

arcng to the fuel tank if the airplane should be struck by lightning.

Actions Since Issuance of Previous Rule

Since the issuance of AD 2001–13–09, the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has mandated the one-time inspection required by the existing AD (which is applicable to Model A300 B2–1C, B2–203, B2K–3C, and A300 B4 series airplanes) for Model A310 and Model A300 B4–600, B4–600R, and F4–600R (collectively called A300–600) series airplanes, and expanded the applicability to include those airplanes.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A300–28–0080, Revision 01, dated September 3, 2001 (the original issue of the service bulletin was referenced in the existing AD for accomplishment of the referenced actions). Revision 01 has no substantial changes from the original issue.

Airbus also has issued Service Bulletins A300–28–6065, dated March 29, 2001; Revision 01, dated August 31, 2001; and Revision 02, dated August 1, 2002 (for Model A300–600 series airplanes); and A310–28–2145, dated August 21, 2001 (for Model A310 series airplanes). The service bulletins describe procedures for inspecting the FQI probes to make sure that there is a minimum clearance of 3.0 mm (0.118 in.) between each FQI probe and any adjacent structure and/or component in the wing fuel tanks, and adjustment of the clearance space if necessary.

The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 2002–170(B), dated April 3, 2002, in order to ensure the continued airworthiness of these airplanes in France.

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 us informed of the situation described above. We have 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 2001–13–09 to continue to require a one-time inspection of the space between the fuel quantity indication (FQI) probes and any adjacent structures for minimum clearance, and corrective action if necessary. The proposed AD also would expand the applicability in the existing AD and would require the subject one-time inspection on the additional airplanes. The actions would be required to be accomplished in accordance with the service bulletins described previously.

Changes to 14 CFR Part 39/Effect on the AD

On July 10, 2002, we issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance (AMOCs). Because we have now included this material in part 39, only the office authorized to approve AMOCs is identified in each individual AD.

Change to Labor Rate Estimate

We have reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary to increase the labor rate used in these calculations from \$60 per work hour to \$65 per work hour. The cost impact information, below, reflects this increase in the specified hourly labor rate.

Cost Impact

There are approximately 115 airplanes of U.S. registry that would be affected by this proposed AD.

The inspection that is currently required by AD 2001–13–09 takes approximately 7 work hours per airplane to accomplish, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of the currently required inspection is estimated to be \$455 per airplane.

It would take approximately 5 work hours per airplane to accomplish the new inspection, specified in Airbus Service Bulletin A310–28–2145, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact

of this proposed inspection is estimated to be \$325 per airplane.

It would take approximately 10 work hours per airplane to accomplish the new inspection of the wing fuel tank, and approximately 5 work hours per airplane to accomplish the new inspection of the trim fuel tank, specified in Airbus Service Bulletin A300–28–6065, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of these proposed inspections is estimated to be \$650 per wing fuel tank, and \$325 per trim fuel tank, per airplane.

The cost impact figures discussed above are 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. 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.

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**.

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