

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

[Docket No. 97-NM-148-AD; Amendment 39-10688; AD 98-16-12]

RIN 2120-AA64

**Airworthiness Directives; Airbus Model A320 and A321 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 and A321 series airplanes, that requires replacement of the fuel pump strainers with improved strainers. 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 prevent blockage of fuel by the buildup of ice crystals, which could result in low fuel pressure, and consequent shutdown of the engine during critical phases of flight.

**DATES:** Effective September 8, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 8, 1998.

**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 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 A320 and A321 series airplanes was published in the **Federal Register** on November 25, 1997 (62 FR 62721). That action proposed to require replacement of the fuel pump strainers with improved strainers.

**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.

Two commenters support the proposed rule.

**Request for Clarification of Description of Required Actions**

One commenter supports the proposed rule, but notes that the description of the modification in the AD could be misleading, as it implies that there are a quantity of 8 mesh strainers in the wing fuel pump system, rather than 4, that require modification. The commenter states that the fineness of the screens (i.e., size of openings) has been changed, and may have been incorrectly interpreted as the quantity of the screens instead of the size of the screen mesh openings. The FAA acknowledges that the wording in paragraph (a) of the AD could be misleading, and has revised that paragraph to clarify the required actions.

**Request To Cite Other Revisions of the Service Bulletin**

Two commenters request that the proposed AD be revised to reference other revisions of Airbus Service Bulletin A320-28-1044. (Revision 10 of the service bulletin, dated November 5, 1996, is referenced in the proposed AD as the appropriate source of service information for accomplishment of replacement of the fuel pump strainers.) One commenter states that it has already accomplished the modification in accordance with A320-28-1044, Revision 09, dated June 14, 1996, and requests full credit for this work. Another commenter suggests a revision to paragraph (a) of the proposed AD that would reference Revision 11, dated August 26, 1997.

The FAA concurs with these requests. The FAA has determined that both Revision 09 and Revision 11 of Airbus Service Bulletin A320-28-1044 are substantially equivalent to Revision 10. Therefore, the FAA has revised paragraph (a) of the final rule to require accomplishment of the replacement in accordance with Revision 11, dated August 26, 1997. Additionally, a NOTE has been added to the final rule to reference Revision 09, dated June 14, 1996, and Revision 10, dated November 5, 1996, as an acceptable means of compliance for operators that have accomplished the replacement prior to the effective date of this AD.

**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 132 Airbus Model A320 and A321 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 13 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$102,960, or \$780 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.

**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:

**98-16-12 Airbus Industrie:** Amendment 39-10688. Docket 97-NM-148-AD.

**Applicability:** Model A320 and A321 series airplanes; as listed in Airbus Service Bulletin A320-28-1044, Revision 10, dated November 5, 1996; 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 (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.

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

To prevent blockage of fuel by the build-up of ice crystals, which could result in low fuel pressure, and consequent shutdown of the engine during critical phases of flight, accomplish the following:

(a) Within 24 months after the effective date of this AD, replace the mesh strainers of each fuel pump with improved strainers, in accordance with Airbus Service Bulletin A320-28-1044, Revision 11, dated August 26, 1997.

**Note 2:** Accomplishment of the replacement required by paragraph (a) of this AD in accordance with Airbus Service Bulletin A320-28-1044, Revision 09, dated June 14, 1996, or Revision 10, dated November 5, 1996, prior to the effective date of this AD, is acceptable for compliance with this paragraph.

(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, 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 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(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 replacement shall be done in accordance with Airbus Service Bulletin A320-28-1044, Revision 11, dated August 26, 1997, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 2, 5-8, 11, 12, 15-20.	Revision 11 ..	August 26, 1997.
4, 10, 13, 14	Revision 10 ..	November 05, 1996.
3, 9 .....	Revision 09 ..	June 14, 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 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 4:** The subject of this AD is addressed in French airworthiness directive 96-170-082 (B), dated August 28, 1996.

(e) This amendment becomes effective on September 8, 1998.

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

**S.R. Miller,**

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

[FR Doc. 98-20676 Filed 8-3-98; 8:45 am]

**BILLING CODE 4910-13-P**

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Parts 231, 241, 271, 276

[Release Nos. 33-7558; 34-40277; IA-1738; IC-23366; International Series Release No. 1149]

### Statement of the Commission Regarding Disclosure of Year 2000 Issues and Consequences by Public Companies, Investment Advisers, Investment Companies, and Municipal Securities Issuers

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Interpretation.

**SUMMARY:** The Securities and Exchange Commission ("we" or "the Commission") is publishing guidance for public companies, investment advisers, investment companies, and municipal securities issuers regarding their disclosure obligations about Year 2000 issues. This release provides guidance to public companies so they can determine whether their Year 2000 issues are known material events, trends, or uncertainties that should be disclosed in the Management's Discussion and Analysis of Financial Condition and Results of Operations ("MD&A") section of their disclosure documents. This release also sets forth our guidance regarding specific matters for companies to address in their MD&A Year 2000 disclosure. In addition, we address the need for companies to consider the Year 2000 issue in connection with other rules and regulations and when they prepare financial statements. Finally, we remind municipal securities issuers, as well as public companies, investment advisers, and investment companies, that the anti-fraud provisions of the federal securities laws apply to disclosure about the Year 2000 issue. This guidance supersedes the current staff guidance in revised Staff Legal Bulletin No. 5 ("Staff Legal Bulletin").

**EFFECTIVE DATE:** August 4, 1998. For information regarding the first periodic reports filed by public companies that should follow this release's guidance, see Section I.A.

**FOR FURTHER INFORMATION CONTACT:** Broc Romanek or Joseph Babits, Office of Chief Counsel, Division of Corporation Finance at 202-942-2900 (with respect to public companies), Anthony Vertuno, Division of Investment Management, at 202-942-0591 (with respect to investment companies); Arthur Laby, Division of Investment Management, at 202-942-0716 (with respect to investment advisers), and Mary Simpkins, Office of Municipal Securities, at 202-942-7300 (with respect to municipal securities).

#### SUPPLEMENTARY INFORMATION:

##### I. Executive Summary

The "Year 2000 problem" arose because many existing computer programs use only the last two digits to refer to a year. Therefore, these computer programs do not properly recognize a year that begins with "20" instead of the familiar "19." If not corrected, many computer applications could fail or create erroneous results. The extent of the potential impact of the Year 2000 problem is not yet known,