

# Proposed Rules

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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.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003–SW–28–AD]

RIN 2120–AA64

#### Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes adopting a new airworthiness directive (AD) for Agusta S.p.A. (Agusta) Model A109E helicopters. This proposal would require modifying each passenger compartment sliding door (door) by applying a kit to replace the levers and links. This proposal is prompted by instances of a door inadvertently opening during flight due to the unstable configuration of the door. The actions specified by this proposed AD are intended to prevent the inadvertent opening of a door during flight and loss of a passenger or other objects from the cabin.

**DATES:** Comments must be received on or before December 22, 2003.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2003–SW–28–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). Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Richard Monschke, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0110, telephone (817) 222–5116, fax (817) 222–5961.

#### 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 should 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 will be considered before taking action on the proposed rule. The proposals contained in this document 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 mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket No. 2003–SW–28–AD.” The postcard will be date stamped and returned to the commenter.

##### Discussion

The Ente Nazionale per l’Aviazione Civile (ENAC), the airworthiness authority for Italy, notified the FAA that an unsafe condition may exist on Agusta Model A109E helicopters. ENAC advises that the doors should be modified.

Agusta has issued Alert Bollettino Tecnico No. 109EP–33, dated March 19, 2003 (ABT), which specifies modifying the opening and closing mechanism of the passenger compartment sliding doors by installing a new lever and a new link to avoid the possibility of the mechanism not reaching the stowed position. Agusta reports the accidental opening during flight of one of the doors, on a few helicopters, without any harm to the passengers. ENAC classified this ABT as mandatory and issued AD No. 2003–109, dated March 27, 2003, to

ensure the continued airworthiness of these helicopters in Italy.

This helicopter model is manufactured in Italy and is 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, ENAC has kept the FAA informed of the situation described above. The FAA has examined the findings of ENAC, 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.

This previously described unsafe condition is likely to exist or develop on other helicopters of the same type design registered in the United States. Therefore, the proposed AD would require modifying the doors by installing a new lever and link and other hardware contained in kits, part number (P/N) 109–0823–25–101 (left hand) and (P/N) 109–0823–25–102 (right hand). The actions would be required to be accomplished in accordance with the ABT described previously.

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 proposed AD would affect 34 helicopters of U.S. registry, and the proposed actions would take approximately 4 work hours per helicopter to accomplish at an average labor rate of \$65 per work hour. Required parts would cost approximately \$3000 per helicopter. Based on these figures, we estimate the total cost impact of the proposed AD on U.S. operators to be \$110,840 (\$3260 per helicopter). However, Agusta states in its ABT that it will supply the parts at no cost and will reimburse up to 4 work hours to modify the doors at a fixed rate of \$40. Assuming this warranty coverage, the estimated total cost impact of this AD on U.S. operators would be \$3400 (\$100 per helicopter).

The regulations proposed herein would 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 proposal would not have federalism implications under Executive Order 13132.

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 adding a new airworthiness directive to read as follows:

**Agusta S.p.A.** Docket No. 2003-SW-28-AD.

**Applicability:** Model A109E helicopters, up to and including serial number (S/N) 11150 with Pratt & Whitney Canada, Inc. PW206C engines, and S/N 11501 through 11509 with Turbomeca Arrius TM2K1 engines, with a passenger compartment sliding door (door), part number (P/N) 109-0360-48-101 (left-hand (LH)), P/N 109-0360-48-102 (right-hand (RH)), P/N 109-0360-48-201 (LH), or P/N 109-0360-48-202 (RH), installed, certificated in any category.

**Compliance:** Required within 90 days, unless accomplished previously.

To prevent the inadvertent opening of a door and loss of a passenger or other objects from the cabin, accomplish the following:

(a) Modify the doors by replacing levers, P/N 109-0362-30-103 (LH) and P/N 109-0362-30-104 (RH), and links, P/N 109-0362-05-101; with levers P/N 109-0362-30-109 (LH) and P/N 109-0362-30-110 (RH), and links, P/N 109-0362-05-105, and the

hardware contained in kits, P/N 109-0823-25-101 (LH) and P/N 109-0823-25-102 (RH) in accordance with the Compliance Instructions in Agusta Bollettino Tecnico No. 109 EP-33, dated March 19, 2003.

(b) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Safety Management Group, Rotorcraft Directorate, FAA, for information about previously approved alternative methods of compliance.

**Note:** The subject of this AD is addressed in Ente Nazionale per l'Aviazione Civile (Italy) AD No. 2003-109, dated March 27, 2003.

Issued in Fort Worth, Texas, on October 16, 2003.

**David A. Downey,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

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**BILLING CODE 4910-13-P**

#### DEPARTMENT OF COMMERCE

#### Bureau of the Census

#### 15 CFR Part 30

[Docket Number 031009254-3254-01]

RIN 0607-AA38

#### Mandatory Automated Export System (AES) Filing for all Shipments Requiring Shipper's Export Declaration Information

**AGENCY:** Bureau of the Census, Commerce.

**ACTION:** Advance notice of proposed rulemaking and request for comments.

**SUMMARY:** The U.S. Census Bureau (Census Bureau) is issuing this advance notice of proposed rulemaking to announce and to solicit comments on the Census Bureau's intent to propose a rule that would make mandatory the filing of all export shipments requiring Shipper's Export Declaration (SED) information on the Automated Export System (AES)/AESDirect. The Census Bureau also requests comment on its intention, subject to agreement with the Bureau of Customs and Border Protection (CBP) and other federal agencies participating in the AES, to modify the AES Option 4 post-departure filing program. The Census Bureau welcomes any comments or concerns regarding the impact of these intended changes on the export community.

**DATES:** Submit written comments regarding this document on or before November 21, 2003.

**ADDRESSES:** Direct all written comments to the Director, U.S. Census Bureau,

Room 2049, Federal Building 3, Washington, DC 20233.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to C. Harvey Monk, Jr., Chief, Foreign Trade Division, U.S. Census Bureau, Room 2104, Federal Building 3, Washington, DC 20233-6700, (301) 763-2255, by fax (301) 457-2645, or by e-mail [c.harvey.monk,jr@census.gov](mailto:c.harvey.monk,jr@census.gov).

**SUPPLEMENTARY INFORMATION:** The AES is the electronic method to file the information required on the paper SED and the ocean manifest information directly with the CBP. AESDirect is the Census Bureau's free Internet-based system for filing SED information on the AES. Further references to the AES cover both the AES and AESDirect.

Filing on the AES will become mandatory for all export shipments required to be filed under Title 13, United States Code (U.S.C.), Chapter 9. On September 30, 2002, the President signed H.R. 1646 into law (Public Law 107-228). The short title to this law is the Foreign Relations Authorization Act, Fiscal Year 2003. Division B is the Security Assistance Act of 2002. Section 1404—Improvements to the Automated Export System—amends Title 13, U.S.C., Chapter 9.

The AES mandatory electronic filing requirement and penalty authority are set forth in Public Law 107-228. This law directs the Secretary of Commerce, with the concurrence of the Secretary of State and the Secretary of Treasury, to publish regulations in the **Federal Register** requiring, upon the effective date of these regulations, that all persons who are required to file export information under Title 13, U.S.C., Chapter 9, file such information through the AES. The filing of SED information on paper will be eliminated (Option 1). This law also imposes penalties for delayed filings, for failure to file, filing of false or misleading information and for furthering other unlawful activities. A full description of Public Law 107-228, Section 1404, can be found at no cost on the Library of Congress Web site at <http://www.thomas.gov>.

In the future, the Census Bureau will issue proposed and final rules in the **Federal Register**, providing for implementation of the AES mandatory filing requirement and allowing the public to comment. The Census Bureau also will issue regulations regarding imposition of the penalties, both civil and criminal, for the late filing, failure to file, and false filing of export information and furtherance of other illegal activities through the AES. These regulations will provide for