of the engine fire extinguisher pipe. The cause of this cracking has been attributed to mechanical vibration. Cracking of the fire extinguisher agent distribution pipe between the bottle and the nacelle could cause leakage of the fire extinguisher agent. Such leakage, if not detected and corrected, could prevent the proper distribution of the fire extinguishing agent within the nacelle in the event of a fire.

Airbus has issued All Operators Telex (AOT) 26–11, dated January 3, 1994, which describes procedures for repetitive inspections to detect leakage of fire extinguishing agent from the distribution piping of the engine fire extinguishing system, and repair, if necessary. This AOT also describes procedures for modification of the piping, which would eliminate the need for the repetitive inspections.

Airbus has also issued Service Bulletin A320–26–1032, dated March 31, 1994, which describes inspection and repair procedures that are identical to those described in the AOT. Additionally, Airbus issued Service Bulletin A320–26–1031, dated March 31, 1994, which describes modification procedures that are identical to those described in the AOT. This modification involves replacement of the existing pipe with a new pipe (Mod. 21457P1678), or repair of the pipes (Mod. 24253P3520).

The DGAC classified the AOT and the service bulletins as mandatory and issued French airworthiness directive 94–058–053(B) R1, dated July 6, 1994, in order to assure the continued airworthiness of these airplanes in France.

This airplane model is manufactured in France and is 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.

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 repetitive visual inspections to detect leakage of the distribution piping of the engine fire extinguishing system, and repair, if necessary; and modification of the piping, which would terminate the inspection requirements. The actions would be required to be accomplished in accordance with the AOT or service bulletin described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that. in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.

The FAA estimates that 14 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 48 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$40,320, or \$2,880 per airplane.

The total 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 regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§39.13 [Amended]

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

Airbus Industrie: Docket 94-NM-98-AD.

Applicability: Model A320–231 series airplanes; manufacturer's serial numbers (MSN) 028, 035, 037, 038, 043, 045 through 058 inclusive, 064 through 067 inclusive, 074 through 077 inclusive, 080 through 082 inclusive, 089 through 092 inclusive, 095, and 096; 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 (c) 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 leakage of the fire extinguishing agent, which could prevent the proper distribution of the agent within the nacelle in the event of a fire, accomplish the following:

(a) Within 500 flight hours after the effective date of this AD, perform a functional check to detect leakage of fire extinguishing agent from the distribution