

addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent an undampened free fall of the left- and right-hand main landing gear (MLG), which subsequently could lead to the inability to retract the MLG and damage to other airplane systems, accomplish the following:

(a) Within 60 days after the effective date of this AD, perform an inspection to detect loose self-locking nuts and damaged (sheared or marked) cotter pins on the actuating cylinder to drag strut attachment of the left- and right-hand MLG, in accordance with Messier Bugatti Airbus A310 Service Bulletin 470-32-744, dated March 31, 1993, or Revision 1, dated January 13, 1994; or Airbus Service Bulletin A310-32-2069, Revision 1, dated December 13, 1994. Repeat this inspection thereafter at intervals not to exceed 500 landings.

(1) If no nut is loose or no cotter pin is damaged, prior to further flight, install a new cotter pin, in accordance with the service bulletin. After replacement, continue to

repeat the inspection at intervals not to exceed 500 landings

(2) If any nut is loose or any cotter pin is damaged (sheared or marked), prior to further flight, replace the nut, washer, and cotter pin with a new nut, washer, and cotter pin; and torque tighten the nut; in accordance with the service bulletin. After replacement, continue to repeat the inspection at intervals not to exceed 500 landings.

(b) Within 5 days after accomplishing the requirements of paragraph (a) this AD, report all inspection results, positive or negative, to Messier-Bugatti and Airbus Industrie in accordance with Messier-Bugatti Airbus A310 Service Bulletin 470-32-744, dated March 31, 1993, or Revision 1, dated January 13, 1994. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(c) Modification of the actuating cylinder/drag strut attachment of the MLG, in accordance with Messier Bugatti Airbus A310 Service Bulletin 470-32-760, dated December 31, 1993, as revised by Change Notice 1, dated January 28, 1994; or Airbus Service Bulletin A310-32-2076, Revision 1,

dated December 13, 1994; constitutes terminating action for the repetitive inspection requirements of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(e) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The inspection shall be done in accordance in accordance with the following service bulletins, which contain the specified list of effective pages:

Service bulletin referenced and date	Page No.	Revision level shown on page	Date shown on page
Messier Bugatti, 470-32-744, Mar. 31, 1993 .....	1-7 .....	Original .....	Mar. 31, 1993.
Messier Bugatti, 470-32-744, Revision 1, Jan. 13, 1994 .....	1-3, 5-6 .....	1 .....	Jan. 13, 1994.
	4 .....	Original .....	Mar. 31, 1993.
Airbus, A310-32-2069, Revision 1, Dec. 13, 1994 .....	1-6, 8-9, 13 .....	1 .....	Dec. 13, 1994.
	7, 10-12 .....	Original .....	July 29, 1993.

If accomplished, the modification shall be done in accordance with Messier Bugatti Airbus A310 Service Bulletin 470-32-760, dated December 31, 1993, as revised by Change Notice 1, dated January 28, 1994; or Airbus Service Bulletin A310-32-2076, Revision 1, dated December 13, 1994, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1-2, 4-8 .....	1 .....	Dec. 13, 1994.
3, 9-11 .....	Original .....	Dec. 14, 1993.

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. Copies may be obtained from Messier Services, 45635 Willow Pond Plaza, Sterling, Virginia 20164. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(g) This amendment becomes effective on September 21, 1995.

Issued in Renton, Washington, on August 3, 1995.

**Darrell M. Pederson,**

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

[FR Doc. 95-19652 Filed 8-21-95; 8:45 am]

BILLING CODE 4910-13-U

**14 CFR Part 39**

[Docket No. 94-NM-143-AD; Amendment 39-9342; AD 95-17-12]

**Airworthiness Directives; Airbus Model 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 A320 series airplanes, that requires modification of the trimmable horizontal stabilizer (THS). This amendment is prompted by a report of leakage from some of the hydraulic pipe fittings after a lightning strike. The actions specified by this AD are intended to prevent such leakage from

hydraulic pipe fittings, which could result in the loss of the pilot's ability to control the moveable surfaces of the THS.

**DATES:** Effective September 21, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 21, 1995.

**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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Stephen Slotte, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2797; fax (206) 227-1320.

**SUPPLEMENTARY INFORMATION:** 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 A320 series airplanes was published in the **Federal Register** on December 27, 1994 (59 FR 66491). That action proposed to require modification of the trimmable horizontal stabilizer (THS).

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

The Air Transport Association (ATA) of America, on behalf of one of its members, requests that the compliance time for accomplishment of the modification be extended from the proposed 3,500 flight hours to 4,500 flight hours. This commenter states that such an extension will allow the modification to be accomplished during a regularly scheduled "C" check. This commenter states that it would have to special schedule its fleet of airplanes in order to accomplish the proposed modification within the proposed compliance time. This would entail considerable additional expenses and schedule disruptions.

The FAA does not concur with the commenter's request to extend the compliance time. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the availability of required parts and the practical aspect of installing the required modification within a maximum interval of time allowable for all affected airplanes to continue to operate without compromising safety. Since maintenance schedules may vary from operator to operator, there would be no assurance that the modification will be accomplished during that time. The manufacturer has advised that an ample number of required parts will be available for modification of the U.S. fleet within the proposed compliance period. However, under the provisions of paragraph (b) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 99 airplanes of U.S. registry will be affected by this AD, that it will take approximately 13

work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$77,220, or \$780 per airplane.

The total cost impact figure discussed above is 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 regulations adopted herein will not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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 USC 106(g), 40101, 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**95-17-12 Airbus Industrie:** Amendment 39-9342. Docket 94-NM-143-AD.

**Applicability:** Model A320 series airplanes on which Airbus Modification 22621 (reference Airbus Service Bulletin A320-27-1041) and Airbus Modification 23556 (reference Airbus Service Bulletin A320-29-1058) have not been installed, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent loss of the pilot's ability to control the moveable surfaces of the THS, accomplish the following:

(a) Within 3,500 flight hours after the effective date of this AD, modify the trimmable horizontal stabilizer in accordance with Airbus Service Bulletin A320-29-1058, July 16, 1993, and Airbus Service Bulletin A320-27-1041, Revision 2, dated April 20, 1994.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with Airbus Service Bulletin A320-29-1058, July 16, 1993, and Airbus Service Bulletin A320-27-1041, Revision 2, dated April 20, 1994. 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. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on September 21, 1995.

Issued in Renton, Washington, on August 11, 1995.

**S.R. Miller,**

*Acting Manager, Transport Airplane*

*Directorate, Aircraft Certification Service.*

[FR Doc. 95-20371 Filed 8-21-95; 8:45 am]

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### Office of the Secretary

**14 CFR Parts 200, 201, 203, 204, 206, 215, 232, 271, 272, 291, 294, 296, 297, 298, 300, 313, 324, 325, 372, 379, 398, and 399**

[Docket No. OST-95-397]

RIN 2105-AC-27

### Aviation Economic Rules

**AGENCY:** Department of Transportation, Office of the Secretary.

**ACTION:** Final rule.

**SUMMARY:** The Department is amending various provisions regarding aviation economic rules in order to eliminate obsolete provisions and correct outdated organizational and statutory references.

**EFFECTIVE DATE:** The rule shall become effective on September 21, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Carol A. Woods, Air Carrier Fitness Division, X-56, Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590, (202) 366-9721.

**SUPPLEMENTARY INFORMATION:** In his Regulatory Reinvention Initiative Memorandum of March 4, 1995, President Clinton directed Federal agencies to conduct a page-by-page review of all of their regulations and to "eliminate or revise those that are outdated or otherwise in need of reform." In response to that directive, the Department has undertaken a review of its aviation economic regulations as contained in 14 CFR Chapter II. This rule is one result of those efforts. Subsequent rulemakings will address other regulations.

We had conducted a review of a number of our aviation economic regulations in 1992 and eliminated Parts 202, 231, 263, 288 and 292 and revised Parts 200, 201, 203, 204, 206, 232, 291,

294, 296, 297, 298, and 372 at that time (see 57 FR 38761, Aug. 27, 1992, and 57 FR 40097, Sept. 2, 1992). We reexamined the rules we revised in 1992 as part of our current regulatory review and found that they and a number of other regulations (including Parts 215, 271, 272, 300, 313, and 398) now require only minor changes to eliminate obsolete provisions and to correct outdated titles of Department organizations and officials, and definitions and other terminology necessitated by legislative changes, including the revision and recodification of the Federal Aviation Act within Subtitle VII of Title 49 of the United States Code (Transportation) by action of Pub. L. 103-272, enacted July 5, 1994.

Part 398 is being amended in order to incorporate the service upgrades for "basic" essential air service contained in the Airport and Airway Safety and Capacity Expansion Act of 1987 (Pub. L. 100-223, December 30, 1987). In general, the upgrades consist of (a) service with 15-seat or larger aircraft, (b) service with pressurized aircraft in cases where such service is regularly operated at altitudes exceeding 8,000 feet, (c) service to a large or medium hub, (d) service with no more than one intermediate stop, (e) seating capacity based on an average load factor of 60 percent, and (f) a provision that flights be operated at reasonable times, taking into account the needs of passengers with connecting flights. The Department actually implemented the required upgrades during Fiscal Year 1992 when Congress appropriated the necessary program funds. We are now formalizing those requirements in the Department's regulations. Finally, Pub. L. 100-223 also contained provisions for a higher level of service called "enhanced" essential air service. Because "enhanced" service has not been funded or implemented, however, we are not incorporating its provisions within Part 398 at this time.

In addition, Parts 324 and 379, and several sections in Parts 325 and 399 are being eliminated due to obsolescence.

Part 324 contains procedures for establishing final subsidy rates for air carriers providing temporary, compulsory service at small communities under 49 U.S.C. 41734 in cases where the rates would be applied retroactively—i.e., when the period of compulsory service has already begun or has concluded. Part 324 was established to compensate carriers for losses after the fact. Subsequent revision of the governing statute, however, permits the Department to establish such compensation prospectively under

the existing provisions contained in 14 CFR Part 271 at the beginning of the period of compulsory service. Because the Department now practices prospective ratemaking routinely, Part 324 is no longer necessary and is being eliminated.

Part 325 contains general guidelines for the Department's establishment of communities' essential air service determinations under 49 U.S.C. 41733. We are eliminating § 325.7 through § 325.9, which establish a three-member panel and special procedures for handling appeals. That process has become increasingly unwieldy and unresponsive. Without the appeal process, communities can directly seek review of such Department actions under § 302.37—Petitions for Reconsideration or Review by the DOT Decisionmaker. We expect that this change will considerably improve the Department's response time by streamlining the process and removing a bureaucratic layer between communities and the DOT decisionmaker.

Part 379 was established by the CAB to ensure that no person, on the grounds of race, color or natural origin, would be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the CAB. The Civil Aeronautics Board Sunset Act of 1984 (P.L. 98-443) transferred that agency's remaining authority to the Department as of January 1, 1985. The CAB regulations implementing Title VI of the Civil Rights Act of 1964 were virtually identical to those implemented by the Department under 49 CFR Part 21. Under the circumstances, the old CAB regulations are redundant, and Part 379 is being eliminated.

We are also removing three sections of Part 399 (§§ 399.20, .38, and .90) that are no longer needed. Section 399.20 is a policy statement issued by the CAB covering procedures for processing applications of long-haul general commodities motor carriers and railroads for authorization to act as air freight forwarders. U.S. companies proposing to operate as air freight forwarders are no longer required to file applications for such authority, in accordance with the blanket exemption granted by § 296.10. Foreign companies proposing to act as air freight forwarders file applications that are processed in accordance with Part 297. Therefore, § 399.20 may be removed. Section 399.38 concerns the establishment of temporary subsidy rates for air carriers serving small communities under 49 U.S.C. 41734 in cases where subsidy