

- Include justification (e.g., reasons or data) for each request.

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 action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2002-NM-49-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. 2002-NM-49-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A320 series airplanes. The DGAC advises that it has received reports of failure of the MLG side-stay cuff lugs on certain Model A320 series airplanes. Investigation has revealed that the failures were due to stress-corrosion cracks attributed to moisture ingress. In one case the failed cuff lugs resulted in the disconnection of the side-stay down-lock springs from the lock-stay links. Failure of the side-stay cuff lugs or down-lock spring attachments could result in improper down-lock of the MLG during a freefall extension, and possible collapse of the MLG.

The MLG down-lock mechanism on Airbus Model A319 and A321 series airplanes is similar to that on the affected Model A320 series airplanes. Therefore, those airplanes may be subject to the unsafe condition revealed on the Model A320 series airplanes.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A320-32A1224, dated January 18, 2001, which describes procedures for repetitive detailed inspections of the MLG lock-springs and side-stay center joint links for evidence of cracked or

fractured lugs; and repair if necessary. The inspections are to be repeated until accomplishment of Airbus Service Bulletin A320-32-1223, dated March 5, 2001.

Airbus Service Bulletin A320-32-1223 describes procedures for installation of MLG side-stay cuffs and links manufactured from new, improved material that has a higher stress-corrosion resistance than the current material. Accomplishment of this service bulletin eliminates the need for the repetitive inspections specified in Airbus Service Bulletin A320-32A1224.

Accomplishment of the actions specified in Airbus Service Bulletin A320-32A1224 is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 2002-075(B), dated January 23, 2002, to ensure the continued airworthiness of these airplanes in France. The French airworthiness directive specifies that accomplishment of the actions specified in Airbus Service Bulletin A320-32-1223 cancels the requirement of that AD.

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 accomplishment of the actions specified in Airbus Service Bulletin A320-32A1224, described previously, and provides for an optional terminating action for the repetitive inspections.

Cost Impact

The FAA estimates that 367 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed repetitive inspections, and that the

average labor rate is \$65 per work hour. Based on these figures, the cost impact of the proposed AD is estimated to be \$130 per airplane, per inspection cycle.

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. 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 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.