

Issued in Renton, Washington, on August 26, 2004.

**Kevin M. Mullin,**

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

[FR Doc. 04-20205 Filed 9-7-04; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-NM-338-AD; Amendment 39-13788; AD 2004-18-10]

RIN 2120-AA64

#### **Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 airplanes, that requires inspection of the fitting assemblies located on the vent and scavenge lines routed immediately below the fuel tank access covers on both wings for proper installation, and corrective actions if necessary. This amendment also requires inspection of the stiffeners on the underside of fuel tank access covers on both wings for signs of chafing damage caused by incorrect orientation of the lockwire tail, and removal of damage. This action is necessary to prevent contact between the lockwire pigtail of the fitting and the stiffener located on the inside surface of the fuel access covers of the wings, which could serve as a potential ignition source within the fuel tank if a cover is struck by lightning and result in possible fuel tank explosion. This action is intended to address the identified unsafe condition.

**DATES:** Effective October 13, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 13, 2004.

**ADDRESSES:** The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. 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 FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, suite 410, Westbury, New York; 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:**

Mazdak Hobbi, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, suite 410, Westbury, New York 11590; (516) 228-7330; fax (516) 256-5531.

#### **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 Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 airplanes was published in the **Federal Register** on December 31, 2003 (68 FR 75471). That action proposed to require inspection of the fitting assemblies located on the vent and scavenge lines routed immediately below the fuel tank access covers on both wings for proper installation, and corrective actions if necessary. That action also proposed to require inspection of the stiffeners on the underside of fuel tank access covers on both wings for signs of chafing damage caused by incorrect orientation of the lockwire tail, and removal of damage.

#### **Comments**

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

#### **Request to Reference Original Issue of Service Bulletin**

One commenter requests that the notice of proposed rulemaking (NPRM) be revised to reference Bombardier Alert Service Bulletin A8-28-33, dated June 3, 2002. The commenter notes that the NPRM refers to Bombardier Alert Service Bulletin A8-28-33, Revision "A," dated October 10, 2002, as the appropriate source of service information for the proposed actions. The commenter states that Revision "A" only removed the eddy current and fluorescent dye penetrant inspections, and that the original service bulletin accomplishes the same intent as Revision "A." The commenter

concludes that including the original service bulletin in the NPRM will eliminate the need to request alternative methods of compliance with the NPRM.

We agree with the commenter that accomplishment of the actions before the effective date of this AD in accordance with Bombardier Alert Service Bulletin A8-28-33, dated June 3, 2002, is acceptable for compliance with the corresponding requirements of this AD. In addition, Canadian airworthiness directive CF-2002-44, dated October 22, 2002, references the original service bulletin as the appropriate source of service information for accomplishing the required actions. Therefore, we have added a new paragraph (f) in the final rule to clarify this point and renumbered subsequent paragraphs.

#### **Request to Extend Compliance Time**

One commenter requests that the compliance time for the proposed inspection be extended from 12 months to 36 months. This would allow most airplanes to be inspected during scheduled maintenance. The commenter states that the proposed inspections require tank entry, and that its normal tank entry interval is 11,500 flight hours or approximately every 4 years. The commenter considers that the adoption of the proposed compliance time of 12 months would require operators to schedule special times for the accomplishment of the inspections, at additional expense.

We do not agree with the commenter's request to extend the compliance time. In developing an appropriate compliance time for this action, we considered the safety implications, parts availability, and normal maintenance schedules for timely accomplishment of the inspections. In addition, the 12-month compliance time coincides with Canadian airworthiness directive CF-2002-44. In consideration of these items, we have determined that 12 months represents an appropriate interval of time allowable wherein the inspections can be accomplished during scheduled maintenance intervals for the majority of affected operators, and wherein an acceptable level of safety can be maintained. However, under the provisions of paragraph (h) of the final rule, we may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

### Request To Allow Designated Engineering Representatives (DER) To Approve Repairs

One commenter requests that paragraph (e) of the NPRM be revised to allow FAA DERs to approve repairs for damage in excess of the given limits. The commenter states that rework of chafing is a relatively minor structural repair, and the repair has no impact on the arcing condition for which the NPRM is being issued.

We do not agree. Authority for this type of approval is normally retained by the responsible Aircraft Certification Office (ACO). We do not anticipate so many requests for this type of approval that delegation would be necessary to provide timely responses. Also, paragraph (e) of the final rule provides two additional sources of repair approval (*i.e.*, the TCCA or its delegated agent).

### Conclusion

After careful review of the available data, including the comments 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

The FAA estimates that 172 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour 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 the AD on U.S. operators is estimated to be \$11,180, or \$65 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:

**2004-18-10 Bombardier, Inc. (Formerly de Havilland, Inc.):** Amendment 39-13788. Docket 2002-NM-338-AD.

**Applicability:** Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 airplanes, serial numbers 003 through 586 inclusive; certificated in any category.

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

To prevent contact between the lockwire pigtail of the fitting and the stiffener located on the inside surface of the fuel access covers of the wings, which could serve as a potential ignition source within the fuel tank if a cover is struck by lightning and result in possible fuel tank explosion, accomplish the following:

#### Inspection of Fitting Assemblies and Lockwire

(a) Within 12 months after the effective date of this AD, do a general visual inspection to verify proper installation of the fitting assemblies and the lockwire located on the vent and scavenge lines routed

immediately below the fuel tank access covers on both wings by accomplishing all the actions specified in Part A of the Accomplishment Instructions of Bombardier Alert Service Bulletin A8-28-33, Revision "A," dated October 10, 2002. Do the actions 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."

#### Corrective Actions for Any Improperly Installed Fitting Assembly or Lockwire

(b) If any fitting assembly is found to be improperly installed during the general visual inspection required by paragraph (a) of this AD, before further flight, do the actions specified in paragraphs (b)(1) and (b)(2) of this AD per Part A of the Accomplishment Instructions of Bombardier Alert Service Bulletin A8-28-33, Revision "A," dated October 10, 2002.

(1) Change the orientation of the fitting assembly.

(2) Perform a general visual inspection of the O-ring for damage, and replace any damaged O-ring with a new O-ring.

(c) If any lockwire is found to be improperly installed during the general visual inspection required by paragraph (a) of this AD, before further flight, replace the lockwire with a new lockwire, per Part A of the Accomplishment Instructions of Bombardier Alert Service Bulletin A8-28-33, Revision "A," dated October 10, 2002.

#### Inspection of the Stiffeners

(d) Within 12 months after the effective date of this AD, do a general visual inspection of the stiffeners on the underside of fuel tank access covers on both wings for signs of chafing damage caused by incorrect orientation of the lockwire tail, per Part B of the Accomplishment Instructions of Bombardier Alert Service Bulletin A8-28-33, Revision "A," dated October 10, 2002.

#### Corrective Action for Chafing Damage

(e) If any chafing damage is found during the general visual inspection required by paragraph (d) of this AD, before further flight, remove the damage per Part B of the Accomplishment Instructions of Bombardier Alert Service Bulletin A8-28-33, Revision "A," dated October 10, 2002, except where the service bulletin recommends contacting Bombardier for damage in excess of the given limits, before further flight, repair per a method approved by either the Manager, New York Aircraft Certification Office (ACO), FAA; or the Transport Canada Civil Aviation (TCCA) (or its delegated agent).

**Credit for Original Service Bulletin**

(f) Accomplishment of the applicable actions specified in this AD before the effective date of this AD per Bombardier Alert Service Bulletin A8-28-33, dated June 3, 2002, is acceptable for compliance with the corresponding requirements of this AD.

**Exception to Service Bulletin Reporting**

(g) Although the service bulletin referenced in this AD specifies to report inspection findings to the airplane manufacturer, this AD does not include that requirement.

**Alternative Methods of Compliance**

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

**Incorporation by Reference**

(i) Unless otherwise specified in this AD, the actions shall be done in accordance with Bombardier Alert Service Bulletin A8-28-33, Revision "A," dated October 10, 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 Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, suite 410, Westbury, New York; 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 Canadian airworthiness directive CF-2002-44, dated October 22, 2002.

**Effective Date**

(j) This amendment becomes effective on October 13, 2004.

Issued in Renton, Washington, on August 26, 2004.

**Kevin M. Mullin,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 04-20207 Filed 9-7-04; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[CGD13-04-031]

RIN 1625-AA00

**Security and Safety Zone: Protection of Large Passenger Vessels, Portland, OR**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule; notice of enforcement.

**SUMMARY:** The Captain of the Port Portland, OR will begin, on August 11, 2004, enforcing the Large Passenger Vessel Security and Safety Zones that were published in the **Federal Register** on September 12, 2003. The zones provide for the security and safety of large passenger vessels in the navigable waters of Portland, OR and adjacent waters. These security and safety zones will be enforced until further notice.

**DATES:** 33 CFR 165.1318 will be enforced commencing August 11, 2004.

**FOR FURTHER INFORMATION CONTACT:** LTjg B. Audirsch, c/o Captain of the Port Portland, OR 6767 North Basin Avenue Portland, OR 97217 at (503) 240-9301 to obtain information concerning enforcement of this rule.

**SUPPLEMENTARY INFORMATION:** On September 12, 2003, the Coast Guard published a final rule (68 FR 53677) establishing regulations in 33 CFR 165.1318 for the security and safety of large passenger vessels in the navigable waters of Portland, OR and adjacent waters, of Oregon and Washington. These security and safety zones provide for the regulation of vessel traffic in the vicinity of certain large passenger vessels (as defined by the final rule) and exclude persons and vessels from the immediate vicinity of these large passenger vessels. Entry into these zones is prohibited unless otherwise exempted or excluded under the final rule or unless authorized by the Captain of the Port or his designee. The Captain of the Port Portland will begin enforcing the Large Passenger Vessel Safety and Security Zones established in 33 CFR 165.1318 on August 11, 2004. The Captain of the Port may be assisted by other Federal, State, or local agencies in enforcing this security zone.

Dated: August 11, 2004.

**Paul D. Jewell,**

*Captain, U.S. Coast Guard, Captain of the Port, Portland, OR.*

[FR Doc. 04-20328 Filed 9-7-04; 8:45 am]

**BILLING CODE 4910-15-P**

**DEPARTMENT OF DEFENSE****Department of the Army; Corps of Engineers****33 CFR Part 277****Water Resources Policies and Authorities: Navigation Policy: Cost Apportionment of Bridge Alterations; Correction**

**AGENCY:** Army Corps of Engineers, DoD.  
**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to the rule published May 30, 1979 on cost apportionment of bridge alterations. This correcting amendment deletes references to Corps of Engineers and U.S. Coast Guard guidance that no longer exists or has been superseded, provides correct references to current Corps and Coast Guard guidance, and makes it clearer that the Corps of Engineers and the Coast Guard each has its own implementing procedures for cost apportionment of bridge alterations.

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

**FOR FURTHER INFORMATION CONTACT:** Harry Kitch, CECW-CP (202) 761-4127, Kirby Fowler CECW-PC/SAD (202) 761-1765, Headquarters, U.S. Army Corps of Engineers, Washington, DC.

**SUPPLEMENTARY INFORMATION:** 33 CFR part 277 contains the Corps of Engineers implementing guidance for apportioning costs of bridge alterations made as part of Civil Works projects accomplished under Corps of Engineers authorities. The primary purpose of this correcting amendment is to make it more clear within the text of 33 CFR part 277 that the Corps of Engineers and the U.S. Coast Guard maintain separate cost apportionment implementing procedures, and that each agency uses its own implementing procedures under its respective authorities.

In addition, since 33 CFR part 277 has not been revised since its publication in the **Federal Register** in 1979, some internal Corps guidance documents referenced in 33 CFR part 277 have changed, as has a referenced U.S. Coast Guard guidance document. These references are updated. A few Corps terms of self-reference are updated.

The change at § 277.6, Basic Policies, paragraph (a), is merely to remove a