

25F017A&B (reference Raytheon Service Bulletin SB.55-36-25F017A&B) has not been 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 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 (b) 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.

**Note 2:** Raytheon Model BAe 125-800B series airplanes are similar in design to the airplanes that are subject to the requirements of this AD and, therefore, also may be subject to the unsafe condition addressed by this AD. However, as of the effective date of this AD, those models are not type certificated for operation in the United States. Airworthiness authorities of countries in which the Model BAe 125-800B series airplanes are approved for operation should consider adopting corrective action, applicable to those models, that is similar to the corrective action required by this AD.

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

To prevent overbias or overbalance of the rudder, which could result in reduced controllability of the airplane, accomplish the following:

(a) Within 100 hours time-in-service or within 6 months after the effective date of this AD, whichever occurs first, modify the rudder in accordance with Raytheon Service Bulletin SB.55-36-25F017A&B, dated April 15, 1996.

(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, Wichita Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

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

(d) The modification shall be done in accordance with Raytheon Service Bulletin SB.55-36-25F017A&B, dated April 15, 1996. 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 Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer

Support Department, P.O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification Office, Small Airplane Directorate, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

(e) This amendment becomes effective on October 3, 1997.

Issued in Renton, Washington, on August 25, 1997.

**John J. Hickey,**

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

[FR Doc. 97-23102 Filed 8-28-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-NM-41-AD; Amendment 39-10119; AD 97-18-09]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to all Airbus Model A310 and A300-600 series airplanes, that currently requires a revision to the Airplane Flight Manual (AFM) that warns the flight crew of certain consequences associated with overriding the autopilot when it is in the pitch control axis. That AD also requires modification of certain flight control computers (FCC). That AD was prompted by the results of an FAA review of the requirements of an earlier AD. This amendment requires a modification to the autopilot that would enable the flight crew to disconnect the autopilot when direct force is applied to the control column, regardless of its mode and the altitude of the airplane; accomplishment of that modification terminates the current requirement to revise the AFM. This amendment also requires repetitive operational testing of the modified autopilot to determine if the disconnect function operates properly, and repair, if necessary. The actions specified by this AD are intended to prevent an out-of-trim condition between the trimmable horizontal stabilizer and the elevator,

which could severely reduce controllability of the airplane.

**DATES:** Effective October 3, 1997.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of October 3, 1997.

The incorporation by reference of certain other publications listed in the regulations was approved previously by the Director of the Federal Register as of May 23, 1996 (61 FR 16873, April 18, 1996).

**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:** Charles Huber, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2589; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 96-08-07, amendment 39-9573 (61 FR 16873, April 18, 1996), which is applicable to all Airbus Model A310 and A300-600 series airplanes, was published in the **Federal Register** on April 9, 1997 (62 FR 17131). The action proposed to supersede AD 96-08-07 to continue to require a revision to the Limitations Section of the AFM that warns the flight crew of certain consequences associated with overriding the autopilot when it is in the pitch control axis, and modification of certain FCC's.

The action also proposed to require a modification to the autopilot that would enable the flight crew to manually disconnect it, regardless of the autopilot mode and the altitude of the airplane. After this modification has been accomplished, the action proposed to require removal of the revision to the AFM that is currently required by AD 96-08-07. In addition, the action proposed to require repetitive operational testing of the modified autopilot to determine if the disconnect function operates properly, 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 two comments received.

Both commenters support the proposed rule.

### Clarification of Requirements of the Final Rule

The FAA has revised paragraph (d)(2)(ii) of this final rule to clarify that the operational test applies to the autopilot disconnect feature.

### 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 as proposed.

### Cost Impact

There are approximately 77 Airbus Model A300-600 and A310 series airplanes of U.S. registry that will be affected by this proposed AD.

The modification of certain FCC's that is required by AD 96-08-07 takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to operators. Based on these figures, the cost impact of the currently required modification on U.S. operators is estimated to be \$4,620, or \$60 per airplane.

The AFM revision that is required by AD 96-08-07 takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required AFM revision on U.S. operators is estimated to be \$4,620, or \$60 per airplane.

The modification of the autopilot that is currently required by this new AD will take approximately 25 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$1,578 per airplane. Based on these figures, the cost impact of the new modification requirement of this AD on U.S. operators is estimated to be \$237,006, or \$3,078 per airplane.

The operational test that is currently required by this new AD will take approximately 7 work hours per airplane, per test cycle, to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the operational test requirement of this AD on U.S. operators is estimated to be \$32,340 per test cycle, or \$420 per airplane, per test cycle.

The cost impact figures discussed above are 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 removing amendment 39-9573 (61 FR 16873, April 18, 1996), and by adding a new airworthiness directive (AD), amendment 39-10119, to read as follows:

**97-18-09 Airbus Industrie:** Amendment 39-10119. Docket 97-NM-41-AD. Supersedes AD 96-08-07, Amendment 39-9573.

**Applicability:** All Model A300-600 and A310 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 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 (e) 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 an out-of-trim condition between the trimmable horizontal stabilizer and the elevator, which could severely reduce controllability of the airplane, accomplish the following:

Restatement of actions required by AD 96-08-07, amendment 39-9573:

(a) Within 10 days after May 23, 1996 (the effective date of AD 96-08-07, amendment 39-9573), revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the information contained in paragraph (a)(1) or (a)(2) of this AD, as applicable. This may be accomplished by inserting a copy of this AD in the AFM. The AFM limitation required by AD 94-21-07, amendment 39-9049, may be removed following accomplishment of the requirements of this paragraph.

(1) For airplanes on which the flight control computers (FCC) have not been modified in accordance with the requirements of paragraph (b) of this AD: "Overriding the autopilot (AP) in pitch axis does not cancel the AP autotrim when LAND TRACK mode [green LAND on both Flight Mode Annunciators (FMA)] or GO-AROUND mode is engaged. In these modes, if the pilot counteracts the AP, the autotrim will trim against pilot input. This could lead to a severe out-of-trim situation in a critical phase of flight."

(2) For airplanes on which the FCC's have been modified in accordance with requirements of paragraph (b) of this AD: "Overriding the autopilot (AP) in pitch axis does not cancel the AP autotrim when LAND TRACK mode (green LAND on both FMA's) is engaged, or GO-AROUND mode is engaged below 400 feet radio altitude (RA). In these modes, if the pilot counteracts the AP, the autotrim will trim against pilot input. This could lead to a severe out-of-trim situation in a critical phase of flight."

Restatement of actions required by ad 94-21-07, amendment 39-9049:

(b) For airplanes equipped with FCC's having either part number (P/N) B470ABM1 (for Model A310 series airplanes) or B470AAM1 (for Model A300-600 series airplanes): Within 60 days after November 2, 1994 (the effective date of AD 94-21-07, amendment 39-9049), modify the FCC's in accordance with Airbus Service Bulletin A310-22-2036, dated December 14, 1993 (for Model A310 series airplanes), or Airbus

Service Bulletin A300-22-6021, Revision 1, dated December 24, 1993 (for Model A300-600 series airplanes), as applicable.

(c) As of November 2, 1994, no person shall install a FCC having either P/N B470ABM1 or B470AAM1 on any airplane.

New actions required by this AD:

(d) For airplanes on which Modification No. 11454 [reference Airbus Service Bulletin A310-22-2044 (for Model A310 series airplanes) or Airbus Service Bulletin A300-22-6032 (for Model A300-600 series airplanes)] has not been installed: Accomplish paragraphs (d)(1), (d)(2)(i) and (d)(2)(ii) of this AD.

(1) Within 24 months after the effective date of this AD, modify the autopilot in accordance with Airbus Service Bulletin A310-22-2044, Revision 1, dated January 8, 1997 (for Model A310 series airplanes), or Service Bulletin A300-22-6032, Revision 1, dated January 8, 1997 (for Model A300-600 series airplanes), as applicable. The requirements of paragraph (a) of AD 95-25-09, amendment 39-9455, if applicable, must be accomplished prior to or at the same time the requirements of this paragraph are accomplished.

(2) Prior to further flight following accomplishment of paragraph (d)(1) of this AD:

(i) Remove the AFM revisions required by paragraph (b) of this AD; and

(ii) Perform an operational test of this autopilot disconnect feature to determine that it operates properly, in accordance with Airbus Service Bulletin A310-22-2047, dated July 16, 1996 (for Model A310 series airplanes), or Service Bulletin A300-22-6035, dated July 16, 1996 (for Model A300-600 series airplanes), as applicable. If any discrepancy is detected, prior to further flight, repair it in accordance with the applicable service bulletin. Repeat this test thereafter at intervals not to exceed 18 months.

(e) 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, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(f) 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.

(g) The modification of the FCC's shall be done in accordance with Airbus Service Bulletin A310-22-2036, dated December 14, 1993, or Airbus Service Bulletin A300-22-6021, Revision 1, dated December 24, 1993, as applicable. The incorporation by reference of those documents was approved previously by the Director of the Federal Register, in

accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of May 23, 1996 (61 FR 16873, April 18, 1996). The modification and operational test of the autopilot shall be done in accordance with Airbus Service Bulletin A310-22-2044, Revision 1, dated January 8, 1997; Airbus Service Bulletin A300-22-6032, Revision 1, dated January 8, 1997; Airbus Service Bulletin A310-22-2047, dated July 16, 1996; or Airbus Service Bulletin A300-22-6035, dated July 16, 1996; as applicable. The incorporation by reference of those documents 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.

(h) This amendment becomes effective on October 3, 1997.

Issued in Renton, Washington, on August 25, 1997.

**John J. Hickey,**

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

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## RAILROAD RETIREMENT BOARD

### 20 CFR Part 261

#### RIN 3220-AB15

### Finality of Decisions Regarding Railroad Retirement Annuities

**AGENCY:** Railroad Retirement Board.

**ACTION:** Final rule.

**SUMMARY:** The Railroad Retirement Board (Board) hereby adopts regulations pertaining to the finality of decisions under the Railroad Retirement Act of 1974 (Act).

**EFFECTIVE DATE:** This rule will be effective September 29, 1997.

**ADDRESSES:** Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

**FOR FURTHER INFORMATION CONTACT:** Thomas W. Sadler, Senior Attorney, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611, telephone (312) 751-4513, TTD (312) 751-4701.

**SUPPLEMENTARY INFORMATION:** The Board's rules and procedures regarding the finality of decisions are presently contained in Board Orders, which are not readily available to the public. The Board Order regarding finality of decisions provides that finality of certain decisions is based on a number of factors; adjudication based on these

factors is difficult to administer. Also the Board Order does not contain any time limits on reopening.

The regulation addresses the finality of benefit decisions. This rule is similar to the regulation of the Social Security Administration (SSA) entitled "Reopening and Revising Determinations and Decisions" (20 CFR 404.987-404.996).

Section 261.1 describes who may open a final decision issued by the agency. Section 261.2 describes when a final decision may be reopened. All final decisions, except decisions awarding separation allowance lump sum payments, may be reopened within 12 months of the date of notice of such decision (see § 261.2(d)); within 4 years of the date of notice if new and material evidence is furnished or if there was an adjudicative error not consistent with the evidence of record at the time of adjudication; or at any time under the conditions set forth in § 261.2(c).

Section 261.3 provides that a change of legal interpretation or administrative ruling upon which a decision was based is not a basis for reopening.

Section 261.4 provides that the annuity beginning date will not be changed if the annuitant was later found to be engaged in compensated service for an employer, as defined in part 202 of the Board's regulations, and the annuitant had no basis for knowing that he was engaged in such service. This section also provides that the award of an annuity would not be withdrawn if based upon incorrect records of service where the erroneously credited service months do not exceed 6 months and the annuitant was not at fault in causing the error.

Section 261.5 provides that a decision may be reopened after the 1 year and 4 year time limits set forth in § 261.2 of this part if the Board had begun an investigation within those time limits. However, if the Board does not diligently pursue the investigation it will not reopen the decision if the decision was favorable to the annuitant.

Sections 261.6-261.8 are procedural and provide that if a decision is reopened, the annuitant will be given notice and will have a right to reconsideration and/or a hearing. Any hearing shall be conducted in accordance with part 260 of the Board's regulations (20 CFR 260).

Section 261.9 provides that if a decision on a claim is reopened it may also cause a reopening of a decision on a previous claim based upon the same compensation record, even though the time limits for reopening a decision on the first claim have passed.