

**Corrective Actions**

(c) If the wording of the label is found to be incorrect during the inspection required by paragraph (b) of this AD, prior to further flight, remove the label, then perform the actions specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD in accordance with the applicable AOT, or perform the actions specified in paragraph (d)(2) of this AD.

(1) Within 500 flight hours after removing the incorrect label, apply a correctly worded label to the housing.

(2) Prior to further flight after removing the label, drain the friction brake and refill with Exxon 2120 oil.

(3) Prior to further flight after removing the label, verify the torque of the friction brake.

(i) If the torque is within the limits specified in the applicable AOT, repeat the torque verification thereafter at intervals not to exceed 500 flight hours, until the optional terminating actions specified in paragraph (d) of this AD have been accomplished.

(ii) If the torque is not within the limits specified in the applicable AOT, prior to further flight, replace the friction brake with a new brake in accordance with the applicable AOT. Accomplishment of this replacement terminates the requirement for the repetitive torque verification for that brake.

**Optional Terminating Actions**

(d) Accomplishment of either paragraph (d)(1) or (d)(2) of this AD terminates the repetitive torque verification required by paragraph (c)(3)(i) of this AD.

(1) Analyze the oil drained from the friction brake.

(i) If the oil is Exxon 2120, no further action is required by this AD.

(ii) If the oil is not Exxon 2120, prior to further flight, replace the friction brake as specified in paragraph (d)(2) of this AD.

(2) Replace the friction brake with a new brake in accordance with the applicable AOT.

**Analysis of Brake Oil**

(e) Although the referenced AOTs describes procedures for submitting oil drained from the friction brakes to the brake manufacturer for analysis, this AD does not require that the manufacturer be the sole source of such analysis.

**Alternative Methods of Compliance**

(f) 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.

**Incorporation by Reference**

(g) The actions shall be done in accordance with Airbus All Operators Telex 27A0199, Revision 01, dated February 5, 2003; or Airbus All Operators Telex 27A6055, Revision 01, dated February 5, 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 National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**Note 2:** The subject of this AD is addressed in French airworthiness directive 2003-048(B), dated February 5, 2003.

**Effective Date**

(h) This amendment becomes effective on August 3, 2004.

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

**Ali Bahrami,**

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

[FR Doc. 04-14567 Filed 6-28-04; 8:45 am]

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

[Docket No. 2003-NM-65-AD; Amendment 39-13695; AD 2004-13-13]

**RIN 2120-AA64**

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain EMBRAER Model EMB-120 series airplanes, that requires a one-time inspection of the access door ramp of the fueling control panel for damage or deformation, and applicable corrective actions. This action is necessary to prevent inadvertent fuel transfer in flight due to fuel service personnel not repositioning the defuel valve switch control to the closed position after utilization on the ground, which could cause in-flight fuel starvation. This action is intended to address the identified unsafe condition.

**DATES:** Effective August 3, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 3, 2004.

**ADDRESSES:** The service information referenced in this AD 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**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 EMBRAER Model EMB-120 series airplanes was published in the **Federal Register** on April 6, 2004 (69 FR 17989). That action required a one-time inspection of the access door ramp of the fueling control panel for damage or deformation, and applicable corrective actions.

**Comments**

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments have been submitted on the proposed AD or on the 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 220 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish each required action, and that the average labor rate is \$65 per work hour. Required parts will cost approximately \$200 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$101,200, or \$460 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:

**2004-13-13 Empresa Brasileira de Aeronautica S.A. (EMBRAER):**  
Amendment 39-13695. Docket 2003-NM-65-AD.

**Applicability:** Model EMB-120 series airplanes, serial numbers 120003, 120004, and 120006 through 120358 inclusive; certificated in any category.

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

To prevent inadvertent fuel transfer in flight due to fuel service personnel not repositioning the defuel valve switch control to the closed position after utilization on the ground, which could cause in-flight fuel starvation, accomplish the following:

### Inspection of Existing Ramp and Corrective Actions

(a) For airplanes that have a ramp on the access door of the fueling control panel: Within 1,200 flight hours or 8 months after the effective date of this AD, whichever occurs first, perform a general visual inspection of the access door ramp for damage or deformation; and do all applicable corrective actions by accomplishing all the actions in accordance with paragraph 2.2.3 of the Accomplishment Instructions of EMBRAER Service Bulletin 120-57-0038, dated June 26, 2002. Do the actions per the service bulletin. Accomplish any applicable corrective actions before further flight.

**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."

### Modification

(b) For airplanes that do not have a ramp on the access door of the fueling control panel: Within 1,200 flight hours or 8 months after the effective date of this AD, whichever occurs first, modify the access door by accomplishing all the actions in paragraph 2.1.3 of the Accomplishment Instructions of EMBRAER Service Bulletin 120-57-0038, dated June 26, 2002. Do the actions per the service bulletin. Accomplish any applicable corrective actions before further flight.

### Alternative Methods of Compliance

(c) 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.

### Incorporation by Reference

(d) The actions shall be done in accordance with EMBRAER Service Bulletin 120-57-0038, dated June 26, 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 Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For

information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**Note 2:** The subject of this AD is addressed in Brazilian airworthiness directive 2002-12-02, effective January 6, 2003.

### Effective Date

(e) This amendment becomes effective on August 3, 2004.

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

**Ali Bahrami,**

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

[FR Doc. 04-14569 Filed 6-28-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003-NM-126-AD; Amendment 39-13697; AD 2004-13-15]

RIN 2120-AA64

### Airworthiness Directives; Boeing Model 747-400 and -400D Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747-400 and -400D series airplanes, that requires an inspection to detect missing fasteners in the section 42 skin and internal doubler at the cutout for the ground exhaust valve of the electrical equipment; modification and rework of the doubler; repetitive inspections of the skin for cracks; and corrective actions if necessary; as applicable. This action is necessary to detect and correct fatigue cracks in the section 42 skin at the cutout for the ground exhaust valve of the electrical equipment, which could result in rapid decompression of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Effective August 3, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 3, 2004.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation