

Modification

(a) Within 30 months after the effective date of this AD, modify the 90VU electronics rack umbrellas, the 91VU upper shelf assembly, the cockpit drain circuit, and the electrical wire routing above the 90VU electronics rack; in accordance with Airbus Service Bulletin A320-25-1186, Revision 02, dated April 27, 1999.

Note 2: Accomplishment of the modification required by paragraph (a) of this AD in accordance with Airbus Service Bulletin A320-25-1186, dated December 1, 1997, or Revision 01, dated September 23, 1998, prior to the effective date of this AD, is considered acceptable for compliance with the requirements of this AD.

Alternative Methods of Compliance

(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, International Branch, ANM-116, 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, International Branch, ANM-116.

Note 3: 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

(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.

Incorporation by Reference

(d) The actions shall be done in accordance with Airbus Service Bulletin

A320-25-1186, Revision 02, dated April 27, 1999. 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.

Note 4: The subject of this AD is addressed in French airworthiness directive 98-178-115(B), dated May 6, 1998.

(e) This amendment becomes effective on October 29, 1999.

Issued in Renton, Washington, on September 17, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-24847 Filed 9-23-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 99-NM-48-AD; Amendment 39-11336; AD 99-20-06]

RIN 2120-AA64

Airworthiness Directives; Airbus Industrie 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 Industrie Model A320 series airplanes, that requires replacement of the disc valve and spring in the low pressure non-return valve of the airborne ground check module (AGCM) of the ram air turbine (RAT). This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent malfunction of the low pressure non-return valve in the AGCM. If the RAT is being used due to the loss of other systems, a malfunction of the valve could result in loss of the blue hydraulic system, and consequent loss of certain flight control and electrical systems of the airplane.

DATES: Effective October 29, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 29, 1999.

ADDRESSES: The Airbus Industrie service bulletin referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. The Sundstrand service bulletin referenced in this AD may be obtained from Sundstrand Aerospace, 4747 Harrison Avenue, P.O. Box 7002, Rockford, Illinois 61125-7002. 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: 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: 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 Industrie Model A320 series airplanes was published in the **Federal Register** on June 28, 1999 (64 FR 34588). That action proposed to require replacement of the disc valve and spring in the low pressure non-return valve of the airborne ground check module (AGCM) of the ram air turbine (RAT).

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

Support for the Proposal

Three commenters support the proposed rule.

Request To Revise Cost Impact Information

One commenter states that the FAA has underestimated the cost impact of the proposed AD. The commenter indicates that the proposed service bulletins will require a total of 4.25 work hours per airplane to accomplish, and requests that the cost estimate of the proposed rule be revised to reflect that work-hour total.

The FAA does not concur with the request to revise the cost impact information of this final rule, which describes only the "direct" costs of the specific actions required by this AD. The number of work hours necessary to accomplish the required actions (1 work hour) was provided to the FAA by the manufacturer based on the best data available to date. This number represents the time necessary to perform only the actions actually required by this AD. The FAA recognizes that, in accomplishing the requirements of any AD, operators may incur "incidental" costs in addition to the "direct" costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time required to gain access and close up; planning time; or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate.

Request for Revision of Applicability

One commenter does not agree that the proposed AD should be applicable to its fleet since its airplanes were equipped with Airbus Modification 27189 at production, which allows installation of a new Sundstrand RAT, and deletes the requirement for an airborne ground check module (AGCM).

The commenter adds that Airbus Service Bulletin A320-29-1086 (which was cited as the appropriate source of service information for accomplishment of the actions in the proposed AD) erroneously lists its airplanes as being affected.

The FAA concurs with the request to revise the applicability of the final rule. The discrepancy involving those misidentified airplanes has been clarified with Airbus Industrie as a typographical error and will be corrected in the next revision to the service bulletin. The FAA notes that the applicability of the proposed rule does not specifically reference airplanes listed in the effectivity of the service bulletin. However, the applicability of the final rule has been revised to exclude those airplanes on which Airbus Modification 27189 was installed in production.

Request To Allow Later Revisions of Service Bulletins

This same commenter requests that later revision levels of Airbus Service Bulletin A320-29-1086 be reflected in the applicability of the proposed AD. As support, the commenter indicates that, if its airplanes are removed from the effectivity in subsequent revisions of the service bulletin, those airplanes would not be included in the applicability of the proposed AD.

Although the FAA agrees that the service bulletin revision proposed by Airbus would in effect remove those certain airplanes from the applicability of the final rule, the FAA does not concur with the request to revise the AD to reflect later service bulletin revisions. Where a specific service bulletin is referenced in an AD, the use of the phrase, "or later FAA-approved revisions," violates Office of the Federal Register regulations regarding approval of materials that are incorporated by reference. However, as stated previously, the FAA has revised the applicability of the final rule to exclude airplanes on which Airbus Modification 27189 has been accomplished; therefore, further revision of the applicability will not be necessary.

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 change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 165 Model A320 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required replacement, and that the average labor rate is \$60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$9,900, or \$60 per airplane.

The 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.

Regulatory Impact

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 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

99-20-06 Airbus Industrie: Amendment 39-11336. Docket 99-NM-48-AD.

Applicability: Model A320 series airplanes, certificated in any category; except those airplanes on which Airbus Industrie Modification 27728 or 27189 has been installed in production, or on which Airbus Industrie Service Bulletin A320-29-1086 has been accomplished.

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 (b) 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 prevent malfunction of the low pressure non-return valve in the airborne ground check module (AGCM) of the ram air turbine (RAT), which could result in loss of the blue hydraulic system, and consequent loss of certain flight control and electrical systems, accomplish the following:

Replacement

(a) Within 12 months after the effective date of this AD, replace the disc valve and spring in the low pressure non-return valve in the AGCM with a new poppet, and re-identify the AGCM name plate, in accordance with Airbus Industrie Service Bulletin A320-29-1086, dated October 19, 1998, or Revision 01, dated March 9, 1999; and Sundstrand Service Bulletin ERPS13GCM-29-3, dated June 24, 1998.

Alternative Methods of Compliance

(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, International Branch, ANM-116, 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, International Branch, ANM-116.

Note 2: 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

(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.

Incorporation by Reference

(d) The actions shall be done in accordance with Airbus Industrie Service Bulletin A320-29-1086, dated October 19, 1998, or Airbus Industrie Service Bulletin A320-29-1086, Revision 01, dated March 9, 1999; and Sundstrand Service Bulletin ERPS13GCM-29-3, dated June 24, 1998. 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 of the Airbus Industrie service bulletin may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies of the Sundstrand service bulletin may be obtained from Sundstrand Aerospace, 4747 Harrison Avenue, P.O. Box 7002, Rockford, Illinois 61125-7002. 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.

Note 3: The subject of this AD is addressed in French airworthiness directive 98-537-124(B), dated December 30, 1998.

(e) This amendment becomes effective on October 29, 1999.

Issued in Renton, Washington, on September 17, 1999.

D.L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-24846 Filed 9-23-99; 8:45 am]

BILLING CODE 4910-13-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA201-169a; FRL-6436-2]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Santa Barbara County Air Pollution Control District; Kern County Air Pollution Control District; and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the California State Implementation Plan (SIP). The revisions concern, Santa Barbara County Air Pollution Control District (SBCAPCD), Rule 342; Kern

County Air Pollution Control District (KCAPCD), Rule 425.2; and Ventura County Air Pollution District (VCAPCD), Rule 74.11. The rules control emissions of oxides of nitrogen (NO_x) from boilers, steam generators, process heaters and natural gas-fired residential water heaters.

This approval action will incorporate the rules into the Federally approved SIP. The intended effect of approving of the rules is to regulate NO_x emissions in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). Thus, EPA is finalizing the approval of this revision into the California SIP under provisions of the CAA regarding EPA actions on SIP submittals, SIPs for national primary and secondary ambient air quality standards (NAAQS), and plan requirements for nonattainment areas.

DATES: The rule is effective on November 23, 1999 without further notice, unless EPA receives adverse comments by October 25, 1999. If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the rule and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted respective rules are also available for inspection at the following locations:

Rulemaking Office, AIR-4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Environmental Protection Agency, Air Docket (6102) 401 "M" Street, SW, Washington, DC 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812

Santa Barbara County Air Pollution Control District 26 Castilian Drive, Suite B-23, Goleta, CA 93117-3027

Kern County Air Pollution Control District 2700 "M" Street, Suite 302, Bakersfield, CA 93301-2370

Ventura County Air Pollution Control District 669 County Square Drive, 2nd Floor, Ventura, CA 93003-5417

FOR FURTHER INFORMATION CONTACT: Sam Agpawa, Air Planning Office, AIR-2, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1228.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP are: (1) SBCAPCD Rule 342; (2) KCAPCD Rule 425.2 and (3) VCAPCD Rule 74.11. Rule 342 and 425.2 apply to boilers, steam generators, process heaters, and, Rule 74.11 applies to natural gas-fired residential water heaters. The rules were submitted by the State of California to EPA on: (1) SBCAPCD Rule 342—March 10, 1998; (2) KCAPCD Rule 425.2—September 8, 1997; and (3) VCAPCD Rule 74.11—October 16, 1985.

II. Background

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. The air quality planning requirements for the reduction of NO_x emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA.

On November 25, 1992, EPA published a proposed rule entitled, "State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule," (the NO_x Supplement) which describes and provides preliminary guidance on the requirements of section 182(f). The November 25, 1992, action should be referred to for further information on the NO_x requirements and is incorporated into this document by reference.

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO_x ("major" as defined in section 302 and sections 182(c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. SBCAPCD and KCAPCD are designated and classified as non-attainment-serious for ozone; VCAPCD is designated and classified as nonattainment-severe;¹ therefore, the jurisdictional areas of SBCAPCD; KCAPCD and VCAPCD are subject to the RACT requirements of section 182(b)(2) cited below and the November 15, 1992 deadline.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC (and NO_x) emissions (not covered by a pre-enactment control

¹ Santa Barbara, Kern and Ventura Counties retained their designation(s) of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991).