Proposed Rules

Federal Register
Vol. 64, No. 239
Tuesday, December 14, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–185–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Airbus Model A330 and A340 series airplanes, that currently requires repetitive operational tests of the override mechanism of the trimmable horizontal stabilizer (THS) to determine if the system functions correctly; and corrective action, if necessary. This action would require replacement of existing flight control primary computers (FCPC) with improved FCPC's, which would terminate the repetitive operational tests. This proposal is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this proposal are intended to prevent uncommanded movement of the THS, which could result in reduced controllability of the airplane.

DATES: Comments must be received by January 13, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–185–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

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 FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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:

Comments Invited

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–185–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–185–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On December 31, 1997, the FAA issued AD 98–01–15, amendment 39–10277 (63 FR 1909, January 13, 1998), applicable to certain Airbus Model A330 and A340 series airplanes, to require repetitive operational tests of the override mechanism of the trimmable horizontal stabilizer (THS) to determine if the system functions correctly, and corrective action, if necessary. That action was prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The requirements of that AD are intended to prevent uncommanded movement of the trimmable horizontal stabilizer (THS) in the event of a failure of the manual override switch in the open position and the THS control wheel blocked by either the pilot or a mechanical control jam. Such uncommanded movement of the THS, if not corrected, could result in reduced controllability of the airplane.

Actions Since Issuance of Previous Rule

In the preamble to AD 98–01–15, the FAA indicated that the actions required by that AD were considered ''interim action'' until final action was identified, at which time further rulemaking action would be considered. The FAA now has determined that further rulemaking action is indeed necessary to require replacement of certain Aerospatiale flight control primary computers (FCPC) with improved Aerospatiale FCPC's, which would constitute terminating action for the repetitive operational tests of the override mechanism of the THS. This proposed AD follows from that determination and allows opportunity for public comment.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A330–27–3056, Revision 01, dated May 5, 1998 (for Model A330 series airplanes), and Service Bulletin A340–27–4061, Revision 02, dated May 5, 1998 (for Model A340 series airplanes). These service bulletins provide information on replacement of FCPC's with improved FCPC's of computer standard L14 having a new part number. The service bulletins also provide instructions on modification of FCPC's to the new standard by replacement or reprogramming of the FCPC on-board replacement modules (OBRM), and subsequent change of the FCPC part number to the new part number. The

Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, classified these service bulletins as mandatory and issued French airworthiness directives 98–124–069(B) and 98–126–085(B), both dated March 11, 1998, in order to ensure the continued airworthiness of these airplanes in France.

Airbus has developed production modification 45631 (for Model A330 series airplanes) and production modification 45485 (for Model A340 series airplanes). These modifications involve the installation of improved FCPC's on these airplanes during production, which would eliminate the need for the repetitive operational tests of the override mechanism of the THS.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of § 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 Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 98–01–15 to continue to require repetitive operational tests of the override mechanism of the trimmable horizontal stabilizer (THS) to determine if the system functions correctly; and corrective action, if necessary. The proposed AD would add a new requirement for replacement of all FCPC's with improved FCPC's, which would constitute terminating action for the repetitive operational tests of the override mechanism of the THS described previously. The replacement would be required to be accomplished in accordance with Airbus Service Bulletin A330–27–3056, Revision 01, dated May 5, 1998 (for Model A330 series airplanes), and Airbus Service Bulletin A340–27–4061, Revision 02, dated May 5, 1998, described previously.

Differences Between Proposed Rule and Foreign AD

The proposed AD would differ from the parallel French airworthiness directive in that the proposed AD would not require replacement of the flight control secondary computers. The DGAC does require such replacement; however, that action addresses a different unsafe condition from that identified in this proposed AD. The FAA will address this different unsafe condition in separate action, as necessary.

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 1 work hour to accomplish the operational test required by AD 98–01–15, and retained in this proposed AD, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the operational test on U.S. operators is estimated to be $60 per airplane, per test cycle.

