

### 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:

**99-01-16 Boeing:** Amendment 39-10981.  
Docket 97-NM-238-AD.

**Applicability:** Model 737-100, -200, -300, -400, and -500 series airplanes; having forward lavatories installed; 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 (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 prevent damage to the engines, airframe, or horizontal stabilizer, and/or to prevent a hazard to persons or property on the ground, accomplish the following:

(a) Except as provided by paragraph (c) of this AD: Within 6 months after the effective date of this AD, install a placard on the door beneath the forward lavatory sink, that warns the cabin crew not to put the selector valve for the forward lavatory water supply in the "DRAIN" position during flight. The installation shall be accomplished in accordance with Boeing Service Bulletin 737-38-1043, dated January 8, 1998.

(b) Within 36 months after the effective date of this AD, install an isolation valve in the drain line downstream of the selector valve for the forward lavatory water supply, in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Once the valve is installed, the placard described in paragraph (a) of this AD may be removed.

(c) For airplanes on which the valve installation required by paragraph (b) of this AD is accomplished within the compliance time specified in paragraph (a) of this AD, the placard installation required by paragraph (a) is not required.

(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, Seattle ACO. 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.

(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) The placard installation shall be done in accordance with Boeing Service Bulletin 737-38-1043, dated January 8, 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 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.

(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. 99-185 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-357-AD; Amendment 39-10987; AD 99-01-19]

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 (Rules Docket No. 98-NM-08-AD) 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 requirements 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 31 airplanes of U.S. registry will be affected by this AD.

It will take approximately 19 work hours per airplane to accomplish the required visual inspection on the outboard flanges, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the visual inspection required by this AD on U.S. operators is estimated to be \$35,340, or \$1,140 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 A320-53-1031 that is provided by this AD action, it would take approximately 1 work hour (excluding access and closeup) per fastener hole to accomplish it, at an average labor rate of \$60 per work hour. The cost of required parts would be approximately \$4,047 (for one modification kit). Based on these figures, the cost impact of that optional terminating action would be a minimum of \$4,107 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:

**99-01-19 Airbus Industrie:** Amendment 39-10987. Docket 98-NM-357-AD.

**Applicability:** Model A320 series airplanes on which Airbus Modification 21346 (reference Airbus Service Bulletin A320-53-1031, dated December 9, 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 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) For airplanes that have accumulated 20,000 or more total flight cycles as of the effective date of this AD: 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 a visual inspection to detect cracking on the outboard flanges around the fastener holes of frames 38 to 41, between stringers 12 and 21, in accordance with Airbus Service Bulletin A320-53-1032, Revision 1, dated January 15, 1998. Thereafter, repeat the visual 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. Accomplishment of a repair in accordance with the service bulletin 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 21346 in accordance with Airbus Service Bulletin A320-53-1031, dated December 9, 1994, prior to the accumulation of 20,000 total flight cycles 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 A320-53-1032, Revision 1, dated January 15, 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 3:** The subject of this AD is addressed in French airworthiness directive 97-313-107(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. 99-182 Filed 1-7-99; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-356-AD; Amendment 39-10986; AD 99-01-18]

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 (Rules Docket No. 98-NM-08-AD) 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 requirements