

Proposed Rules

Federal Register

Vol. 64, No. 158

Tuesday, August 17, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 702 and 747

Prompt Corrective Action

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: On May 3, 1999, the NCUA issued a proposed rule establishing a system of prompt corrective action to be taken by NCUA and by federally-insured credit unions if they become undercapitalized. The proposed rule was published in the **Federal Register** on May 18, 1999 (see 64 FR 27090). The proposed rule stated that comments must be received by August 16, 1999. Due to a request made, the NCUA Board has decided to extend the comment period for an additional 15 days to August 31, 1999.

DATES: The comment period is being extended from August 16, 1999 to August 31, 1999. Comments must be postmarked or received by August 31, 1999.

ADDRESSES: Direct comments to Becky Baker, Secretary of the Board. Mail or hand-deliver comments to: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428. Fax comments to (703) 518-6319. *Please send comments by one method only.*

FOR FURTHER INFORMATION CONTACT: Steven W. Wideman, Trial Attorney, Office of General Counsel, at the above address or telephone: (703) 518-6540.

By the National Credit Union Administration Board on August 10, 1999.

Becky Baker,
Secretary of the Board.

[FR Doc. 99-21212 Filed 8-16-99; 8:45 am]

BILLING CODE 7535-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-25-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A319, A320, A321, A330, and A340 Series Airplanes Equipped With AlliedSignal RIA-35B Instrument Landing System Receivers

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Airbus Model A319, A320, A321, A330, and A340 series airplanes, that currently requires revising the Airplane Flight Manual (AFM) to require the flightcrew to discontinue use of any Instrument Landing System (ILS) receiver for which a certain caution message is displayed. It also requires, for certain airplanes, replacing any faulty ILS receiver with a new, serviceable, or modified unit, and provides for optional terminating action for the AFM revisions. That amendment was prompted by a pilot's report of errors in the glide slope deviation provided by an ILS receiver. This action would require accomplishment of the previous optional terminating action. The actions specified by this proposal are intended to detect and correct faulty ILS receivers and to ensure that the flightcrew is advised of the potential hazard of performing ILS approaches using a localizer deviation from a faulty ILS receiver, and advised of the procedures necessary to address that hazard. An erroneous localizer deviation could result in a landing outside the lateral boundary of the runway.

DATES: Comments must be received by September 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-25-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00

p.m., Monday through Friday, except Federal holidays.

The service information referenced in this AD may be obtained from AlliedSignal Aerospace, Technical Publications, Dept. 65-70, P.O. Box 52170, Phoenix, Arizona 85072-2170. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99-NM-25-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-114, Attention: Rules Docket No.

99-NM-25-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On August 6, 1998, the FAA issued AD 98-17-05, amendment 39-10707 (63 FR 43294, August 13, 1998), applicable to certain Airbus Model A319, A320, A321, A330, and A340 series airplanes, to require the flightcrew to discontinue use of any Instrument Landing System (ILS) receiver for which a certain caution message is displayed and, for certain airplanes, replacement of any faulty ILS receiver with a new, serviceable, or modified unit. That AD also provides for an optional terminating action for the AFM revisions. That action was prompted by a pilot's report of errors in the glide slope deviation provided by an ILS receiver. The requirements of that AD are intended to detect and correct faulty ILS receivers, to ensure that the flightcrew is advised of the potential hazard of performing ILS approaches using a localizer deviation from a faulty ILS receiver, and advised of the procedures necessary to address that hazard, which could result in a landing outside the lateral boundary of the runway.

Actions Since Issuance of Previous Rule

In the preamble to AD 98-17-05, the FAA indicated that the actions required by that AD were considered "interim action" and that further rulemaking action was being considered. The FAA now has determined that further rulemaking action is indeed necessary to require replacement of all existing RIA-35B ILS receivers with modified parts, which would constitute terminating action for the AFM revisions. This proposed AD follows from that determination and allows opportunity for public comment.

In light of the criticality of the unsafe condition (an error in the glide slope deviation provided by an ILS receiver, which could result in a landing outside of the lateral boundary of the runway), reliance on the AFM procedures to require the flightcrew to discontinue use of any ILS receiver for which a certain caution message is displayed and replacement of faulty ILS receivers may not provide the degree of safety assurance necessary for the transport airplane fleet. Therefore, replacement of all existing RIA-35B ILS receivers with modified parts is necessary to ensure long-term continued operational safety.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A320-34-1163, Revision 01, dated

August 19, 1998 (for Model A319, A320 and A321 series airplanes), Service Bulletin A330-34-3068, dated April 28, 1998 (for Model A330 series airplanes), and Service Bulletin A340-34-4073, dated April 28, 1998 (for Model A340 series airplanes). These service bulletins provide information on the installation of RIA-35B ILS receivers that have been modified in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M-4431 (RIA-35B-34-7), Revision 1, dated May 1998, onto the airplane.

Airbus has developed production modification 27251 (for Model A319, A320, and A321 series airplanes) and production modification 46264 (for Model A330 and A340 series airplanes). These modifications involve the installation of modified ILS receivers on these airplanes during production, which would eliminate the need for the AFM limitations required by the existing AD.

U.S. Type Certification of the Airplanes

These airplane models are manufactured in France and are 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.

Explanation of Requirements of Proposed Rule

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 98-17-05 to continue to require the flightcrew to discontinue use of any ILS receiver for which a certain caution message is displayed. For certain airplanes, the proposed AD would continue to require replacement of any faulty ILS receiver with a new, serviceable, or modified unit. The proposed AD would add a new requirement for replacement of all existing RIA-35B ILS receivers with modified parts, which would constitute terminating action for the AFM revisions described previously. The replacement would be required to be accomplished in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M-4431 (RIA-35B-34-7), Revision 1, dated May 1998 (described previously in AD 98-17-05).

Explanation of the Applicability of the Proposed Rule

The FAA notes that its general policy is that, when an unsafe condition results from the installation of an appliance or

other item that is installed in a limited number of airplane models, an AD is issued so that it is applicable to those airplanes, rather than the item. The reason for this is simple: making the AD applicable to the airplane models on which the item is installed ensures that operators of those airplanes will be notified directly of the unsafe condition and the action required to correct it. While it is assumed that an operator will know the models of airplanes that it operates, there is a potential that the operator will not know or be aware of specific items that are installed on its airplanes. Therefore, calling out the airplane model as the subject of the AD prevents "unknowing non-compliance" on the part of the operator.

Cost Impact

There are approximately 191 airplanes of U.S. registry that would be affected by this proposed AD.

The AFM revision that is currently required by AD 98-17-05, and retained in this AD, takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be \$11,460, or \$60 per airplane.

The new replacement that is proposed in this AD action would take approximately 5 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$157 per airplane. Based on these figures, the cost impact of the replacement proposed by this AD on U.S. operators is estimated to be \$87,287, or \$457 per airplane.

The cost impact figures discussed above are 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.

Regulatory Impact

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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-10707 (63 FR 43294, August 13, 1998), and by adding a new airworthiness directive (AD), to read as follows:

Airbus Industrie: Docket 99-NM-25-AD.
Supersedes AD 98-17-05, Amendment 39-10707.

Applicability: Model A319, A320, A321, A330, and A340 series airplanes; certificated in any category; equipped with AlliedSignal RIA-35B Instrument Landing System (ILS) receivers, part number (P/N) 066-50006-0202; excluding airplanes on which RIA-35B ILS receiver P/N 066-50006-1202 [Airbus Modification 27251 (for Model A319, A320, and A321 series airplanes) or Modification 46264 (for Model A330 and A340 series airplanes)] has been installed.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct faulty ILS receivers and to ensure that the flightcrew is advised of the potential hazard of performing ILS approaches using a localizer deviation from a faulty ILS receiver, and advised of the procedures necessary to address that hazard, accomplish the following:

Restatement of Actions Required by AD 98-17-05, Amendment 39-10707

(a) Within 10 days after August 28, 1998 (the effective date of AD 98-17-05, amendment 39-10707), accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.