It would require approximately 2 work hours to accomplish the FCPC replacements (or 9 work hours if the FCPC on-board replacement modules have been replaced or reprogrammed), at an average labor rate of $60 per work hour. Required parts would be provided to the operator at no charge. Based on these figures, the cost impact of the FCPC replacements proposed by this AD on U.S. operators would be $120 or $540 per airplane.

Accomplishment of the FCPC replacements proposed by this AD would allow operators to terminate the repetitive operational tests required by AD 98–01–15, thereby offsetting the cost of the actions proposed by this AD.

Regulatory Impact

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 draft regulatory 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, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 39–10277 (63 FR 1909, January 13, 1998), and by adding a new airworthiness directive (AD), to read as follows:

Airbus Industrie: Docket 99–NM–185–AD. Supersedes AD 98–01–15, Amendment 39–10277.

Applicability: The following airplanes, certificated in any category, equipped with Aerospatiale Flight Control Primary Computer (FCPC), part number (P/N) LA2K01500190000:

- Model A330–301, –321, –322, –341, and –342 series airplanes; excluding those on which Aerospatiale FCPC's, P/N LA2K01500210000 (Airbus Modification 45631), have been installed.
- Model A340–211, –212, –213, –311, –312, and –313 series airplanes; excluding those on which Aerospatiale FCPC's, P/N LA2K01500210000 (Airbus Modification 45485), have been installed.

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 (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 uncommanded movement of the trimmable horizontal stabilizer (THS), which could result in reduced controllability of the airplane, accomplish the following:

Restatement of Requirements of AD 98–01–15

(a) Within 500 flight hours after January 28, 1998 (the effective date of AD 98–01–15, amendment 39–10277), perform an operational test of the THS override mechanism to determine if the override system functions correctly, in accordance with paragraph (a)(1) or (a)(2) of this AD, as applicable. Repeat the operational test thereafter at intervals not to exceed 500 flight hours.

(1) For Model A330 series airplanes: Perform the test in accordance with Airbus Service Bulletin A330–27–3051, dated February 13, 1997; and, prior to further flight, repair any discrepancy in accordance with this service bulletin.

(2) For Model A340 series airplanes: Perform the test in accordance with Airbus Service Bulletin A340–27–4058, dated February 13, 1997; and, prior to further flight, repair any discrepancy in accordance with this service bulletin.

New Requirements of This AD

(b) Within 15 months after the effective date of this AD, accomplish the actions specified by either paragraph (b)(1) or paragraph (b)(2) of this AD, in accordance with Airbus Service Bulletin A330–27–3056, Revision 01, dated May 5, 1998 (for Model A330 series airplanes), or Service Bulletin A340–27–4061, Revision 02, dated May 5, 1998 (for Model A340 series airplanes); as applicable.

(1) Replace three Flight Control Primary Computers (FCPC) (2CE1, 2CE2, and 2CE3), P/N LA2K01500190000, with new FCPCs, P/N LA2K01500210000; in accordance with the applicable service bulletin. Such replacement constitutes terminating action for the requirements of paragraph (a) of this AD.

(2) Replace the on-board replaceable module (OBRM) of the three FCPCs (2CE1, 2CE2, and 2CE3), P/N LA2K01500190000, with OBRMs that have been modified by converting FCPC P/N's to LA2K01500210000 in accordance with the applicable service bulletin. Such replacement constitutes terminating action for the requirements of paragraph (a) of this AD.

Spares

(c) As of the effective date of this AD, no person shall install on any airplane an FCPC, P/N LA2K01500190000.

Alternative Methods of Compliance

(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, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector or Principal Avionics Inspector or 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.

Special Flight Permits

(e) Special flight permits may be issued in accordance with §§ 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.

Note 3: The subject of this AD is addressed in French airworthiness directives 98–124–069(B) (for Model A330 series airplanes) and 98–126–085(B) (for Model A340 series airplanes), both dated March 11, 1998.

Issued in Renton, Washington, on December 8, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–32370 Filed 12–13–99; 8:45 am]

BILLING CODE 4910–13–U

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7306]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community