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Issued in Renton, Washington, on July 11, 2007.

**Stephen P. Boyd,**

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

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2007-28747; Directorate Identifier 2006-NM-275-AD; Amendment 39-15137; AD 2007-15-08]

RIN 2120-AA64

#### Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is superseding an existing airworthiness directive (AD), which applies to all BAE Systems (Operations) Limited Model ATP airplanes. The existing AD currently requires revising the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness (ICA) to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures; to incorporate new inspections to detect fatigue cracking of certain significant structural items (SSIs); and to revise life limits for certain equipment and various components. This new AD requires revising the ALS of the ICA to include revised requirements. This AD results from the determination that additional and revised inspections of the fuselage are needed. We are issuing this AD to detect and correct fatigue cracking of certain structural elements, which could result in reduced structural integrity of the airplane and consequent rapid decompression of the airplane.

**DATES:** This AD becomes effective August 8, 2007.

On September 21, 2006 (71 FR 52418, September 6, 2006), the Director of the Federal Register approved the incorporation by reference of BAE

Systems (Operations) Limited Service Bulletin ATP-51-002, dated December 20, 2005.

We must receive comments on this AD by September 24, 2007.

**ADDRESSES:** Use one of the following addresses to submit comments on this AD.

- *DOT Docket Web site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Fax:* (202) 493-2251.
- *Hand Delivery:* Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171, for service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** Todd Thompson, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1175; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

On August 23, 2006, we issued AD 2006-18-09, amendment 39-14748 (71 FR 52418, September 6, 2006), for all BAE Systems (Operations) Limited Model ATP airplanes. That AD requires revising the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness (ICA) to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures; to incorporate new inspections to detect fatigue cracking of certain significant structural items (SSIs); and to revise life limits for certain equipment and various components. That AD resulted from manufacturer review of fatigue test results that identified additional and revised inspections of the fuselage that are necessary in order to ensure the continued structural integrity of the airplane. We issued that AD to detect and correct fatigue cracking of certain structural elements, which could result in reduced structural integrity of the

airplane and consequent rapid decompression of the airplane. The actions specified in that AD correspond to British airworthiness directive G-2004-0020, dated August 25, 2004, and European Aviation Safety Agency (EASA) airworthiness directive 2006-0090, dated April 20, 2006.

#### Actions Since Existing AD Was Issued

Since we issued AD 2006-18-09, the Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified us that an unsafe condition may exist on all BAE Systems (Operations) Limited Model ATP airplanes. The CAA advises that the certification requirements for damage tolerant and safe life structure are given in Chapter 5 of the BAE ATP aircraft maintenance manual (AMM). The CAA has identified the need to revise these requirements to add and change inspections of the fuselage. The revisions primarily recognize the introduction of Modification JDM60138N, which installs an energy-absorbing stop to aircraft fitted with the large freight door. Failure to adopt the latest revision of Chapter 5 of the AMM could result in fatigue cracking of certain structural elements remaining undetected, which could result in reduced structural integrity of the airplane and consequent rapid decompression of the airplane.

#### Relevant Service Information

BAE Systems (Operations) Limited has issued revisions to Section 05-10-12, "Mandatory Life Limitations (Airframe—Structures)," dated January 15, 2007; Section 05-10-15, "Mandatory Life Limitations (Powerplant/Engine/APU—Structures)," dated January 15, 2007; and Section 05-10-17, "Structurally Significant Items (SSIs)," dated January 15, 2007; of the BAE Systems (Operations) Limited ATP AMM; which refer to additional chapters of the AMM. Those revised sections of the AMM include mandatory life limitations for the airframe and power plant/engine; and structural inspections of the fuselage, engine, horizontal stabilizer, and wing bottom surface. The revised sections also describe new inspections and compliance times for inspection and replacement actions. Accomplishment of those actions will prevent the onset of fatigue cracking of certain structural elements of the airplane.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The CAA mandated the service information and issued British airworthiness directive G-2005-0031,

dated October 20, 2005 (which supersedes British airworthiness directive G-2004-0020, dated August 25, 2004), to ensure the continued airworthiness of these airplanes in the United Kingdom.

**Clarification of Alternative Method of Compliance (AMOC) Paragraph**

We have revised this action to clarify the appropriate procedure for notifying the principal inspector before using any approved AMOC on any airplane to which the AMOC applies.

**FAA’s Determination and Requirements of This AD**

This airplane model is manufactured in the United Kingdom 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 CAA has kept the FAA informed of the situation described above. We have examined the CAA’s findings, evaluated all pertinent information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

This AD supersedes AD 2006-18-09 and retains the requirements of the existing AD. This AD also requires revising the ALS of the ICA to include new and revised inspections.

**Costs of Compliance**

None of the airplanes affected by this action are on the U.S. Register. All airplanes affected by this AD are currently operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, we consider this AD necessary to ensure that the unsafe condition is addressed if any affected airplane is imported and placed on the U.S. Register in the future.

The following table provides the estimated costs to comply with this AD for any affected airplane that might be imported and placed on the U.S. Register in the future.

ESTIMATED COSTS

| Action              | Work hours | Average labor rate per hour | Cost per airplane |
|---------------------|------------|-----------------------------|-------------------|
| ALS Revisions ..... | 1          | \$80                        | \$80              |

**FAA’s Determination of the Effective Date**

No airplane affected by this AD is currently on the U.S. Register. Therefore, providing notice and opportunity for public comment is unnecessary before this AD is issued, and this AD may be made effective in less than 30 days after it is published in the **Federal Register**.

**Comments Invited**

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any relevant written data, views, or arguments regarding this AD. Send your comments to an address listed in the **ADDRESSES** section. Include “Docket No. FAA-2007-28747; Directorate Identifier 2006-NM-275-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD that might suggest a need to modify it.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.).

You may review the DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://dms.dot.gov>.

**Examining the Docket**

You may examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647-5527) is located on the ground floor of the West Building at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition

that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD 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.

For the reasons discussed above, I certify that the 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. 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.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

**Adoption of the Amendment**

- Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 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. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–14748 (71 FR 52418, September 6, 2006) and by adding the following new airworthiness directive (AD):

**2007–15–08 BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft):** Amendment 39–15137. Docket No. FAA–2007–28747; Directorate Identifier 2006–NM–275–AD.

#### **Effective Date**

(a) This AD becomes effective August 8, 2007.

#### **Affected ADs**

(b) This AD supersedes AD 2006–18–09.

#### **Applicability**

(c) This AD applies to all BAE Systems (Operations) Limited Model ATP airplanes, certificated in any category.

**Note 1:** This AD requires revisions to certain operator maintenance documents to include new and revised inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (m) of this AD. The request should include a description of changes to the required inspections that will ensure the continued damage tolerance of the affected structure. The FAA has provided guidance for this determination in Advisory Circular (AC) 25–1529.

#### **Unsafe Condition**

(d) This AD results from the determination that additional and revised inspections of the fuselage are needed. We are issuing this AD to detect and correct fatigue cracking of certain structural elements, which could result in reduced structural integrity of the airplane and consequent rapid decompression 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.

### **Restatement of Requirements of AD 2006–18–09**

#### **Airworthiness Limitations Revision Specified in AD 2000–26–10**

(f) Within 30 days after February 7, 2001 (the effective date of AD 2000–26–10, amendment 39–12060, which was superseded by AD 2005–19–03), revise the Airworthiness Limitations section (ALS) of the Instructions for Continued Airworthiness according to a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA. One approved method is by incorporating Section 05–00–00, dated August 15, 1997, of the British Aerospace ATP Aircraft Maintenance Manual (AMM), dated October 15, 1999, into the ALS. This section references other chapters of the AMM. The applicable revision level of the referenced chapters is that in effect on February 7, 2001. Doing the revision specified in paragraph (g) of this AD replaces Chapters 27, 32, 53, and 54 listed in Section 05–10–11 and Chapters 52, 53, 54, 55, and 57 listed in Section 05–10–17 that are in effect on February 7, 2001, with Chapters 27, 32, 53, and 54 listed in Section 05–10–11, “Mandatory Life Limitations (Airframe)”; and Chapters 52, 53, 54, 55, and 57 listed in Section 05–10–17, “Structurally Significant Items (SSIs)”; both dated July 15, 2004; of the British Aerospace ATP AMM. Doing the revision specified in paragraph (k) of this AD replaces Sections 05–10–12, 05–10–15, and 05–10–17 with the corresponding sections specified in paragraph (k) of this AD.

#### **Airworthiness Limitations Specified in AD 2005–19–03**

(g) Within 30 days after September 28, 2005 (the effective date of AD 2005–19–03, amendment 39–14268, which was superseded by AD 2006–18–09), revise the ALS of the Instructions for Continued Airworthiness according to a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA. One approved method is by incorporating the tasks for Chapters 27, 32, 53, and 54 listed in Section 05–10–11, “Mandatory Life Limitations (Airframe)”; and the tasks for Chapters 52, 53, 54, 55, and 57 listed in Section 05–10–17, “Structurally Significant Items (SSIs)”; both dated July 15, 2004; of the British Aerospace ATP AMM; into the ALS. These chapters replace the corresponding chapters in Section 05–00–00, dated August 15, 1997, of the British Aerospace ATP AMM as specified in paragraph (f) of this AD. Doing the revision specified in paragraph (h) of this AD replaces certain Chapter 52 and 53 tasks listed in Section 05–10–17, “Structurally Significant Items (SSIs),” dated July 15, 2004, of the British Aerospace ATP AMM, with the corresponding Chapter 52 and 53 tasks listed in BAE Systems (Operations) Limited Service Bulletin ATP–51–002, dated December 20, 2005. Doing the revision specified in paragraph (k) of this AD replaces Chapters 52, 53, 54, 55, and 57 listed in Section 05–10–17 with the corresponding Section 05–10–17 specified in paragraph (k) of this AD.

### **New and Revised Airworthiness Limitations in AD 2006–18–09**

(h) Within 30 days after September 21, 2006 (the effective date of AD 2006–18–09), revise the ALS of the Instructions for Continued Airworthiness by incorporating the new and revised tasks for Chapters 52 and 53 as specified in BAE Systems (Operations) Limited Service Bulletin ATP–51–002, dated December 20, 2005, into the ALS. The revised Chapter 52 and 53 tasks replace the corresponding Chapter 52 and 53 tasks in Section 05–10–17, “Structurally Significant Items (SSIs),” dated July 15, 2004, of the British Aerospace ATP AMM, as specified in paragraph (g) of this AD.

(i) Except as provided by paragraph (m) of this AD: After the actions specified in paragraphs (f), (g), and (h) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the documents listed in paragraphs (f), (g), and (h) of this AD.

#### **No Reporting Required**

(j) Although BAE Systems (Operations) Limited Service Bulletin ATP–51–002, dated December 20, 2005, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

#### **New Requirements of This AD**

##### **Revised Limitations**

(k) Within 30 days after the effective date of this AD, revise the ALS of the Instructions for Continued Airworthiness according to a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA. One approved method is by incorporating Section 05–10–12, “Mandatory Life Limitations (Airframe—Structures),” dated January 15, 2007; Section 05–10–15, “Mandatory Life Limitations (Powerplant/Engine/APU—Structures),” dated January 15, 2007; and Section 05–10–17, “Structurally Significant Items (SSIs),” dated January 15, 2007; of the BAE Systems (Operations) Limited ATP AMM; into the ALS. The revised sections replace the corresponding sections specified in paragraphs (f) and (g) of this AD.

(l) Except as provided by paragraph (m) of this AD: After the action specified in paragraph (k) of this AD has been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the documents listed in paragraph (k) of this AD.

##### **Alternative Methods of Compliance (AMOCs)**

(m)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

**Related Information**

(n) British airworthiness directive G-2005-0031, dated October 20, 2005, and European Aviation Safety Agency (EASA) airworthiness directive 2006-0090, dated April 20, 2006, also address the subject of this AD.

**Material Incorporated by Reference**

(o) You must use BAE Systems (Operations) Limited Service Bulletin ATP-51-002, dated December 20, 2005, to perform the actions that are required by this AD, unless the AD specifies otherwise. On September 21, 2006 (71 FR 52418, September 6, 2006), the Director of the Federal Register approved the incorporation by reference of this document. Contact British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171, for a copy of this service information. You may review copies 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/cfr/ibr-locations.html>.

Issued in Renton, Washington, on July 15, 2007.

**Stephen P. Boyd,**

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

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

[Docket No. FAA-2007-27431 Directorate Identifier 2007-016-AD; Amendment 39-15132; AD 2007-15-03]

**RIN 2120-AA64**

**Airworthiness Directives; Stemme GmbH & Co. KG Model S10-V and S10-VT Powered Sailplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Service experience showed that the connection screw of the propeller blade follower type 10AP-VM may break and the main part of the blade follower can be lost

in flight. This condition, if not corrected, could lead to high vibration during powered flight and consequently result in decreased control of the aircraft.

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective August 28, 2007.

On August 28, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Greg Davison, Glider Program Manager, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; fax: (816) 329-4090.

**SUPPLEMENTARY INFORMATION:****Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on April 23, 2007 (72 FR 20072). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states that:

Service experience showed that the connection screw of the propeller blade follower type 10AP-VM may break and the main part of the blade follower can be lost in flight. This condition, if not corrected, could lead to high vibration during powered flight and consequently result in decreased control of the aircraft.

Stemme has developed a new blade follower, Model 10AP-VP, which is reinforced on the shaft and has an Allen head screw installed instead of a slotted screw. For the reason stated above, this Emergency Airworthiness Directive (EAD) requires the replacement of the blade follower type 10AP-VM with the new type 10AP-VP.

This EAD has been revised to correct the TCDS reference and the applicability statement. No separate TC was issued for the affected propellers. These propellers are part of the aircraft type design.

Paragraph (4) of the "Compliance" section of this EAD has been corrected.

**Comments**

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

**Conclusion**

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

**Differences Between This AD and the MCAI or Service Information**

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a **Note** within the AD.

**Costs of Compliance**

We estimate that this AD will affect 53 products of U.S. registry. We also estimate that it will take about 3 work-hours per product to comply with basic requirements of this AD. The average labor rate is \$80 per work-hour. Required parts will cost about \$117 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$18,921 or \$357 per product.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.