

Glider" Service Bulletin No. 1-02, dated June 10, 2002. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You may get copies from Barry Aviation, LLC, 11600 Aviation Boulevard, suite 16, West Palm Beach, Florida 33412. You may view this information at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) *When does this amendment become effective?* This amendment becomes effective on August 30, 2002.

Issued in Kansas City, Missouri, on August 6, 2002.

**Michael Gallagher,**

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02-20400 Filed 8-15-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NM-398-AD; Amendment 39-12851; AD 2002-16-12]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A330 and A340 series airplanes, that requires revising the Limitations Section of the FAA-approved Airplane Flight Manual to ensure the flightcrew is advised of the proper procedures in the event of uncommanded movement of a spoiler during flight. Such uncommanded movement could result in reduced controllability of the airplane, and consequent significant increased fuel consumption during flight, which could necessitate an in-flight turn-back or diversion to an unscheduled airport destination. This action is intended to address the identified unsafe condition.

**DATES:** Effective September 20, 2002.

**ADDRESSES:** Information pertaining to this amendment may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer,

International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; 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 certain Airbus Model A330 and A340 series airplanes was published in the **Federal Register** on May 23, 2002 (67 FR 36119). That action proposed to require revising the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to ensure the flightcrew is advised of the proper procedures in the event of uncommanded movement of a spoiler during flight.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

#### Conclusion

After careful review of the available data, 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 5 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 AFM revision, 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 \$300, 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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

#### Regulatory Impact

The regulations adopted herein will not have a substantial direct effect 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, it is

determined that this final rule does not have federalism implications under Executive Order 13132.

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, 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:

**2002-16-12 Airbus:** Amendment 39-12851. Docket 2001-NM-398-AD.

**Applicability:** Model A330 and A340 series airplanes, certificated in any category; equipped with any spoiler servo control having part number (P/N)1386A0000-01 or 1386B0000-01, or P/N 1387A0000-01 or 1387B0000-01.

**Compliance:** Required as indicated, unless accomplished previously.

To ensure the flightcrew is advised of the proper procedures in the event of uncommanded movement of a spoiler during flight, which could result in reduced controllability of the airplane and consequent significant increased fuel consumption during flight, and could result in an in-flight turn-back or diversion to an unscheduled airport destination, accomplish the following:

#### Revision to Airplane Flight Manual (AFM)

(a) Within 10 days after the effective date of this AD, revise the Limitations Section of the FAA-approved AFM by including the procedures listed in Figure 1 of this AD. This revision may be done by inserting a copy of the following Figure 1 into the AFM:

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**Figure 1****“PROCEDURE:**

- **If “F/CTL SPLR FAULT” is triggered**
  - F/CTL S/D page.....CHECK
- **If the affected spoiler is not indicated extended amber:**  
The spoiler is faulty in the retracted position. In such a case, the specific OEB procedure does not apply.
  - LDG DIST PROC.....APPLY  
Multiply the landing distance by 1.1 for 3 or 4 spoilers lost per wing.  
Multiply the landing distance by 1.2 for 5 or 6 spoilers lost per wing.
- **If the affected spoiler is indicated extended amber, apply the following procedure:**

**IN CRUISE****CAUTION**

Disregard FMGC fuel predictions, as they do not take the increase in fuel consumption into account.

- FUEL CONSUMPTION INCREASE.....APPLY  
Apply 18.5% increase in the fuel consumption.

- IN-FLIGHT TURN BACK/DIVERSION.....CONSIDER  
In-flight turn back or diversion may have to be considered due to this fuel penalty.

- MAX ACHIEVABLE ALTITUDE DECREASE.....CONSIDER  
With the maximum spoiler deflection, the maximum altitude in ISA conditions may decrease by 4,500 feet.

**FOR LANDING**

- FOR LDG.....USE FLAP 3  
Use CONF 3 for landing to avoid possible buffeting, which, however, may be high depending on the failed spoiler.

- VAPP.....NORM

- LDG DIST.....x 1.1”

**Note 1:** When the statement in paragraph (a) of this AD has been incorporated into the FAA-approved general revisions of the AFM, the general revisions may be incorporated into the AFM, provided the statement in this AD and the general revisions is identical. This AD may then be removed from the AFM.

#### Alternative Methods of Compliance

(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 International Branch, ANM-116, FAA. 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.

#### Special Flight Permits

(c) 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 2001–608(B) and 2001–609(B), both dated December 12, 2001.

#### Effective Date

(d) This amendment becomes effective on September 20, 2002.

Issued in Renton, Washington, on August 7, 2002.

**Vi Lipski,**

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

[FR Doc. 02–20512 Filed 8–15–02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99–NE–32–AD; Amendment 39–12847; AD 2002–16–08]

**RIN 2120–AA64**

#### Airworthiness Directives; Pratt & Whitney Models JT8D–209, –217, –217A, –217C and –219 Turbofan Engines

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), that is applicable to Pratt & Whitney (PW) JT8D models –209, –217, –217A,

–217C and –219 turbofan engines. That AD currently requires initial and repetitive fluorescent magnetic particle inspections or fluorescent penetrant inspections of the combustion chamber outer case (CCOC) for cracks, and, if necessary, replacement with serviceable parts. Also that AD requires a one-time material verification of drain and Ps4 bosses, and, if necessary, replacement with serviceable parts. Finally, that AD requires replacement of CCOC's with welded-on bosses with improved, one-piece CCOC's. This amendment requires lower initial inspection thresholds for all CCOC's installed in any JT8D model –209, –217, –217A, –217C or –219 turbofan engine. This amendment is prompted by reports of cracked CCOC's that had accumulated fewer cycles in service than the initial inspection thresholds required by the current AD. Also, a CCOC part number was discovered with incorrect material not identified by serial number in JT8D Alert Service Bulletin (ASB) A6359, Revision 2, dated July 31, 2000. The actions specified by this AD are intended to prevent uncontained failure of the CCOC, which could cause release of debris, damage to the airplane, or fire.

**DATES:** Effective September 20, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 20, 2002.

**ADDRESSES:** The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–8770; fax (860) 565–4503. This information may be examined, by appointment, at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7175; fax (781) 238–7199.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 99–26–06, Amendment 39–11465 (64 FR 71280, December 21, 1999), which is applicable to Pratt & Whitney JT8D models –209, –217, –217A, –217C and –219 turbofan engines was published in the **Federal Register** on February 14, 2002 (67 FR 6890). That action proposed to require

lower initial inspection thresholds for CCOC's part numbers (P/N's) 500023801, 797707, 807684, and 815830 installed in any JT8D model –209, –217, –217A, –217C, or –219 turbofan engines in accordance with PW JT8D Alert Service Bulletin (ASB) No. A6359, Revision 2, dated July 31, 2000 or PW JT8D ASB A6359, Revision 3, dated August 31, 2001.

#### Comments

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

#### Understated Financial Impact

One commenter states the FAA understates the economic impact to the operators by not accounting for ancillary costs realized when an engine is disassembled to remove a part, and that there are concurrent service bulletin requirements when adopting the one-piece CCOC.

The FAA partially agrees. The indirect costs associated with this AD are not directly related to this rule, and, therefore, are not addressed in the economic analysis for this rule. A full cost analysis for each AD, including such indirect costs, is not necessary since the FAA has already performed a cost benefit analysis when adopting the airworthiness requirements to which these engines were originally certificated. A finding that an AD is warranted means that the original design no longer achieves the level of safety specified by those airworthiness requirements, and that other required actions are necessary, such as inspections of existing CCOC's and replacement with a one-piece CCOC. Because the original level of safety was already determined to be cost-beneficial, these additional requirements are needed to return the engine to that level of safety and do not add any additional regulatory burden. Therefore, a full cost analysis would be redundant and unnecessary. However, the incorporation of the one-piece case does require additional modifications that were not incorporated in the original proposal economic analysis. That is, 15 additional work hours are required to install the one-piece case which adds an additional \$1,152,000 to the cost of the AD making the estimated total \$61,388,800.

#### Tables 3 and 3A

One commenter requests acknowledgement or exclusion of Tables 3 and 3A of PW JT8D ASB No. A6359 as containing all of the serial