

## Cost Impact

We estimate that 53 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 2 work hours per airplane to accomplish the proposed general visual, contour, and clearance inspections of the ground spoilers, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of these proposed inspections on U.S. operators is estimated to be \$6,890, or \$130 per airplane.

It would take approximately 4 work hours per airplane to accomplish the proposed inspection of the support arms for the ground spoilers, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of this proposed inspection on U.S. operators is estimated to be \$13,780, or \$260 per airplane.

The cost impact figures discussed above are 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 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 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 the following new airworthiness directive:

**Fairchild Dornier GMBH (Formerly Dornier Luftfahrt GmbH):** Docket 2002–NM–300–AD.

**Applicability:** Model 328–100 series airplanes, as listed in Dornier Service Bulletin SB–328–57–435, Revision 1, dated August 7, 2002; and Dornier Service Bulletin SB–328–57–439, Revision 1, dated March 10, 2003; certificated in any category.

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

To prevent failure of the support arms of the ground spoiler assemblies due to cracking, which could result in loss of function and/or separation of the affected ground spoiler assemblies from the airplane, and consequent reduced controllability of the airplane during landing or rejected take-off operations, accomplish the following:

### Visual, Contour, and Clearance Inspections of Ground Spoilers, and Corrective Actions

(a) Within 400 flight cycles after the effective date of this AD: Do the inspections for discrepancies of the ground spoiler assemblies and the wing flaps by doing all the actions per the Accomplishment Instructions of Dornier Service Bulletin SB–328–57–439, Revision 1, dated March 10, 2003. Any applicable corrective action must be done before further flight per the service bulletin.

**Note 1:** For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

## Inspection of Ground Spoiler Support Arms

(b) Within 4 weeks after the effective date of this AD, or prior to the accumulation of 4,000 total flight cycles, whichever is later: Do an eddy current inspection for cracking in the bottom edge of the flange for ground spoiler support arms No. 3 and No. 8, left and right sides of the airplane. Do the inspection by accomplishing all of the actions per the Accomplishment Instructions of Dornier Service Bulletin SB–328–57–435, Revision 1, dated August 7, 2002. Repeat the inspection thereafter at intervals not to exceed 1,000 flight cycles.

## Corrective Action

(c) If any cracking is found during any inspection required by paragraph (b) of this AD, before further flight, replace the affected ground spoiler assembly with a new ground spoiler assembly per the applicable section(s) of chapters 27 or 57 of the Dornier Model 328–100 Maintenance Manual.

## Certain Recommendations in Service Bulletins Not Required

(d) Dornier Service Bulletin SB–328–57–435, Revision 1, dated August 7, 2002, states to contact Dornier if any crack is found in a support arm for a ground spoiler, and to send the affected ground spoiler to Dornier, but those actions are not required by this AD. Dornier Service Bulletin SB–328–57–439, Revision 1, dated March 10, 2003, recommends that inspection results for cracking of support arms be sent to Dornier, but that action is not required by this AD.

## Alternative Methods of Compliance

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

**Note 2:** The subject of this AD is addressed in German airworthiness directives 2002–258, dated September 5, 2002, and 2003–357, dated November 11, 2003.

Issued in Renton, Washington, on January 20, 2004.

**Kalene C. Yanamura,**

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

[FR Doc. 04–1660 Filed 1–26–04; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

[Docket No. 2003–NM–66–AD]

RIN 2120–AA64

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes**

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

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

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB-145 series airplanes. This proposal would require modifying the strap configuration of IC-600 #1 and #2 integrated computers to disable CAT II operations with the flight director. Enabling of CAT II operations with the flight director is not yet approved and could cause the flightcrew to receive hazardous misleading guidance information, which, in the event of a high-workload landing, could result in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by February 26, 2004.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2003-NM-66-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: [9-anm-nprmcomment@faa.gov](mailto:9-anm-nprmcomment@faa.gov). Comments sent via fax or the Internet must contain "Docket No. 2003-NM-66-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**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) 227-2125; 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 action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

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 action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2003-NM-66-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. 2003-NM-66-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

The Departamento de Aviação Civil (DAC), which is the airworthiness authority for Brazil, notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB-145 series airplanes. The DAC advises that IC-600 integrated computers equipped with certain Engine Indication and Crew Alerting System (EICAS) software versions, not configured through configuration module IM-600, enable CAT II operations with the flight director. This combination is not approved. This condition, if not corrected, could cause the flightcrew to receive hazardous misleading

guidance information, which, in the event of a high-workload landing, could result in reduced controllability of the airplane.

**Explanation of Relevant Service Information**

EMBRAER has issued Service Bulletins 145-31-0022, Change 05, and 145-31-0030, both dated January 22, 2002, which describe procedures for modifying the strap configuration of IC-600 #1 and #2 integrated computers to disable CAT II operations with the flight director. Service Bulletin 145-31-0022, Change 05, applies to airplanes equipped with EICAS software version 16.5, while 145-31-0030 applies to airplanes equipped with EICAS software version 17. Accomplishment of the actions specified in the applicable service bulletin is intended to adequately address the identified unsafe condition. The DAC classified these service bulletins as mandatory and issued Brazilian airworthiness directive 2000-10-02R2, dated February 22, 2002, to ensure the continued airworthiness of these airplanes in Brazil.

**FAA's Conclusions**

This airplane model is manufactured in Brazil 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 DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, 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.

**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 require accomplishment of the actions specified in the applicable service bulletin described previously.

**Cost Impact**

The FAA estimates that 251 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$65 per work hour. The cost of required parts would be negligible.

Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$32,630, or \$130 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 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 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 the following new airworthiness directive:

**Empresa Brasileira de Aeronautica S.A. (EMBRAER):** Docket 2003–NM–66–AD.

**Applicability:** Model EMB–145 series airplanes, certificated in any category; as listed in EMBRAER Service Bulletin 145–31–0022, Change 05; or 145–31–0030; both dated January 22, 2002.

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

To prevent enabling of CAT II operations with the flight director, which could cause the flight crew to receive hazardously misleading guidance information, and, in the event of a high-workload landing, could result in reduced controllability of the airplane, accomplish the following:

#### Modification

(a) Within 400 flight hours after the effective date of this AD: Modify the strap configuration of IC–600 #1 and #2 integrated computers to disable CAT II operations with the flight director, per the Accomplishment Instructions of EMBRAER Service Bulletin 145–31–0022, Change 05 (for airplanes equipped with EICAS software version 16.5); or 145–31–0030 (for airplanes equipped with EICAS software version 17); both dated January 22, 2002; as applicable.

#### Actions Accomplished Per Earlier Revisions of Service Bulletin

(b) Actions accomplished before the effective date of this AD per the Accomplishment Instructions of EMBRAER Service Bulletin 145–31–0022, dated August 29, 2000; Change 01, dated January 8, 2001; Change 02, dated March 14, 2001; Change 03, dated March 22, 2001; or Change 04, dated April 10, 2001; are acceptable for compliance with the corresponding actions required by paragraph (a) of this AD.

#### Parts Installation

(c) As of the effective date of this AD, no one may install an IC–600 #1 or #2 integrated computer equipped with EICAS software version 16.5 or 17, unless paragraph (a) of this AD has been accomplished.

#### Alternative Methods of Compliance

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

**Note 1:** The subject of this AD is addressed in Brazilian airworthiness directive 2000–10–02R2, dated February 22, 2002.

Issued in Renton, Washington, on January 16, 2004.

**Ali Bahrani,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 04–1659 Filed 1–26–04; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002–CE–05–AD and Docket No. 2002–CE–57–AD]

**RIN 2120–AA64**

### Airworthiness Directives; Cessna Aircraft Company Models 401, 401A, 401B, 402, 402A, 402B, 402C, 411, and 411A, and 414A Airplanes; Notice of Public Meeting

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

**ACTION:** Notice of public meeting; reopening of the comment periods.

**SUMMARY:** This document reopens the comment periods and announces a public meeting on the subject proposed airworthiness directives (ADs) that would apply to Cessna Aircraft Company (Cessna) Models 401, 401A, 401B, 402, 402A, 402B, 402C, 411, and 411A, and 414A airplanes. The proposed ADs would supersede existing ADs and would require you to repetitively inspect the wing spar caps for fatigue cracks with any necessary repair or replacement on all airplanes and incorporate a spar strap modification on each wing spar on certain airplanes. The purpose of the meeting is to discuss technical issues and proposed corrective actions related to our determination that AD actions are necessary to prevent wing spar cap failure due to undetected fatigue cracks. Such failure could result in loss of a wing with consequent loss of airplane control. We are reopening the comment period to facilitate collection and consideration of data that concerns the technical issues. We are also seeking information about possible corrective actions other than those in the proposed ADs.

**DATES:** The Federal Aviation Administration (FAA) will hold the public meeting on March 3 and 4, 2004, starting at 9 a.m. both days, at the Hilton, Washington Dulles Airport, in Herndon, Virginia.

Registration will begin at 8:30 a.m. on the first day of the meeting.

We must receive any comments on these proposed rules on or before April 5, 2004.

**ADDRESSES:** We will hold the public meeting at the Hilton, Washington Dulles Airport, 13869 Park Center Road, Herndon, Virginia 20171.

If you are unable to attend, you may mail comments (clearly marked with the docket numbers) to FAA, Central