

## 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:

**2003–26–10 Airbus:** Amendment 39–13408. Docket 2003–NM–248–AD.

**Applicability:** Model A300 B2 and B4 series airplanes; and A300 B4–600, B4–600R, C4–605R Variant F, and F4–600R (collectively called A300–600) series airplanes; on which Airbus Modification 10147 has not been done; certificated in any category.

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

To find and fix cracking of the lower outboard flange of gantry No. 4, which could result in reduced structural integrity of the fuselage, and consequent rapid decompression of the airplane, accomplish the following:

#### One-Time Inspection

(a) At the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD: Do a one-time detailed inspection for cracking of the lower outboard flange of gantry No. 4 in the main landing gear bay area per paragraph 4.2.1 of Airbus All Operators Telex (AOT) A300–53A0371, Revision 01 (for Model A300 B2 and B4 series airplanes); or AOT A300–53A6145, Revision 01 (for Model A300–600 series airplanes); both dated September 10, 2003; as applicable.

(1) Before the accumulation of 8,000 total flight cycles since the date of issuance of the original Airworthiness Certificate or the date of issuance of the Export Certificate of Airworthiness, whichever is first.

(2) Within 30 days after the effective date of this AD.

**Note 1:** For the purposes of this AD, a detailed inspection is defined as: “An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.”

#### Repair

(b) Repair any cracking found during the inspection required by paragraph (a) of this AD before further flight, per a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (or its delegated agent).

#### Reporting

(c) Submit a report of the findings (both positive and negative) of the inspection

required by paragraph (a) of this AD to Airbus Customer Services, SEA21, Attention: Mr. Davide Cavazzini, fax number +33+ (0) 5.61.93.36.14, at the applicable time specified in paragraph (c)(1) or (c)(2) of this AD. The report must include the inspection results, a description of any cracking found, the airplane serial number, and the number of flight cycles on the airplane. Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements contained in this AD and has assigned OMB Control Number 2120–0056.

(1) If the inspection was done after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

#### Alternative Methods of Compliance

(d) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116, is authorized to approve alternative methods of compliance for this AD.

#### Incorporation by Reference

(e) Unless otherwise provided in this AD, the actions shall be done in accordance with Airbus All Operators Telex A300–53A0371, Revision 01, dated September 10, 2003; or Airbus All Operators Telex A300–53A6145, Revision 01, dated September 10, 2003; as applicable. 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, 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 2:** The subject of this AD is addressed in French airworthiness directive 2003–356(B), dated September 17, 2003.

#### Effective Date

(f) This amendment becomes effective on January 22, 2004.

Issued in Renton, Washington, on December 23, 2003.

**Ali Bahrami,**

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

[FR Doc. 04–46 Filed 1–6–04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002–NM–144–AD; Amendment 39–13421; AD 2004–01–07]

**RIN 2120–AA64**

#### Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ series airplanes. This AD requires one-time inspections of the inner webs and flanges at frames 15, 18, 41, and 43 for evidence of corrosion or cracking; and corrective actions if necessary. This action is necessary to detect and correct corrosion and cracking of the inner webs and flanges at frames 15, 18, 41, and 43, which could result in reduced structural integrity of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Effective February 11, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 11, 2004.

**ADDRESSES:** The service information referenced in this AD may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. 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:** Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; 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 BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ series

airplanes was published in the **Federal Register** on November 13, 2003 (68 FR 64288). That action proposed to require one-time inspections of the inner webs and flanges at frames 15, 18, 41, and 43 for evidence of corrosion or cracking, and corrective actions if necessary.

### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

### Conclusion

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

### Cost Impact

The FAA estimates that 55 airplanes of U.S. registry will be affected by this AD, that it will take approximately 10 work hours per airplane to accomplish the required inspections, and that the average labor rate is \$65 per work hour. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be \$35,750, or \$650 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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

### Regulatory Impact

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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:

**2004-01-07 BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft):** Amendment 39-13421. Docket 2002-NM-144-AD.

**Applicability:** Model BAe 146 and Avro 146-RJ series airplanes, certificated in any category; except those airplanes on which either BAe Modification HCM30514A or HCM30514C, and either HCM30514B or HCM30514D, have been accomplished.

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

To detect and correct corrosion and cracking of the inner webs and flanges at frames 15, 18, 41, and 43, which could result in reduced structural integrity of the airplane, accomplish the following:

#### Inspection

(a) Except as provided by paragraph (c) of this AD: Do a detailed inspection of frames 15, 18, 41, and 43 (including any applicable repair) by accomplishing all actions specified in the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53-165, dated December 11, 2001. Do the inspection at the applicable time specified in paragraph (b) of this AD.

**Note 1:** For the purposes of this AD, a detailed inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface

cleaning and elaborate access procedures may be required."

### Compliance Times

(b) Do the inspection required by paragraph (a) of this AD at the applicable time specified in paragraph D., "Compliance," of the service bulletin, except where the service bulletin specifies "time period from first flight" or "years of age," this AD establishes the thresholds in terms of years after the date of issuance of the original Airworthiness Certificate or the date of issuance of the Export Certificate of Airworthiness, whichever is earlier. Where the service bulletin specifies compliance times relative to the date of the service bulletin, this AD requires compliance times relative to the effective date of this AD.

### Corrective Actions

(c) If any discrepancy is found during any inspection required by paragraph (a) of this AD, before further flight, accomplish the applicable repair in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53-165, dated December 11, 2001. If the service bulletin specifies to contact the manufacturer for appropriate action, before further flight, repair per a method approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate; or the Civil Aviation Authority (or its delegated agent).

### Submission of Inspection Results Not Required

(d) Although the service bulletin referenced in this AD specifies to submit information to the manufacturer, this AD does not include such a requirement.

### Alternative Methods of Compliance

(e) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, FAA, is authorized to approve alternative methods of compliance for this AD.

### Incorporation by Reference

(f) Unless otherwise specified in this AD, the actions shall be done in accordance with BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53-165, dated December 11, 2001. 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 British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. 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 2:** The subject of this AD is addressed in British airworthiness directive 004-12-2001.

### Effective Date

(g) This amendment becomes effective on February 11, 2004.

Issued in Renton, Washington, on December 29, 2003.

Ali Bahrami,

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

[FR Doc. 04-128 Filed 1-6-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003-SW-21-AD; Amendment 39-13424; AD 2004-01-10]

RIN 2120-AA64

#### **Airworthiness Directives; Eurocopter Deutschland Model MBB-BK-117 A-1, A-3, A-4, B-1, B-2, and C-1 Helicopters**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) for Eurocopter Deutschland (Eurocopter) Model MBB-BK-117 A-1, A-3, A-4, B-1, B-2, and C-1 helicopters with a certain tail rotor (TR) transmission or intermediate (INT) gearbox installed. This action requires inspecting the magnetic plug of the TR transmission and INT gearbox for metal particles before the first flight of each day. Replacing an unairworthy TR transmission, INT gearbox, or bearings with airworthy parts is also required within 30 days after the effective date of this AD. This amendment is prompted by a report of production-related cracks on the cage of bearings installed in certain TR transmissions and INT gearboxes. This condition, if not corrected, could result in cracking and separation of the bearing cage, failure of a bearing, failure of the TR transmission or INT gearbox, and subsequent loss of control of the helicopter.

**DATES:** Effective January 22, 2004.

Comments for inclusion in the Rules Docket must be received on or before March 8, 2004.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2003-SW-21-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: [9-asw-adcomments@faa.gov](mailto:9-asw-adcomments@faa.gov).

#### **FOR FURTHER INFORMATION CONTACT:**

Uday Garadi, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Safety Management Group, Fort Worth, Texas 76193-0110, telephone (817) 222-5123, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** Luftfahrt-Bundesamt (LBA), the airworthiness authority for the Federal Republic of Germany, notified the FAA that an unsafe condition may exist on Eurocopter Model MBB-BK-117 A-1, A-3, A-4, B-1, B-2, and C-1 helicopters. The LBA advises that Eurocopter has been informed by the manufacturer of the TR transmission and INT gearbox that production-related cracks were found on the bearing cage, which could lead to parts of the cage separating and entering the TR transmission or INT gearbox.

Eurocopter has issued Alert Service Bulletin No. ASB-MBB-BK117-30-108, Revision 1, dated July 4, 2003, which specifies replacing the TR transmission and INT gearbox or replacing the bearings in the TR transmission and INT gearbox by September 30, 2003. The alert service bulletin also specifies inspecting the magnetic plug before the first flight each day until the subject bearings are replaced. The LBA classified this alert service bulletin as mandatory and issued AD 2003-161, dated April 29, 2003, to ensure the continued airworthiness of these helicopters in the Federal Republic of Germany.

These helicopter models are manufactured in the Federal Republic of Germany, and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral agreement, the Federal Republic of Germany has kept the FAA informed of the situation described above. The FAA has examined the findings of the Federal Republic of Germany, reviewed all available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

The previously described unsafe condition is likely to exist or develop on other helicopters of these same type designs registered in the United States. Therefore, this AD is being issued to prevent cracking and separation of the bearing cage, failure of a bearing, failure of the TR transmission or INT gearbox, and subsequent loss of control of the helicopter. This AD requires inspecting the magnetic plugs of the TR gearbox and INT gearbox for metal particle deposits before the first flight of each

day. If a small amount of fuzz is found on the magnetic plug, the magnetic plug must be cleaned and may be reinstalled. If there is an amount of fuzz that exceeds the amount depicted in "Pos. A" of Figure 1 of this AD, then replacing the INT gearbox, TR transmission, or bearing, part number (P/N) 4639310006, with serial number (S/N) 3246 through 3598, is required within 30 days after the effective date of this AD. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability and structural integrity of the helicopter. Therefore, the inspections and replacement, if necessary, are required before further flight and this AD must be issued immediately.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. Because we have now included this material in part 39, we no longer need to include it in each individual AD.

The FAA estimates that this AD will affect 127 helicopters of U.S. registry. It will take approximately 0.5 work hours to inspect both magnetic plugs, and removing and replacing the affected bearings will take approximately 6 work hours to accomplish at an average labor rate of \$65 per work hour. Assuming 30 days of inspections, the total cost of inspections will be \$123,825. Required parts (3 bearings for each helicopter) will cost approximately \$1,147 per helicopter. Based on these assumptions, we estimate the total cost of this AD on U.S. operators to be \$319,023. The manufacturer has stated in its alert service bulletin that bearings will be replaced at no cost. Including the warranty coverage, the estimated total cost impact on U.S. operators will be \$173,354.

#### **Comments Invited**

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire.