

operator nor increase the scope of the AD.

Costs of Compliance

This AD affects about 396 airplanes of U.S. registry and 963 airplanes worldwide. The required inspection will take about 3 work hours per airplane, per inspection cycle, at an average labor rate of \$65 per work hour. Based on these figures, the estimated cost of the AD for U.S. operators is \$77,220, or \$195 per airplane, per inspection cycle.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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.

For the reasons discussed above, I certify that this AD:

- (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.

We prepared a regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2004-23-11 McDonnell Douglas:

Amendment 39-13866. Docket No. FAA-2004-18994; Directorate Identifier 2003-NM-210-AD.

Effective Date

(A) This AD becomes effective December 20, 2004.

Affected ADs

(b) None.

Applicability

(c) This AD applies to certain McDonnell Douglas Model DC-9-14, DC-9-15, DC-9-21, DC-9-31, DC-9-32, DC-9-32 (VC-9C), DC-9-32F, DC-9-33F, DC-9-34, DC-9-34F, DC-9-32F (C-9A, C-9B), DC-9-41, and DC-9-51 airplanes, certificated in any category; as listed in Boeing Service Bulletin DC9-57-223, dated July 21, 2003.

Unsafe Condition

(d) This AD was prompted by reports of cracks in the upper cap of the center wing rear spar that resulted from stress corrosion. We are issuing this AD to detect and correct cracking of the left or right upper cap of the center rear spar, which could cause a possible fuel leak and structural failure of the upper cap, and result in reduced structural integrity of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Inspection

(f) At the later of the times specified in paragraph (f)(1) or (f)(2) of this AD: Do a high frequency eddy current inspection to detect cracks in the vertical radius of the upper cap of the center wing rear spar, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC9-57-223, dated July 21, 2003.

(1) Before the accumulation of 25,000 total flight cycles.

(2) Within 15,000 flight cycles or 5 years after the effective date of this AD, whichever occurs first.

Corrective Action

(g)(1) If no crack is found, then repeat the inspection thereafter at intervals not to exceed 15,000 flight cycles or 5 years, whichever occurs first.

(2) If any crack is found, before further flight, repair per a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. For a repair method to be approved by the Manager, Los Angeles ACO, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

Alternative Methods of Compliance (AMOCs)

(h) The Manager, Los Angeles ACO, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(i) You must use Boeing Service Bulletin DC9-57-223, dated July 21, 2003, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of this document

in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. CI-L5A (D800-0024). For information on the availability of this material at the National Archives and Records Administration (NARA), call (202) 741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. You may view the AD docket at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., room PL-401, Nassif Building, Washington, DC.

Issued in Renton, Washington, on November 1, 2004.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04-24934 Filed 11-12-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002-NM-153-AD; Amendment 39-13859; AD 2004-23-04]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A319 and A320 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 and A320 series airplanes, that requires a modification and replacement affecting all fuel tanks. All affected airplanes require the installation of fuses in the wiring of the fuel quantity indicating probes of all fuel tanks. Some affected airplanes also require replacement of the high-level sensors of the additional center tanks (ACTs) with new sensors. For all affected airplanes, these actions are necessary to prevent overheating of the fuel probes due to a short circuit. For some affected airplanes, these actions are necessary to prevent fuel leakage due to inadequate space for thermal expansion within the ACTs. Such conditions could result in fuel vapors or fuel contacting an ignition source and/or consequent fire/explosion in the center fuel tanks. These actions are intended to address the identified unsafe condition.

DATES: Effective December 20, 2004.

The incorporation by reference of certain publications listed in the

regulations is approved by the Director of the Federal Register as of December 20, 2004.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus, 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 National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (425) 227-2125; fax (425) 227-1149.

Relationship of This AD to SFAR 88

The FAA has examined the underlying safety issues involved in recent fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled "Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements" (67 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 (SFAR 88).

Among other actions, SFAR 88 requires certain type design (*i.e.*, type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: single failures, single failures in combination with another latent condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

Based on this process, we have determined that the actions identified in this AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

Proposed AD

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 and A320 series airplanes was published in the **Federal Register** on November 17, 2003 (68 FR 64823). That action proposed to require a modification and replacement affecting the center and wing fuel tanks. All affected airplanes would require modification of the wiring of the fuel quantity indicating probes of the center and wing fuel tanks. Some affected airplanes would also require replacement of the high-level sensors of the additional center fuel tank with new, improved sensors.

Comments

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

Supportive Comments

One commenter supports the proposed AD; one commenter supports the intent of the proposed AD.

Requests To Extend Compliance Time

One commenter notes a large disparity between the two limitations in the proposed accomplishment time of "Within 4,000 flight hours or 30 months after the effective date of the AD, whichever is first." The commenter suggests that the FAA consider changing the timeline to flight hours or a calendar month, which is more closely tied to actual airplane utilization. The

commenter adds that utilization of these airplanes could be as high as 9,000 flight hours during the proposed 30-month compliance time. The commenter asks that the compliance time be changed to 9,000 flight hours or 30 months, whichever is first. Another commenter also recommends that the compliance time be changed to 9,000 flight hours or 30 months, whichever is first, and provided no justification for the recommendation.

A third commenter states that, based on airplane utilization, the flight-hour threshold will occur first, and result in a 14-month schedule for completion. The commenter adds that, based on the instructions outlined in Airbus Service Bulletin A320-28-1087, accomplishment of the actions is possible only during a base maintenance visit. The commenter notes that the compliance limits will penalize operators with long-to-medium-range missions. The commenter recommends that the compliance time be extended to 5,500 flight hours or 30 months after the effective date of the AD, whichever occurs first. The commenter states that this will allow operators to utilize routine base maintenance visit opportunities where appropriate tooling, ground equipment, and qualified skill set are available.

A fourth commenter states that including a flight-hour limit in the compliance time suggests that the failure mode being addressed by the mandatory activity is sensitive to flight hours in service. The commenter notes that the failure mode addressed by Service Bulletin A320-28-1087 (wiring insulation breakdown/damage) is primarily related to calendar age. The commenter adds that, while the flight-hour limit may have value, it is not the crucial parameter. The commenter's in-service airplanes average about eight hours of flying per day, which means that the 4,000-flight-hour limit would require that the actions be done on all affected airplanes within about 500 days. This period is 55 percent of the calendar time afforded by the compliance time, and is less than the C-check interval. The commenter states that doing the actions on all airplanes within 4,000 flight hours would put an additional burden and cost on its operation. The commenter suggests extending the compliance time to 6,000 flight hours, which will not compromise the level of safety.

We do not agree with the commenters. In developing an appropriate compliance time for this action, we considered the safety implications, operators' normal maintenance schedules, and the compliance time

recommended by the airplane manufacturer for the timely accomplishment of the required actions. The compliance time is based on airplane utilization overall. In addition, operators provided no data to support that a compliance time extension will ensure safety. In consideration of these items, we have determined that compliance within 4,000 flight hours or 30 months after the effective date of this AD, whichever is first, will provide an acceptable level of safety and is an appropriate interval of time wherein the required actions can be accomplished during scheduled maintenance intervals for the majority of affected operators. However, according to the provisions of paragraph (b) of this AD, we may approve requests to adjust the compliance time if the request includes data that justify that a different compliance time would provide an acceptable level of safety. No change to the AD is made in this regard.

Request To Delay Issuance of the Proposed AD

One commenter states that it previously elected not to do the actions required by the proposed AD on affected airplanes (reference Service Bulletin A320-28-1087, Revision 02). This was because the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, found the Special Federal Aviation Regulation No. 88 ("SFAR 88," Amendment 21-78, and subsequent Amendments 21-82 and 21-83) compliance solution proposal submitted by Airbus to be sufficient for compliance with French airworthiness directive 2002-220(B) R1, dated October 15, 2003; although further discussions with the FAA and the DGAC were necessary. These discussions were expected to include the possibility of a requirement to install transient suppression units. Correspondence between the commenter and Airbus confirmed that, in the event that transient suppression units were specified in future rulemaking, the fused adapter/connection installation specified in the service bulletin would be revised. The commenter adds that, according to its cost model, the proposed AD would cost over \$500,000 for its fleet. The commenter objects to spending the money if the solution is only interim, with introduction of transient suppression units to follow. The commenter strongly encourages a permanent solution to be introduced and regulated, and is not aware of any in-service data that would suggest that airplane safety could be compromised

by delaying the interim solution until introduction of a permanent solution.

We do not agree with the commenter that an alternate solution is necessary, as the modification required by the proposed AD is not an interim action. We have examined the underlying safety issues involved in fuel tank explosions on several transport airplanes. As a result of those findings, we issued a regulation titled "Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements." In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included SFAR No. 88. Among other actions, SFAR 88 requires certain type design holders to perform design reviews, and to develop design changes and maintenance procedures if necessary. We intend to adopt ADs to mandate any changes found necessary to address unsafe conditions identified during these reviews. Based on this process, we have determined that the modification required by this AD is necessary to address the identified unsafe condition.

Request To Clarify Summary Section

One commenter states that the Summary section of the proposed AD has significant inaccuracies due to the assimilation of two independent unsafe conditions, as identified in the referenced French airworthiness directive. The unsafe conditions require mandatory action, which is achieved by applying the two service bulletins referenced in the proposed AD. The commenter notes that the reason there are two service bulletins, and only one French airworthiness directive, is to minimize the cost impact on the three airplanes requiring correction of both unsafe conditions.

Additionally, the commenter states that the Summary section does not properly distinguish between additional center tanks (ACTs) and center wing tanks, which could lead to misinterpretation of any corrective action necessary. The commenter notes that Airbus Service Bulletin A320-28-1086, Revision 01, dated October 23, 2002 (cited in the proposed AD as an appropriate source of service information for accomplishment of certain actions), affects the ACTs on the three airplanes specified above only. The commenter adds that the identified modifications reposition the high-level sensors to ensure there is a minimum of two percent expansion space in the applicable ACT, and correct a non-compliance to Joint Aviation Regulation (JAR) 25.969. This non-compliance

issue could result in fuel overflowing from the ACT to the left wing surge tank in the event of thermal expansion of the fuel in the ACT. The commenter also adds that the bracket that the high-level sensor is attached to, not the high-level sensor, is the part that has been improved.

The commenter also states that Airbus Service Bulletin A320-28-1087, Revision 02, dated June 10, 2003 (cited in the proposed AD as an appropriate source of service information for accomplishment of certain actions), affects all fuel tanks (all wing tanks and all ACTs), on the affected airplanes. The modification identified is to install fuses in the fuel quantity indicating (FQI) harnesses at or near the fuel tank walls, which corrects a non-compliance with JAR 25.981. This non-compliance issue could result in the ignition of flammable fuel vapors in a fuel tank in the event of a short circuit between the FQI wiring and an unprotected 28-volt supply.

In conclusion, the commenter states that the Summary section should clearly distinguish between these two unsafe conditions and should provide certain wording to more clearly define the two unsafe conditions.

We agree with the commenter and have changed the applicable sections in this AD, for clarification, to separate the two unsafe conditions.

Request To Change Paragraph (a) of This AD

In following up on his request to distinguish the two unsafe conditions, the commenter requests the following changes, which would include a new paragraph (b):

"(a) Within 4,000 flight hours or 30 months after the effective date of this AD, whichever is first: Do the applicable actions specified in paragraph (a)(1) of this AD. Accomplishment of the modification before the effective date of this AD per Airbus Service Bulletin A320-28-1087, dated July 17, 2001, or Revision 01, dated March 3, 2003; is acceptable for compliance with the corresponding action specified in paragraph (a)(1) of this AD.

(1) For airplanes defined in Airbus Service Bulletin A320-28-1087, Revision 02, dated June 10, 2003: Modify the wiring of the fuel quantity indicating probes of all the fuel tanks by doing all the actions specified in paragraphs 3.A. through 3.D. (including operational testing and any applicable repair) of the Accomplishment Instructions of the service bulletin. Any applicable repair must be done before further flight.

(b) Within 4,000 flight hours or 30 months after the effective date of this

AD, whichever is first: Do the applicable actions specified in paragraph (b)(1) of this AD. Accomplishment of the replacement before the effective date of this AD per Airbus Service Bulletin A320-28-1086, dated November 30, 1999; as applicable; is considered acceptable for compliance with the corresponding action specified in paragraph (b)(1) of this AD.

(1) For airplanes defined in Airbus Service Bulletin A320-28-1086, Revision 01, dated October 23, 2002: Prior to or concurrent with accomplishment of paragraph (a)(1) of this AD, replace the high-level sensors of the additional center fuel tanks by doing all the actions specified in paragraphs 3.A through 3.D. (including operational testing and any applicable repair) of the Accomplishment Instructions of the service bulletin. Do the actions per the service bulletin. Any applicable repair must be done before further flight." The commenter provided no justification for the requested changes.

After reviewing the commenter's suggested changes to paragraph (a) of the proposed AD, we find that specifying "all the fuel tanks" instead of "the center and wing fuel tanks," is the only significant change. We also find that moving the service bulletin references around, as suggested by the commenter, does not clarify the requirements of that paragraph. Therefore, we have changed the wording in paragraph (a)(1) of this AD to specify "all the fuel tanks," for clarification; we made no further changes to paragraph (a) of this AD.

Request To Clarify Certain Sections in the Preamble

The same commenter reiterates certain wording regarding compliance with JAR 25.989, as specified in the Discussion section of the proposed AD, and notes that the wording is incorrect. The commenter states that the referenced testing is specific to some ACTs that can be fitted only to Model A319 series airplanes with Airbus Modification 28238 installed, and does not relate to other ACTs fitted to Models A319 and A320 series airplanes, or to center (wing) tanks. The commenter adds that the correct reference is JAR 25.969, not 25.989. The commenter notes that the high-level sensor is not improved and has no regulatory deficiency, and adds that it is the bracket that the sensor is attached to that is improved to provide the required expansion space. In addition, the commenter states that there is no connection between changing the high-level sensor position and the

overheating of the FQI fuel probes in the event of an external 28-volt short circuit to the FQI fuel probe wiring. The commenter adds that there is no risk of the high-level sensor overheating in the event of an external 28-volt short circuit to its wiring.

The commenter also states that there is no risk of fuel spillage resulting from inadequate expansion space, which could result in fuel vapors or fuel contacting an ignition source, and/or consequent fire/explosion in the center fuel tank. Any fuel spillage will be contained within the fuel vent system until the left wing surge tank is overfilled and subsequent limited fuel spillage from the surge tank through a flame arrestor could occur. The commenter adds that in the event of fuel spillage from the surge tank, and in the presence of an ignition source on the ground, a ground fire could be ignited. In the event of a ground fire, the flame arrestor installed for this purpose will eventually protect the fuel tank.

The commenter notes that the section titled **ADDRESSES** incorrectly identifies the airplane manufacturer as "Airbus Industrie." The airplane manufacturer should be identified as "Airbus."

The same commenter states that the Explanation of Relevant Service Information section in the preamble of the proposed AD is unclear in identifying which tanks apply to Service Bulletin A320-28-1087, Revision 02. The commenter states that the text should read, "Airbus has issued Service Bulletin A320-28-1087, Revision 02, which describes procedures for modification of the wiring of the FQI probes of all fuel tanks." The modification includes the following:

- Installation of fused plug connectors for the FQI probes of the wing tanks; and
- Installation of fused adapters between the external wiring harness and the in-tank wiring of the connectors on the ACT and center wing fuel tank walls.

The commenter notes that the term "center tank" is imprecise, as it could be interpreted to mean the center wing tank and not the ACT. This could lead to the exclusion of necessary corrective action for some fuel tanks. The fact that the modification is applicable to all fuel tanks is explicitly described by using the word "all."

We acknowledge and agree with the commenter's remarks on the preamble of the proposed AD; however, most of the sections referred to are not restated in this final rule. The name of the airplane manufacturer specified in the **"ADDRESSES"** section has been changed

to Airbus. No other change to the AD is made in this regard.

Inadequate Technical Information Provided in the Service Bulletins

One commenter states that it is apparent that the information in the service bulletins lacks adequate technical detail for the commenter to form an opinion relative to the content. The commenter adds that Service Bulletin A320-28-1087 specifies adding fused connectors/adapters to protect the fuel gauging lines from hot shorts to 28 volt direct current that enter the fuel tanks. However, there is no information regarding compliance with Advisory Circular (AC) 25.981, which provides guidance for the overall safe design of fuel systems under certain conditions. The commenter notes that compliance with the AC may require a different design approach, in which case issuance of the proposed AD, although improving the level of safety, would be premature and would cause an unnecessary financial burden for operators. The commenter is unable to render a sound technical opinion as to the accuracy of the proposed AD, due to insufficient data.

We appreciate the commenter's concerns; however, it is not standard practice to provide technical details for design changes in service bulletins. The modification required by this AD is intended to prevent excessive currents from entering the FQI probes. Investigations have shown that a short of 28-volt direct current to the probes could cause certain parts of the probe to heat up to a temperature in excess of 200 degrees centigrade. Additionally, all FQI probe wiring installed on Model A319 series airplanes is co-routed with 28-volt direct current. The service bulletin was issued to provide procedures to modify the airplane to the approved type design. We do not agree that this AD is premature. In this case, we find that to withdraw this AD and initiate new proposed rulemaking (providing for public opportunity to comment) would significantly delay the rulemaking process and would be inappropriate in light of the identified unsafe condition. We have determined that issuance of this AD is appropriate and warranted.

Request To Revise Cost Impact Section

One commenter states that there are presently no airplanes registered in the U.S. for which Service Bulletin A320-28-1086 applies (Models A319-115 and A319-133 series airplanes). The commenter requests that the Cost Impact section of the proposed AD be revised to provide, for future imported

airplanes, accomplishment of the proposed actions through a Certificate of Airworthiness.

We do not agree to provide for accomplishment of the proposed actions through a Certificate of Airworthiness for future imported Models A319-115 and A319-133 series airplanes. We do agree that those airplanes are not U.S.-registered; therefore, we have added a new paragraph to the Cost Impact section to provide the estimated costs for those airplanes should the airplanes be imported and placed on the U.S. Register in the future.

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 with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

We estimate that 468 Model A319-111, -112, -113, -114, -131, and -132 and Model A320 series airplanes of U.S. registry will be affected by this AD.

It will take between 10 and 22 work hours per airplane to accomplish the modification, at an average labor rate of \$65 per work hour. Required parts will cost between \$670 and \$5,750 per airplane. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be between \$617,760 and \$3,360,240, or between \$1,320 and \$7,180 per airplane.

If an operator is required to replace the high-level sensors, it will take about 80 work hours, at an average labor rate of \$65 per work hour. Required parts are free of charge. Based on these figures, the cost impact of the replacement required by this AD is estimated to be \$5,200 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the 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.

Currently, there are no affected A319-115 and A319-133 series airplanes on the U.S. Register. However, if an affected airplane is imported and placed on the U.S. Register in the future, the required modification would take between 10 and 22 work hours per airplane, at an average labor rate of \$65 per work hour. Required parts will cost between \$670 and \$5,750 per airplane. Based on these figures, we estimate the cost of this AD to be between \$1,320 and \$7,180 per airplane.

Regulatory Impact

The regulations adopted herein will 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 final rule does not have federalism implications under Executive Order 13132.

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:

2004-23-04 Airbus: Amendment 39-13859. Docket 2002-NM-153/AD.

Applicability: Model A319 and A320 series airplanes, certificated in any category; as listed in Airbus Service Bulletin A320-28-1087, Revision 02, dated June 10, 2003; and Airbus Service Bulletin A320-28-1086, Revision 01, dated October 23, 2002.

Compliance: Required as indicated, unless accomplished previously.

To prevent overheating of the fuel probes due to a short circuit, and fuel leakage due to inadequate space for thermal expansion within the additional center tanks, which could result in fuel vapors or fuel contacting an ignition source, accomplish the following:

Modification/Replacement

(a) Within 4,000 flight hours or 30 months after the effective date of this AD, whichever is first: Do the applicable actions specified in paragraphs (a)(1) and (a)(2) of this AD. Accomplishment of the modification before the effective date of this AD per Airbus Service Bulletin A320-28-1087, dated July 17, 2001; or Revision 01, dated March 3, 2003; or accomplishment of the replacement before the effective date of this AD per Airbus Service Bulletin A320-28-1086, dated November 30, 1999; as applicable; is considered acceptable for compliance with the corresponding action specified in paragraph (a)(1) or (a)(2) of this AD.

(1) For airplanes defined in Airbus Service Bulletin A320-28-1087, Revision 02, dated June 10, 2003: Modify the wiring of the fuel quantity indicating probes of all the fuel tanks by doing all the actions specified in paragraphs 3.A. through 3.D. (including operational testing and any applicable repair) of the Accomplishment Instructions of the service bulletin. Do the actions per the service bulletin. Any applicable repair must be done before further flight.

(2) For airplanes defined in Airbus Service Bulletin A320-28-1086, Revision 01, dated October 23, 2002: Prior to or concurrent with accomplishment of paragraph (a)(1) of this AD, replace the high-level sensors of the additional center fuel tanks by doing all the actions specified in paragraphs 3.A through 3.D. (including operational testing and any applicable repair) of the Accomplishment Instructions of the service bulletin. Do the actions per the service bulletin. Any applicable repair must be done before further flight.

Alternative Methods of Compliance

(b) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

Incorporation by Reference

(c) Unless otherwise specified in this AD, the actions shall be done in accordance with Airbus Service Bulletin A320-28-1086, Revision 01, dated October 23, 2002; or Airbus Service Bulletin A320-28-1087, Revision 02, dated June 10, 2003; as applicable. 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. For copies, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Inspect copies at the FAA, Transport Airplane Directorate,

1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Note 1: The subject of this AD is addressed in French airworthiness directive 2002-220(B) R1, dated October 15, 2003.

