

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 AD

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 98–12–18 to continue to require repetitive inspections for cracking in the transition and pick-up angles in the lower part of the center fuselage area, and corrective action if necessary. The proposed AD also would continue to provide for an optional terminating modification for the repetitive inspection requirements. This new action would reduce the compliance time for the inspections for fatigue cracking of the same area. The actions would be required to be accomplished in accordance with the service bulletins described previously, except as discussed below.

Change to Existing AD

The compliance time in the existing AD specified landings; however, this proposed AD would specify flight cycles (which are essentially the same as landings) and flight hours as a reduction in thresholds.

Differences in Proposed AD, Referenced Service Bulletins, and Related French AD

The service bulletins specify that operators may contact the manufacturer for disposition of certain repair conditions; however, this proposed AD would require operators to repair those conditions per a method approved by either the FAA or the DGAC (or its delegated agent). In light of the type of repair that would be required to address the unsafe condition, and consistent with existing bilateral airworthiness agreements, we have determined that, for this proposed AD, a repair approved by either the FAA or the DGAC would be acceptable for compliance with this proposed AD.

The service bulletins describe procedures for submitting a sheet recording compliance with the service bulletin, this proposed AD would not require those actions. We do not need this information from operators.

Service Bulletin A320–52–1028 refers only to a “visual inspection” for cracking of the transition and pick-up angles in the lower part of the center fuselage area. We have determined that the procedures in the service bulletin should be described as a “detailed inspection.” For clarification purposes, all references to a visual inspection in the existing AD have been changed accordingly. A new Note 2 has been included in this proposed AD to define this type of inspection.

The service bulletins specify Model A320–212 series airplanes, while the applicability of this proposed AD specifies Model A320–111, –211, and –231 series airplanes without modification 21202 in production, as these are the only airplanes affected by the unsafe condition.

Cost Impact

There are approximately 24 airplanes of U.S. registry that would be affected by this proposed AD. The new requirements of this AD add no additional economic burden. The current costs for this AD are repeated for the convenience of affected operators, as follows:

The inspections that are currently required by AD 98–12–18, and retained in this proposed AD, take about 9 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 actions on U.S. operators is estimated to be \$14,040, or \$585 per airplane, per inspection cycle.

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

If an operator chooses to do the optional terminating modification rather than continue the repetitive inspections, it would take between 5 and 10 work hours per airplane to accomplish the proposed modification, at an average labor rate of \$65 per work hour. Required parts would cost between \$1,077 and \$1,837 per airplane. Based on these figures, the cost impact of the modification proposed by this AD is estimated to be between \$1,402 and \$2,487 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**.

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 removing amendment 39–10573 (63 FR 31345, June 9, 1998), and by adding a new airworthiness directive (AD), to read as follows:

Airbus: Docket 2002–NM–118–AD.

Supersedes AD 98–12–18, Amendment 39–10573.

Applicability: Model A320–111, –211, and –231 series airplanes; certificated in any category; as listed in Airbus Service Bulletin A320–53–1027, Revision 03, dated February 12, 2002; or Airbus Service Bulletin A320–53–1028, Revision 01, dated February 12, 2002.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking in the transition and pick-up angles of the lower part of the center fuselage, which could