitive inspections to detect fatigue cracking of the wing top skin at the front spar joint; and a follow-on eddy current inspection and repair, if necessary. 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 wing top skin at the front spar joint, which could result in reduced structural integrity of the airplane.

**DATES:** Effective October 29, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 29, 1998.

**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 A300-600 series airplanes was published in the **Federal Register** on May 12, 1998 (63 FR 26109). That action proposed to require repetitive inspections to detect fatigue cracking of the wing top skin at the front spar joint; and a follow-on eddy current inspection and repair, if necessary.

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

One commenter expresses no objection to the proposed rule.

#### **Request To Allow Flight With Known Cracks**

One commenter recommends that the proposed AD be revised to allow continued operation of an unrepaired

airplane following detection of cracks, utilizing the allowable damage limits and temporary repairs described in Airbus Service Bulletin A300-57-6045. The commenter expresses confidence that allowing continued flight within the allowable crack limits and with the temporary repairs specified in the service bulletin will provide the necessary level of safety. The commenter further states that the manufacturer has not identified a permanent repair for the area, nor has a preventive modification been identified that would allow termination of the inspections required by this proposed AD. Additionally, the commenter notes that the area where the cracks may occur would require an extensive internal repair that has not been developed at this time. If such cracking occurs, an airplane could be grounded for a long time period while a repair is developed, analyzed, and approved.

The FAA does not concur. It is the FAA's policy to require repair of known cracks prior to further flight (except in certain cases of unusual need). This policy is based on the fact that such damaged airplanes do not conform to the FAA certificated type design, and therefore, are not airworthy until a properly approved repair is incorporated. Although the referenced service bulletin specifies temporary repairs for certain crack findings, it does not provide such repairs for cracking outside certain limits. For those cases, the service bulletin specifies that, depending upon crack length, operators should either contact the manufacturer for appropriate repairs or accomplish repetitive visual inspections at specified intervals. Therefore, the FAA has determined that, due to the safety implications and consequences associated with cracking of the wing top skin at the front spar joint, any subject area that is found to be cracked must be addressed, prior to further flight, in accordance with a method approved by the FAA.

#### **Later Revision of Service Bulletin**

One commenter has provided a copy of Airbus Service Bulletin A300-57-6045, Revision 02, dated April 21, 1998, including Appendix 1, Revision 02, dated April 21, 1998, but makes no specific request in regard to this revision. Airbus Service Bulletin A300-57-6045, Revision 1, dated August 3, 1994, including Appendix 1, Revision 1, dated August 3, 1994, was cited in the proposed AD as the appropriate source of service information for accomplishment of the actions required by this AD. The FAA has reviewed Revision 02 of the service bulletin and

has determined that it contains no substantive differences from Revision 1. Therefore, the final rule has been revised to add Revision 02 as an appropriate source of service information.

#### **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 change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

#### **Cost Impact**

The FAA estimates that 54 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be \$6,480, or \$120 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.

#### **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:

**98-20-27 Airbus Industrie:** Amendment 39-10793. Docket 98-NM-82-AD.

*Applicability:* All Model A300-600 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 detect and correct fatigue cracking of the wing top skin at the front spar joint, which could result in reduced structural integrity of the airplane, accomplish the following:

(a) Prior to the accumulation of 22,000 total flight cycles, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect fatigue cracking of the wing top skin at the front spar joint, in accordance with Airbus Service Bulletin A300-57-6045, Revision 1, dated August 3, 1994, including Appendix 1, Revision 1, dated August 3, 1994; or Airbus Service Bulletin A300-57-6045, Revision 02, dated April 21, 1998, including Appendix 1, Revision 02, dated April 21, 1998. Repeat the detailed visual inspection thereafter at intervals not to exceed 8,000 flight cycles.

(b) If any cracking is suspected or detected during any inspection required by paragraph (a) of this AD, prior to further flight, perform an eddy current inspection to confirm the findings of the visual inspection, in accordance with Airbus Service Bulletin

A300-57-6045, Revision 1, dated August 3, 1994, including Appendix 1, Revision 1, dated August 3, 1994; or Airbus Service Bulletin A300-57-6045, Revision 02, dated April 21, 1998, including Appendix 1, Revision 02, dated April 21, 1998. If any cracking is detected during any eddy current inspection, prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, or the Direction Générale de l'Aviation Civile or (its delegated agent).

(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. 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.

(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 Service Bulletin A300-57-6045, Revision 1, dated August 3, 1994, including Appendix 1, Revision 1, dated August 3, 1994; or Airbus Service Bulletin A300-57-6045, Revision 02, dated April 21, 1998, including Appendix 1, Revision 02, dated April 21, 1998. Revision 1 of Airbus Service Bulletin A300-57-6045 contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1-10 .....	1 .....	August 3, 1994.
<b>Appendix 1</b>		
1-2 .....	1 .....	August 3, 1994.
3-6 .....	Original .....	March 18, 1993.

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 97-374-238(B), dated December 3, 1997.

(f) This amendment becomes effective on October 29, 1998.

Issued in Renton, Washington, on September 16, 1998.

**S.R. Miller,**

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

[FR Doc. 98-25354 Filed 9-23-98; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 98-CE-84-AD; Amendment 39-10794; AD 98-19-15]

RIN 2120-AA64

**Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 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) 98-19-15, which was sent previously to all known U.S. owners and operators of Fairchild Aircraft, Inc. (Fairchild) SA226 and SA227 series airplanes. The AD applies to those airplanes that are equipped with Barber-Colman pitch trim actuators, part number (P/N) 27-19008-001 or P/N 27-19008-002. This AD requires incorporating information into the Limitations Section of the airplane flight manual (AFM) that imposes a speed restriction and a minimum pilot requirement. The AD resulted from reports of two incidents of abrupt movement of the horizontal stabilizer to or near the full airplane nose-up position. These two incidents involved mechanical failure of these Barber-Colman pitch trim actuators. The actions specified by this AD are intended to lessen the severity of airplane pitch up caused by mechanical failure of the pitch trim actuator, which could result in a pitch upset and structural failure of the airplane.

**DATES:** Effective September 25, 1998, to all persons except those to whom it was made immediately effective by priority letter AD 98-19-15, issued September 10, 1998, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before October 21, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel,