**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. 98–NM–15–AD; Amendment 39–10770; AD 98–20–04]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus Model A319, 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 A319, A320, and A321 series airplanes, that requires replacing certain toilet rinse valves with modified rinse valves. 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 water contamination of the avionics computers, which could result in the display of erroneous or misleading information to the flightcrew, and consequent reduced controllability of the airplane.

**DATES:** Effective October 26, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 26, 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 A319, A320, and A321 series airplanes was published in the **Federal Register** on March 20, 1998 (63 FR 13570). That action proposed to require replacing certain Monogram toilet rinse valves with modified rinse valves.

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

One commenter supports the proposed rule.

Two commenters express their concerns that additional sources of fluid contamination of avionics computers exist. One commenter specifies that other possible fluid sources include water supply and drain lines, coffee makers, water boilers, water filters, hot-cups, beverage containers, trash cans, rain, snow, waste tanks, waste tank rinse systems, hydraulic lines, fuel lines, and de-icing fluid systems. The other commenter states that, since the avionics computers probably have cooling air holes in their cases and are not intrinsically tolerant of moisture ingress, it may be desirable to provide additional protection of the avionics computers such as installing drip shields. The commenter further suggests that the need for such additional protection could be verified by a safety analysis conducted to consider the probability of failure of the rinse valve, the probability of overflow fluids entering the computers, and the probability of hazardous malfunction of the computers due to moisture ingress.

The FAA acknowledges the commenters' concern that other potential sources of fluid contamination may exist. However, an existing unsafe condition (water contamination of the avionics computers due to malfunction of the toilet rinse valve) has been identified and a corrective action required in this rule. The FAA finds that to delay issuance of this final rule would be inappropriate, since issuance of an AD is the means by which the identified unsafe condition will be addressed. Therefore, no change to this final rule is necessary.

However, the FAA has been advised that additional safety analyses have been conducted to address other probabilities of contamination of the avionics computers. Additionally, the FAA is reviewing additional information received from the Direction Générale de l'Aviation Civile (DGAC), the airworthiness authority for France, concerning contamination of the avionics computers. After review of the findings of this information, the FAA may consider further rulemaking.

### 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

The FAA estimates that 16 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be provided 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 $5,760, or $360 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the 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 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:

**98–20–04 Airbus Industrie:** Amendment 39–10770. Docket 98-NM–15–AD.

*Applicability:* Model A319, A320, and A321 series airplanes; equipped with Monogram rinse valves having part number (P/N) 15800–348, Revision C; and on which Airbus Modification 26145 (reference Airbus Service Bulletin A320–38–1049) has not been accomplished; 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.

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

To prevent water contamination of the avionics computers, which could result in the display of erroneous or misleading information to the flightcrew, and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 12 months after the effective date of this AD, replace all Monogram toilet rinse valves having P/N 15800–348, Revision C, with modified rinse valves, in accordance with Airbus Service Bulletin A320–38–1049, dated January 22, 1997.

(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 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.

(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 actions shall be done in accordance with Airbus Service Bulletin A320–38–1049, dated January 22, 1997. 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 3:** The subject of this AD is addressed in French airworthiness directive 97–269–103(B), dated September 24, 1997.

(e) This amendment becomes effective on October 26, 1998.

Issued in Renton, Washington, on September 11, 1998.

**Dorenda D. Baker,**

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

[FR Doc. 98–24901 Filed 9–18–98; 8:45 am]

BILLING CODE 4910–13–U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. 98–NM–28–AD; Amendment 39–10769; AD 98–20–03]**

**RIN 2120–AA64**

## Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 series airplanes, that requires repetitive inspections of the center joint of the main landing gear (MLG) torque link and the MLG assembly for excessive free-play; and correction, if necessary. This AD also requires installation of new MLG torque link dampers, which constitutes terminating action for the repetitive inspections; and revision of the FAA-approved maintenance program to incorporate inspections and overhaul of the new torque link dampers. 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 the failure of MLG torque links, which could result in reduced controllability of the airplane on the ground during takeoff or landing.

**DATES:** Effective October 26, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 26, 1998.

**ADDRESSES:** The service information referenced in this AD may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. 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 all Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 series airplanes was published in the **Federal Register** on April 2, 1998 (63 FR 16177). That action proposed to require repetitive inspections of the center joint of the main landing gear (MLG) torque link and the MLG assembly for excessive free-play; and correction, if necessary. That action also proposed to require installation of new MLG torque link dampers, which would constitute terminating action for the repetitive inspections; and revision of the FAA-approved maintenance program to incorporate inspections and overhaul of the new torque link dampers.

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

### Request That Final Rule Not Be Issued

The single commenter, an operator, states that the requirements of the proposed rule are unnecessary. The commenter states that the incident that initiated the Dutch airworthiness directive was caused by certain operators' failure to adequately maintain their landing gear, wheels, brakes, and tires. The commenter further notes that accomplishment of the proposed installation of a shimmy damper could allow airlines to lengthen the time between replacement and repair of those worn parts, which would exacerbate the