

**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:

**2004-06-12 Boeing:** Amendment 39-13538. Docket 2002-NM-288-AD.

**Applicability:** Model 747-400F series airplanes, having line numbers 968 through 1286 inclusive, certificated in any category.

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

To detect and correct fatigue cracks in the fuselage skin and frame shear tie assemblies, which could propagate and result in possible in-flight decompression of the airplane, accomplish the following:

**Service Bulletin Reference**

(a) The term “service bulletin,” as used in this AD, means the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747-53-2480, dated March 28, 2002.

**Compliance Time**

(b) At the later compliance time specified in paragraphs (b)(1) and (b)(2) of this AD, do the inspections specified in paragraph (c) of this AD.

(1) Within 6,000 flight cycles after the date of issuance of the original Airworthiness Certificate or date of issuance of the Export Certificate of Airworthiness, whichever comes first.

(2) Within 3,000 flight cycles after the effective date of this AD.

**Repetitive Inspections**

(c) Perform both inspections of the external fuselage skin as shown in Table 1 of this AD, per the service bulletin. Repeat the inspections thereafter at intervals not to exceed 3,000 flight cycles.

TABLE 1.—INSPECTION REQUIREMENTS

Type of inspection	Area to inspect
(1) Detailed .....	Inspect the skin surface for cracks initiating from the shear tie fasteners (14 locations on each side) common to the body station 800 frame between stringers S-13 and S-15 on both the left and right sides of the airplane.
(2) General visual .....	Inspect the skin surface at all fastener locations for cracks between body stations 780 to 800 and stringers S-13 through S-15 on both the left and right sides of the airplane.

**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.”

**Note 2:** 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.”

**Crack Findings: Inspections and Repair**

(d) If any crack is found during any inspection required by paragraph (c) of this AD, before further flight, do the actions specified in paragraphs (d)(1) and (d)(2) of this AD.

(1) Perform inspections of the affected area to determine the extent of the crack using the following applicable inspection methods, per the service bulletin: detailed inspection; open-hole high frequency eddy current (HFEC) inspection; surface HFEC inspection; and dye penetrant inspection.

(2) Repair any crack per the service bulletin. Where the service bulletin specifies contacting Boeing for an alternate repair method: Before further flight, repair per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings.

**Terminating Action for Repaired Area**

(e) Accomplishment of the repair per paragraph (d)(2) of this AD ends the repetitive inspection requirements of paragraph (c) of this AD for that repaired area only.

**Alternative Methods of Compliance**

(f) In accordance with 14 CFR 39.19, the Manager, Seattle ACO, FAA, is authorized to approve alternative methods of compliance (AMOCs) for this AD.

**Incorporation by Reference**

(g) Unless otherwise specified in this AD, the actions shall be done in accordance with Boeing Special Attention Service Bulletin 747-53-2480, dated March 28, 2002. 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 Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207. 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.

**Effective Date**

(h) This amendment becomes effective on April 30, 2004.

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

**Kevin M. Mullin,**

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

[FR Doc. 04-6579 Filed 3-25-04; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2001-NM-380-AD; Amendment 39-13537; AD 2004-06-11]

RIN 2120-AA64

**Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Series Airplanes; and Model A340-211, -212, 213, -311, -312, and -313 Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A330-301, -321, -322, -341, and -342 series airplanes; and certain Model A340 series airplanes, that requires inspecting for and repairing cracking of

the wire harness slots in the inner rear spars of the wings between ribs 4 and 5, and cold-expanding crack-free wire harness slots and bolt holes. This action is necessary to prevent cracking of the wire harness slot, which could result in reduced structural integrity of the wing. This action is intended to address the identified unsafe condition.

**DATES:** Effective April 30, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 30, 2004.

**ADDRESSES:** The service information referenced in this AD may be obtained from Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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:** Dan Rodina, 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:** 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 Model A330-301, -321, -322, -341, and -342 series airplanes; and certain Model A340 series airplanes was published in the **Federal Register** on November 28, 2003 (68 FR 66762). That action proposed to require inspecting for and repairing cracks of the wire harness slots in the inner rear spars of the wings between ribs 4 and 5, and cold-expanding crack-free wire harness slots and bolt holes.

**Comments**

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

**Request To Revise Applicability**

The commenter requests that the applicability of the proposed AD be revised to match the applicability of the French airworthiness directive, which limits Model A340 series airplanes to A340-211, -212, 213, -311, -312, and -313. The commenter states that the proposed (FAA) AD, as written, would include Model A340-500 and -600 series airplanes, which do not need the compliance check.

We agree, for the reasons provided by the commenter. We have revised the applicability accordingly in this final rule.

**Conclusion**

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

**Cost Impact**

This AD will affect about 1 Model A330 series airplane of U.S. registry. Currently, there are no affected Model A330-341 or A340 series airplanes on the U.S. Register. The actions will take about 30 work hours per airplane, at an average labor rate of \$65 per work hour. Required parts will cost about \$1,075 per airplane. Based on these figures, the cost impact of this AD is estimated to be \$3,025 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:

**2004-06-11 Airbus:** Amendment 39-13537. Docket 2001-NM-380-AD.

*Applicability:* The airplanes listed in Table 1 of this AD, certificated in any category.

