submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–78–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–103, Attention: Rules Docket No. 95–NM–78–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, recently notified the FAA that an unsafe condition may exist on certain Airbus Model A300–600 series airplanes. The DGAC advises that, during a full-scale fatigue test, cracking was found on the test airplane at the lower corner of the horizontal-stabilizer cutout longeron, between frame (FR) 87 and FR89 and between stringer (STGR) 24 and STGR27, left- and right-hand. The cracking was found after 87,675 simulated flights. Such fatigue cracking, if not corrected, could result in reduced structural integrity of the horizontal stablizer cutout longeron.

Airbus has issued Service Bulletin A300–53–6042, Revision 1, dated February 20, 1995, which describes procedures for repetitive visual and eddy current inspections to detect corrosion and cracking of the lower horizontal-stabilizer cutout longeron, the corner fitting, the skin strap, and the outer skin between FR87 and FR89 and between STGR24 and STGR27, left- and right-hand; and repair, if necessary. The service bulletin also describes procedures for repetitive rotating probe inspections to detect cracks in the fastener holes at the same locations, and repair, if necessary. The service bulletin also describes procedures for certain follow-on actions, which include installing a new corner fitting, installing a new longeron, and performing a cold working procedure repairing cracks of certain measurements. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive (CN) 94–269–171(B)R1, dated March 29, 1995, 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 section 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 and eddy current inspections to detect corrosion and fatigue cracking of the lower horizontal-stabilizer cutout longeron, the corner fitting, the skin strap, and the skin between FR87 and FR89 and between STGR24 and STGR27, left-hand and right-hand. The proposed AD would also require repetitive rotating probe inspections to detect cracks in the fastener holes at the same locations; and repair or certain a follow-on actions, if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously. Certain repairs would be required to be accomplished in accordance with a method approved by the FAA.

Operators should note that certain requirements of this proposed AD would differ from actions recommended in the referenced Airbus service bulletin. The service bulletin specifies that inspection thresholds and intervals may be adjusted based on certain average flight operations of the airplane. However, the FAA has determined that such adjustments would not address the unsafe condition in a timely manner. Therefore, this proposed AD does not permit such adjustments. In developing the appropriate compliance time for the proposed rule, the FAA considered not only the manufacturer's recommendation, but the safety implications involved with cracking of the horizontal-stabilizer cutout longeron and the number of landings that had been accumulated when cracking was detected. In light of these factors, the FAA finds the compliance times specified in the proposed AD for initiating the required actions to be warranted, in that they represent an appropriate interval of time allowable for the affected airplanes to continue to operate without compromising safety.

Additionally, the service bulletin specifies that operators need not count touch-and-go landings in determining the total number of landings between two consecutive inspections, even if those landings are less than five percent of the landings between inspection intervals. Since the fatigue cracking that was found in the lower horizontal stabilizer cutout longeron is aggravated by landing, the FAA finds that all touch-and-go landings must be counted in determining the total number of landings between two consecutive inspections.

The FAA estimates that 2 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 268 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $32,160 to $16,080 per airplane.

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 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: