

# Proposed Rules

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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. 98-NM-128-AD]

RIN 2120-AA64

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

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to all Airbus Model A310 and A300-600 series airplanes, that currently requires a revision of the Airplane Flight Manual that warns the flightcrew of certain consequences associated with overriding the autopilot when it is in the pitch control axis. It also requires modification of certain flight control computers, and a modification to the autopilot. For certain airplanes, that AD also requires repetitive operational testing of the modified autopilot to determine if the disconnect function operates properly, and repair, if necessary. This action would add a new requirement to accomplish those repetitive operational tests on other airplanes. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent an out-of-trim condition between the trimmable horizontal stabilizer and the elevator, which could result in severely reduced controllability of the airplane.

**DATES:** Comments must be received by July 6, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-128-AD, 1601 Lind Avenue, SW.,

Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule 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 98-NM-128-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. 98-NM-128-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### Discussion

On August 25, 1997, the FAA issued AD 97-18-09, amendment 39-10119 (62 FR 45710, August 29, 1997), applicable to all Airbus Model A310 and A300-600 series airplanes, to require a revision to the Airplane Flight Manual (AFM) that warns the flightcrew of certain consequences associated with overriding the autopilot when it is in the pitch control axis, modification of certain flight control computers (FCC), and modification of the autopilot, which would enable the flightcrew to disconnect the autopilot when direct force is applied to the control column, regardless of its mode and the altitude of the airplane. That AD also requires repetitive operational testing of the modified autopilot to determine if the disconnect function operates properly, and repair, if necessary. That action was prompted by the results of an FAA review of the requirements of an earlier AD. The requirements of that AD are intended to prevent an out-of-trim condition between the trimmable horizontal stabilizer and the elevator, which could result in severely reduced controllability of the airplane.

##### Actions Since Issuance of Previous Rule

Since the issuance of AD 97-18-09, the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has issued French airworthiness directive 97-373-237(B), dated December 3, 1997, which specifies that Airbus Model A310 and A300-600 series airplanes on which the modification of the autopilot (reference Airbus Modification 11454) has been accomplished during production should be subject to the same repetitive operational tests required to be performed on Airbus Model A310 and A300-600 series airplanes modified in accordance with Airbus Service Bulletin A310-22-2044, Revision 1, or A300-22-6032, Revision 1, both dated January 8, 1997 (which were referenced by AD 97-18-09 as the appropriate sources of service information).

In light of the criticality of the unsafe condition (an out-of-trim condition between the trimmable horizontal stabilizer and the elevator, which could

severely reduce controllability of the airplane), modification of the autopilot alone may not provide the degree of safety assurance necessary for the transport airplane fleet. Therefore, repetitive operational testing of the modified autopilot to determine if the disconnect function operates properly is necessary to ensure long term continued operational safety, whether the modification was installed during production or in accordance with AD 97-18-09.

#### FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 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 97-18-09 to continue to require a revision to the Limitations Section of the AFM that warns the flightcrew of certain consequences associated with overriding the autopilot when it is in the pitch control axis; modification of certain FCC's; modification of the autopilot and removal of the revision to the AFM once the modification has been accomplished; repetitive operational testing of the modified autopilot to determine if the disconnect function operates properly; and repair, if necessary.

This proposed AD would add a new requirement for accomplishment of the same repetitive operational tests on Airbus Model A310 and A300-600 series airplanes that received the modification to the autopilot during production.

#### Cost Impact

There are approximately 94 airplanes of U.S. registry that would be affected by this proposed AD.

The AFM revision that was required previously by AD 96-08-07 and

retained in this AD, 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 \$5,640, or \$60 per airplane.

The modification of certain FCC's that was required previously by AD 96-08-07 and retained in this AD, 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 of FCC's on U.S. operators is estimated to be \$5,640, or \$60 per airplane.

The modification of the autopilot that was required previously by AD 97-18-09 and retained in this AD, takes approximately 25 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts cost approximately \$1,578 per airplane. Based on these figures, the cost impact of the currently required modification of the autopilot on U.S. operators is estimated to be \$289,332, or \$3,078 per airplane.

The operational test that was required previously by AD 97-18-09 and retained in this AD, takes 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 currently required operational test requirement on U.S. operators is estimated to be \$39,480, 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 current or proposed 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 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 39-10119 (62 FR 45710, August 29, 1997), and by adding a new airworthiness directive (AD), to read as follows:

**Airbus Industrie:** Docket 98-NM-128-AD. Supersedes AD 97-18-09, Amendment 39-10119.

**Applicability:** All Model A310 and A300-600 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 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 (f) 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 result in severely reduced 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 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 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.

RESTATEMENT OF ACTIONS REQUIRED BY AD 97-18-09, AMENDMENT 39-10119

(d) For airplanes on which Modification No. 11454 [reference Airbus Service Bulletin A310-22-2044, Revision 1 (for Model A310 series airplanes) or Airbus Service Bulletin A300-22-6032, Revision 1 (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 October 3, 1997 (the effective date of AD 97-18-09, amendment 39-10119), 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 (a) 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.

NEW ACTIONS REQUIRED BY THIS AD

(e) For airplanes on which Modification No. 11454 was installed during production: Within 18 months after the date of manufacture of the airplane, or within 6 months after the effective date of this AD, whichever occurs later, accomplish the actions specified in paragraph (d)(2)(ii) of this AD.

(f) 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 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.

(g) 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.

**Note 3:** The subject of this AD is addressed in French airworthiness directive 97-373-237(B), dated December 3, 1997.

Issued in Renton, Washington, on May 27, 1998.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 98-14610 Filed 6-2-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-128-AD]

RIN 2120-AA64

**Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146-RJ Series Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace Model BAe 146 and certain Model Avro 146-RJ series airplanes. This proposal would require a one-time inspection for “drill marks” and corrosion on the underside of the wing top skin, and corrective actions, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent corrosion from developing on the underside of the top skin of the center wing, which could result in reduced structural integrity of the airplane.

**DATES:** Comments must be received by July 6, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, *Attention:* Rules Docket No. 97-NM-128-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. 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:**