TABLE 1.—APPLICABILITY

Model—	Except those modified by Airbus modification—	Or Airbus service bulletin—
A330-301, -321, -322, -341, and -342 series airplanes	43503 .....	A330-57-3055, dated November 28, 2001, or Revision 01, dated May 2, 2002.
A340-211, -212, 213, -311, -312, and -313 series airplanes.	43692 .....	A340-57-4062, dated November 28, 2001, or Revision 01, dated May 2, 2002.

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

To prevent cracking of the wire harness slot on the inner rear spar of the wing, which could result in reduced structural integrity of the wing, accomplish the following:

#### Modification

(a) At the time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD: Modify the inner rear spars of the wings in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330-57-3055 or A340-57-4062, both Revision 01, both dated May 2, 2002, as applicable. The modification involves an eddy current surface crack inspection of the wire harness slots in the rear spars of the wings between ribs 4 and 5, a high-frequency eddy current rototest inspection for cracks in the area around the bolt holes that attach the support plates of the electrical connectors, and cold-expansion of the wire harness slots and the bolt holes.

(1) For Model A330 series airplanes: Inspect before the accumulation of 16,500 total flight cycles or 51,400 total flight hours, whichever occurs first.

(2) For Model A340 series airplanes, pre-Modification 41300: Inspect before the accumulation of 14,500 total flight cycles or 75,400 total flight hours, whichever occurs first.

(3) For Model A340 series airplanes, post-Modification 41300: Inspect before the accumulation of 13,400 total flight cycles or 70,000 total flight hours, whichever occurs first.

(b) A modification done before the effective date of this AD in accordance with Airbus Service Bulletin A330-57-3055 or A340-57-4062, both dated November 28, 2001, is acceptable for compliance with the applicable requirements of this AD.

#### Repair

(c) If any crack is found during an inspection required by paragraph (a) of this AD: Before further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or the Direction Générale de l'Aviation Civile (or its delegated agent).

#### 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 specified in this AD, the actions must be done in accordance with Airbus Service Bulletin A330-57-3055, Revision 01, dated May 2, 2002; or Airbus Service Bulletin A340-57-4062, Revision 01, dated May 2, 2002; 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, 31701 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 1:** The subject of this AD is addressed in French airworthiness directives 2001-578(B) and 2001-579(B), both dated November 28, 2001.

#### Effective Date

(f) This amendment becomes effective on April 30, 2004.

Issued in Renton, Washington, on March 17, 2004.

**Kevin M. Mullin,**

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

[FR Doc. 04-6578 Filed 3-25-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2003-15398; Airspace Docket No. 03-AGL-091]

#### Revocation of Class D Airspace Area; Chicago, IL

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action revokes the Class D airspace area for the Merrill C. Meigs Airport, Chicago, IL. The FAA is taking this action due to the closure of the airport.

**EFFECTIVE DATE:** 0901 UTC, June 10, 2004.

**FOR FURTHER INFORMATION CONTACT:** Patricia A. Graham, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 28, 2003, the FAA issued a notice proposing to revoke the Class D airspace area for the Merrill C. Meigs Airport. Specifically, that action proposed to revoke the existing Class D airspace area extending from the surface up to and including 3,100 feet above mean sea level (MSL) within a 3.8 nautical mile radius of the now closed Meigs Airport reference point. Class D airspace areas are intended to provide controlled airspace for visual or instrument flight rules operations at airports having an operating Airport Traffic Control Tower (ATCT).

##### Discussion of Comment

Interested parties were invited to participate in this rulemaking

proceeding by submitting written comments on the proposal. All comments received were reviewed prior to taking any final action on this matter. In response to the notice, we received thirty-three comments. Two of the comments received were in support of the proposed airspace action and the others stated objection or provided other comments on the proposal. Those objecting to the proposal expressed concern that the revocation of the Class D Airspace Area would take away the ability of pilots to use the Chicago Meigs Airport in case they had to make an emergency landing, or require some other sort of assistance.

Other commenters expressed concern that revoking the Class D airspace area and closing the Chicago Meigs Airport would result in an increase in the congestion at the Chicago O'Hare International Airport (O'Hare Airport) and the Chicago Midway International Airport (Midway Airport).

Several other commenters stated that it was less convenient to fly into the O'Hare Airport and Midway Airport rather than the former Chicago Meigs Airport. One commenter stated that the lack of controlled airspace around downtown Chicago could have serious potential security risks. Additionally, several commenters expressed a concern that a Class D airspace area is needed to keep a corridor along the shore of Lake Michigan safer; and that the FAA should continue to provide some sort of advisory service to pilots utilizing something similar to an ATCT.

Many of those commenting also expressed a concern that by revoking the Class D airspace area the FAA was supporting the alleged illegal closing of Chicago Meigs Airport, and that the airport should not be closed.

Many of the concerns expressed by those commenting on the notice are beyond the control of the FAA. Specifically, many commenters took issue with the actual closing of the Meigs Airport, the destruction of its runway as well as the lack of availability of the airport in case of an emergency landing, and the impact the closure would have on the Chicago O'Hare and Chicago Midway International Airports. Also, they expressed a belief that there was increased security risk resulting from a reduction in controlled airspace.

While the FAA respects the opinions of those expressing comments regarding the Meigs Airport closure, those comments are outside of the scope of the notice. The purpose of the proposed action was to address the classification of the airspace over the closed Meigs Airport. The FAA proposed this action