Effective Date

(d) This amendment becomes effective on December 20, 2004.

Issued in Renton, Washington, on November 1, 2004.

Ali Bahrami,

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

[FR Doc. 04-24933 Filed 11-12-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002-NM-97-AD; Amendment 39-13863; AD 2004-23-08]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A300 B4-600R and A300 F4-600R Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Airbus Model A300 B4-600R and A300 F4-600R series airplanes, that currently requires a one-time detailed inspection for damage of the center tank fuel pumps and fuel pump canisters, and replacement of damaged fuel pumps and fuel pump canisters with new or serviceable parts. That AD also requires repetitive detailed inspections of the fuel pumps and repetitive eddy current inspections of the fuel pump canisters, and replacement of damaged fuel pumps and fuel pump canisters with new or serviceable parts. This amendment mandates modification of the canisters of the center tank fuel pumps, which would terminate the repetitive inspections required by the existing AD. The actions specified by this AD are intended to prevent damage to the fuel pump and fuel pump canister, which could result in loss of flame trap capability and could provide a fuel ignition source in the center fuel tank. This action is intended to address the identified unsafe condition.

DATES: Effective December 20, 2004.

The incorporation by reference of Airbus Service Bulletin A300-28-6069, Revision 01, dated May 28, 2002; and Airbus Service Bulletin A300-28-6061, Revision 04, dated August 1, 2002; as listed in the regulations, is approved by the Director of the Federal Register as of December 20, 2004.

The incorporation by reference of Airbus All Operators Telex (AOT) 28-09, dated November 28, 1998, as listed in the regulations, was approved previously by the Director of the Federal Register as of December 28, 1998 (63 FR 70639, December 22, 1998).

The incorporation by reference of Airbus Alert Service Bulletin A300-28A6061, dated February 19, 1999, as listed in the regulations, was approved previously by the Director of the Federal Register as of February 8, 2000 (65 FR 213, January 4, 2000).

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 National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2797; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 99-27-07, amendment 39-11488 (65 FR 213, January 4, 2000), which is applicable to all Airbus Model A300 B4-600R and A300 F4-600R series airplanes, was published in the **Federal Register** on September 9, 2003 (68 FR 53058). The action proposed to continue to require a one-time visual inspection for damage of the center tank fuel pumps and fuel pump canisters, and replacement of damaged fuel pumps and fuel pump canisters with new or serviceable parts. The action also proposed to continue to require repetitive detailed inspections for damage of the fuel pumps and repetitive eddy current inspections of the fuel pump canisters, and

replacement of damaged fuel pumps and fuel pump canisters with new or serviceable parts. The action also proposed to mandate modification of the canisters of the center tank fuel pumps, which would terminate the repetitive inspections required by the existing AD.

Comments

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 To Change Compliance Time

One commenter requests that the compliance time for the terminating action (modification) specified in paragraph (d) of the proposed AD be changed to "Prior to the accumulation of 5,000 total hours, time-in-service, or within 18 months after the effective date of this AD, whichever occurs later." The commenter notes that an equivalent level of safety is maintained by this change, as the change will still require the modification to be done prior to the first inspection required by AD 99-27-07. The commenter adds that this change will minimize the hardship of implementing the proposed AD.

The FAA does not agree, as repetitive inspections for cracks are not equivalent to replacement of the canisters of the center tank fuel pumps with improved canisters for continued operational safety. Cracked canisters continue to be detected during the mandated inspections, but in view of the potential unsafe condition, we find that modification of the canisters by installation of reinforced canisters that are not subject to cracking must be done. In addition, inclusion of a 5,000 flight hour compliance time could allow certain low-time airplanes an additional year before accomplishment of the canister replacement. We do not find it necessary to change the AD in this regard. However, the commenter may request approval of an alternative method of compliance from the FAA, in accordance with paragraph (g)(1) of this AD, if technical justification, substantiation of need, and a satisfactory retrofit status of the commenter's fleet with the new canister are provided.

Clarification of Terminating Action

One commenter states that paragraph (d) of the proposed AD (New Requirements of This AD) specifies that accomplishment of Airbus Service Bulletin A300-28-6069, Revision 01, dated May 28, 2002 (modification of the canisters of the center tank fuel pumps)