

airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Airbus A330 and A340 series airplanes. The DGAC advises that the operational life limits for the servo-controls located on the ailerons, which are listed in Revision 8, chapter 05-11-00, configuration 1, of the Aircraft Maintenance Manual (AMM), dated September 15, 1999, are not addressed by section 9 of the Airworthiness Limitations Section (ALS), which replaces chapter 05-11-00 of the AMM. When the servo-controls have reached their operational life limits, it is necessary to remove and replace them with new servo-controls to prevent hydraulic leakage and failure due to cracks in the end caps and along the barrel, which could result in loss of the ailerons and consequent reduced controllability of the airplane.

Explanation of Action Taken by the DGAC

The DGAC issued French airworthiness directives 2001-529(B) and 2001-530(B), both dated November 14, 2001, to require operational life limits for the inboard and outboard aileron servo-controls operating in the active mode. The French airworthiness directives also require the replacement of the servo-controls with new servo-controls when the operational life limits have been reached.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of § 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 require a revision to the ALS of the Instructions for Continued Airworthiness to incorporate life limits for servo-controls located in the ailerons and replacement of the servo-controls with new servo-controls when the operational life limits have been reached.

Clarification of Compliance Time

French airworthiness directives 2001-529(B) and 2001-530(B) both include a note that provides a formula for calculating the remaining life (in the present configuration) for parts that have been used in several airplane models or type configurations. This proposed AD mirrors the compliance times specified in paragraphs (A) and (B) of the French airworthiness directives, but does not provide the formula specified in the note of the French airworthiness directives. However, we would consider a request for approval to use the specified formula, under the provisions of paragraph (d) of this proposed AD, provided that appropriate substantiating data accompany the request.

Cost Impact

The FAA estimates that 9 Model A330 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would be provided to the operators at no cost. Based on these figures, the cost impact of the proposed AD on U.S. operators of Model A330 series airplanes is estimated to be \$2,700, or \$300 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 proposed 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.

Currently, there are no Airbus Model A340 series airplanes on the U.S. Register. However, should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 5 work hours to accomplish the proposed actions, at an average labor rate of \$60 per work hour. Required parts would be provided to the operators at no cost. Based on these figures, the cost impact of this AD for Model A340 operators would be \$300 per airplane.

Regulatory Impact

The regulations proposed herein would 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 proposal would not have federalism implications under Executive Order 13132.

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.

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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 adding the following new airworthiness directive:

Airbus: Docket 2002-NM-02-AD.

Applicability: All Model A330 and A340 series airplanes, certificated in any category.

Note 1: This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR Part 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR part 91.403(c), the operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include a description of changes to the required inspections that will ensure the continued damage tolerance of the affected structure. The FAA has provided