(1) Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD into the AFM.

"Instrument Landing (ILS) 1(2) Fault

If "ILS 1(2) FAULT," electronic centralized aircraft monitor (ECAM) caution, is triggered at any time during the flight, the affected ILS receiver must be considered as no longer available until it is replaced, and the flight crew must make the appropriate entry in the aircraft maintenance log prior to the next flight.

During an ILS or LOC approach, the glide slope deviation and localizer deviation from ILS receivers 1 and 2 must be monitored and compared.

If a discrepancy between the glide slope deviation and/or localizer deviation provided by ILS receivers 1 and 2 is experienced, interrupt the ILS approach.

Do not conduct ILS or LOC approaches using a single ILS receiver.

If ILS 1 has experienced an unannounced failure there may be late or false ground proximity warning system (GPWS) alerts/callouts. Affected GPWS features may include sink rate alerts, glide slope deviation alerts, and altitude callouts."

(2) Following accomplishment of the AFM revision required by paragraph (a)(1) of this AD, if a caution message reading "ILS 1 FAULT," "ILS 2 FAULT," or "ILS 1+2 FAULT" is displayed intermittently or continuously on ECAM during any portion of any flight: Within 10 days after the message is first displayed, remove the faulty ILS receiver and install either a new or serviceable part that has the same P/N as the ILS receiver that was removed from the airplane or a part that has been modified in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M-4431 (RIA-35B-34-7), Revision 1, dated May 1998.

Note 2: The ECAM messages described in paragraph (a)(2) of this AD, when displayed to the pilot, are normally preceded by "NAV" indicating a fault in the navigation system.

(b) As of August 28, 1998, no person shall install on any airplane an AlliedSignal RIA-35B ILS receiver, P/N 066-50006-0202, that has been found to be discrepant [that is, an ILS receiver for which one of the caution messages specified in paragraph (a)(2) of this AD was displayed on the ECAM] unless the discrepancy has been corrected by modifying

the ILS receiver in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M-4431 (RIA-35B-34-7), Revision 1, dated May 1998.

New Actions Required by This AD

(c) Within 6 months after the effective date of this AD, replace all RIA-35B ILS receivers, P/N 066-50006-0202, with RIA-35B ILS receivers that have been modified in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M-4431 (RIA-35B-34-7), Revision 1, dated May 1998; on which the P/N's have been converted to 066-50006-1202. Such replacement constitutes terminating action for the requirements of paragraph (a) of this AD. After the replacement has been accomplished, the limitations required by paragraph (a)(1) of this AD may be removed from the AFM.

Note 3: Modification of all AlliedSignal RIA-35B ILS receivers, P/N 066-50006-0202, accomplished prior to August 28, 1998, in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M-4431 (RIA-35B-34-7), dated April 1998, is considered acceptable for compliance with the modification specified in this amendment.

Note 4: Airbus Industrie Service Bulletin A320-34-1163, Revision 01, dated August 19, 1998 (for Model A319, A320 and A321 series airplanes), Service Bulletin A330-34-3068, dated April 28, 1998 (for Model A330 series airplanes), and Service Bulletin A340-34-4073, dated April 28, 1998 (for Model A340 series airplanes), provide additional information on the installation of RIA-35B ILS receiver part number 066-50006-1202.

Alternative Methods of Compliance

(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, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector or Principal Avionics Inspector or Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

(e) 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.

Issued in Renton, Washington, on August 11, 1999.

D. L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 99-21333 Filed 8-16-99; 8:45 am]

BILLING CODE 4910-13-U