

**2004–20–11 Airbus:** Amendment 39–13816.  
Docket No. FAA–2004–18602;  
Directorate Identifier 2003–NM–160–AD.

**Effective Date**

(a) This airworthiness directive (AD) becomes effective November 17, 2004.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to all airplanes, certificated in any category, as identified in in Table 1 of this AD.

**TABLE 1.—APPLICABILITY**

Model	Serial nos.
A300 B2 and B4 series airplanes.	All.
A300 B4–600, B4–600R, and F4–600R series airplanes, and Model C4–605R Variant F airplanes (collectively called A300–600).	796 and earlier.

**Unsafe Condition**

(d) This AD was prompted by the results of an engineering evaluation that revealed that several repairs and some allowable damage limits specified in the structural repair manuals do not provide adequate

static and/or fatigue strength for repaired wing slats. We are issuing this AD to find and fix previously done repairs of the wing slats that have inadequate static and/or fatigue strength, which, if not corrected, could result in loss of the slats and consequent reduced controllability of the airplane.

**Compliance**

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Service Bulletins**

(f) The term “service bulletin,” as used in this AD, means the Accomplishment Instructions of the applicable service bulletin listed in Table 2 of this AD.

**TABLE 2.—SERVICE BULLETINS**

For model	Airbus service bulletin
(1) A300 B4–600, B4–600R, and F4–600R series airplanes, and Model C4–605R Variant F airplanes (collectively called A300–600).	A300–57–6092, Revision 02, dated November 21, 2002.
(2) A300 B2 and B4 series airplanes .....	A300–57–0238, Revision 02, dated November 21, 2002.

**Inspection and Related Investigative/Corrective Actions**

(g) Within 18 months or 1,500 flight cycles from the effective date of this AD, whichever occurs first: Do a detailed inspection of the skin panels of the wing slats for damage and certain repairs, and do all applicable related investigative/corrective actions, by accomplishing all the actions in the applicable service bulletin. Do the actions in accordance with the service bulletin, except as required by paragraphs (h) and (i) of this AD. Do any related investigative/corrective action before further flight.

**Note 1:** For the purposes of this AD, a detailed inspection is “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.”

**Repair**

(h) If any damage is detected during the inspection required by paragraph (g) of this AD, and the service bulletin recommends contacting Airbus for appropriate action: Before further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l’Aviation Civile (DGAC) (or its delegated agent).

(i) If any repair that has a specific Airbus approval other than a Repair Approval Sheet signed by the DGAC (or its delegated agent) is found during the inspection required by paragraph (g) of this AD, and the service bulletin specifies that the related investigative action is not necessary: Before

further flight, do the applicable related investigative/corrective actions required by paragraph (g) of this AD.

(j) Where there are differences between this AD and the service bulletin, the AD prevails.

**Alternative Methods of Compliance (AMOCs)**

(k) The Manager, International Branch, ANM–116, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

**Related Information**

(l) French airworthiness directive 2003–086(B), effective March 15, 2003, also addresses the subject of this AD.

**Material Incorporated by Reference**

(m) You must use Airbus Service Bulletin A300–57–0238, Revision 02, dated November 21, 2002; or Airbus Service Bulletin A300–57–6092, Revision 02, dated November 21, 2002; as applicable; unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. For information on the availability of this material at the National Archives and Records Administration (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). You may view the AD docket at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, Nassif Building, Washington, DC.

Issued in Renton, Washington, on September 29, 2004.

**Kalene C. Yanamura,**

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

[FR Doc. 04–22469 Filed 10–12–04; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. 2003–NM–85–AD; Amendment 39–13818; AD 2004–20–13]**

**RIN 2120–AA64**

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and EMB–145 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–135 and EMB–145 series airplanes, that requires inspection of the housings of the main landing gear (MLG) leg strut bushings, and related investigative and corrective actions, and other specified actions. The actions specified by this AD are intended to prevent corrosion of the housings of the MLG leg strut bushings and consequent failure of the MLG. This action is

intended to address the identified unsafe condition.

**DATES:** Effective November 17, 2004.

The incorporation by reference of a certain publication listed in the regulations is approved by the Director of the Federal Register as of November 17, 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-135 and EMB-145 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on July 22, 2004 (69 FR 43777). That action proposed to require inspection of the housings of the main landing gear (MLG) leg strut bushings, related investigative and corrective actions, and other specified actions.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

#### Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

We estimate that 75 airplanes of U.S. registry will be affected by this proposed AD.

It will take approximately 14 work hours per airplane to accomplish the

inspection of the bushing housings for corrosion, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of the inspection on U.S. operators is estimated to be \$68,250, or \$910 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:

#### 2004-20-13 Empresa Brasileira de Aeronautica S.A. (EMBRAER):

Amendment 39-13818. Docket 2003-NM-85-AD.

**Applicability:** Model EMB-135 and EMB-145 series airplanes, certificated in any category, equipped with a main landing gear (MLG) leg strut having a part number (P/N) and serial number (S/N) listed in the table under the heading "Affected component" in paragraph 1.B., "Effectivity," of EMBRAER Service Bulletin 145-32-0066, Change 03, dated April 19, 2004.

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

To prevent corrosion of the housings of the main landing gear (MLG) leg strut bushings and consequent failure of the MLG, accomplish the following:

#### Inspection and Investigative and Corrective Actions

(a) Within 5,500 flight hours after the effective date of this AD, perform a detailed inspection of the housings of the MLG leg strut bushings for corrosion per the Accomplishment Instructions of EMBRAER Service Bulletin 145-32-0066, Change 03, dated April 19, 2004.

(1) If no corrosion is found, before further flight, do all applicable actions in and per the Accomplishment Instructions of the service bulletin.

(2) If any corrosion is found, before further flight, do all applicable investigative and corrective actions in and per the Accomplishment Instructions of the service bulletin.

**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:** EMBRAER Service Bulletin 145-32-0066, Change 03, dated April 19, 2004, refers to Embraer Liebherr Equipamentos do Brasil S.A. (ELEB) Service Bulletin 2309-2006-32-01, Revision 03, dated April 19, 2004, as an additional source of service information for the inspection and repair of the MLG leg strut bushings. The ELEB service bulletin is included within the EMBRAER service bulletin.

#### Inspections Accomplished per Previous Issue of Service Bulletin

(b) Inspections and related investigative and corrective actions, accomplished before the effective date of this AD per EMBRAER Service Bulletin 145-32-0066, dated January 8, 2002; Change 01, dated August 15, 2002;

or Change 02, dated February 26, 2004; are considered acceptable for compliance with the corresponding action specified in this AD.

#### Alternative Methods of Compliance

(c) 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.

#### Incorporation by Reference

(d) Unless otherwise specified in this AD, the actions must be done in accordance with EMBRAER Service Bulletin 145-32-0066, Change 03, dated April 19, 2004. 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 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 3:** The subject of this AD is addressed in Brazilian airworthiness directive 2002-12-01, effective January 6, 2003.

#### Effective Date

(e) This amendment becomes effective on November 17, 2004.

Issued in Renton, Washington, on September 30, 2004.

**Kevin M. Mullin,**

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

[FR Doc. 04-22561 Filed 10-12-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-NM-294-AD; Amendment 39-13820; AD 2004-20-15]

**RIN 2120-AA64**

#### Airworthiness Directives; Dornier Model 328-100 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to all Dornier Model 328-100 series airplanes, that currently requires certain revisions to the airplane flight manual, replacement of certain de-icing boots in the air intake duct assemblies

of the engine with re-designed units, repetitive inspections of the boots to find discrepancies, and corrective action if necessary. This amendment also requires modification of the engine air inlet de-icing system. This action extends the repetitive inspection interval required by the existing AD, and adds repetitive debonding/delamination and leakage inspections of the de-icing boots, and corrective action if necessary. Initiation of the extended repetitive inspections and new repetitive inspections ends the repetitive inspections required by the existing AD. The actions specified by this AD are intended to prevent engine malfunction due to failure of the engine air inlet de-icing system, which could result in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Effective November 17, 2004.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of November 17, 2004.

The incorporation by reference of certain other publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of April 6, 1995 (60 FR 15037, March 22, 1995).

**ADDRESSES:** The service information referenced in this AD may be obtained from AvCraft Aerospace GmbH, P.O. Box 1103, D-82230 Wessling, Germany. 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:** Tom Groves, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1503; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 95-04-51, amendment 39-9179 (60 FR 15037, March 22, 1995), which is applicable to all Dornier Model 328-100 series airplanes, was published in the **Federal Register** on April 1, 2004 (69 FR 17097). The action proposed to continue to require the revisions to the AFM,

replacement of certain de-icing boots in the air intake duct assemblies of the engine with re-designed units, and repetitive inspections of the boots to find discrepancies, and corrective action if necessary. The action also would require modification of the engine air inlet de-icing system, and would add a new AFM revision which changes the compliance time for the functional test required by the existing AD. The proposed action would extend the repetitive inspection interval required by the existing AD, and would add repetitive debonding/delamination and leakage inspections of the de-icing boots, and corrective action if necessary. Initiation of the extended repetitive inspections and new repetitive inspections would end the repetitive inspections required by the existing AD.

#### Comments

We provided the public the opportunity to participate in the development of this AD. No comments have been submitted in response to the proposed AD or on the determination of the cost to the public.

#### Conclusion

We have determined that air safety and the public interest require the adoption of the AD as proposed.

#### Clarification of Inspection

We have updated the definition of the detailed inspection in Note 1 of the AD to reflect our current definition.

#### Cost Impact

There are about 53 airplanes of U.S. registry that will be affected by this AD.

The AFM revision currently required by AD 95-04-51 takes about 1 work hour per airplane to accomplish, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of the currently required AFM revision is estimated to be \$65 per airplane.

The inspections currently required by AD 95-04-51 take about 1 work hour per airplane to accomplish, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of the currently required inspections is estimated to be \$65 per airplane, per inspection cycle.

The replacement currently required by AD 95-04-51 takes about 5 work hours per airplane to accomplish, at an average labor rate of \$65 per work hour. Required parts will cost about \$55,000 per airplane. Based on these figures, the cost impact of the currently required replacement is estimated to be \$55,325 per airplane.

The modification required in this AD action will take about 10 work hours per