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[Page 59231-59233]  
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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2005-22625; Directorate Identifier 2003-NM-213-AD; Amendment 39-14331; AD 2005-20-34]**

**RIN 2120-AA64**

#### **Airworthiness Directives; British Aerospace Model HS 748 Airplanes**

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

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

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**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain British Aerospace Model HS 748 airplanes. This AD requires relocating the battery earth posts located on the nose landing gear (NLG) pintle webs. This AD results from an accident in which the nose landing leg, together with the pintle webs, detached from the airplane. As a result, the battery earth return cables were severed from their earth posts. We are issuing this AD to prevent loss of safety critical services including fuel shut-off and nacelle fire extinguishing services.

**DATES:** This AD becomes effective October 27, 2005.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of October 27, 2005.

We must receive comments on this AD by December 12, 2005.

**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: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, room PL-401, Washington, DC 20590.
- Fax: (202) 493-2251.
- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street SW., 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 98055-4056; telephone (425) 227-1175; fax (425) 227-1149.

## **SUPPLEMENTARY INFORMATION:**

### **Discussion**

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified us that an unsafe condition may exist on certain British Aerospace Model HS 748 airplanes. The CAA advises that, in an accident involving a Model HS 748 airplane, the nose landing leg, together with the pintle webs, detached from the airplane. As a result, the battery earth return cables were severed from their earth posts. This condition, if not corrected, could result in the loss of safety critical services including fuel shut-off and nacelle fire extinguishing services.

### **Relevant Service Information**

BAE Systems (Operations) Limited has issued Service Bulletin HS748-24-131, Revision 1, dated June 16, 2003. The service bulletin describes procedures for relocating the battery earth posts. The tasks comprise:

- Assembling a new earth post mounting plate;
- Fitting the mounting plate on the side beams of the nose landing gear (NLG) below the cockpit floor;
- Testing the bonding on the new earth post plate installation;
- Rerouting the battery earth return cables;
- Connecting the cables to the earth posts at their new location; and
- Connecting the aircraft batteries.

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 006-01-2003 to ensure the continued airworthiness of these airplanes in the United Kingdom.

### **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.

Therefore, we are issuing this AD to prevent loss of safety critical services including fuel shut-off and nacelle fire extinguishing services. This AD requires accomplishing the actions specified in the service information described previously.

### **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.

<b>ESTIMATED COSTS</b>				
<b>Action</b>	<b>Work hours</b>	<b>Average labor rate per hour</b>	<b>Parts cost</b>	<b>Cost per airplane</b>
Earth post relocation	16	\$65	\$500	\$1,540

**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-2005-22625; Directorate Identifier 2003-NM-213-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 Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT 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 adding the following new airworthiness directive (AD):

# AIRWORTHINESS DIRECTIVE



Aircraft Certification Service  
Washington, DC

U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

*We post ADs on the internet at [www.faa.gov/aircraft/safety/alerts/](http://www.faa.gov/aircraft/safety/alerts/)*

The following Airworthiness Directive issued by the Federal Aviation Administration in accordance with the provisions of Title 14 of the Code of Federal Regulations (14 CFR) part 39, applies to an aircraft model of which our records indicate you may be the registered owner. Airworthiness Directives affect aviation safety and are regulations which require immediate attention. You are cautioned that no person may operate an aircraft to which an Airworthiness Directive applies, except in accordance with the requirements of the Airworthiness Directive (reference 14 CFR part 39, subpart 39.3).

**2005-20-34 BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft):** Amendment 39-14331. Docket No. FAA-2005-22625; Directorate Identifier 2003-NM-213-AD.

## Effective Date

- (a) This AD becomes effective October 27, 2005.

## Affected ADs

- (b) None.

## Applicability

- (c) This AD applies to BAE Systems (Operations) Limited Model HS 748 series 2A and series 2B airplanes, certificated in any category, with batteries installed in the nosecone.

## Unsafe Condition

- (d) This AD results from an accident in which the nose landing leg, together with the pintle webs, detached from the airplane. As a result, the battery earth return cables were severed from their earth posts. We are issuing this AD to prevent loss of safety critical services including fuel shut-off and nacelle fire extinguishing services.

## 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.

## Battery Earth Post Relocation

- (f) Within 120 days after the effective date of this AD, relocate the battery earth posts, in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Service Bulletin HS748-24-131, Revision 1, dated June 16, 2003.

## Alternative Methods of Compliance (AMOCs)

- (g)(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) Before using any AMOC approved in accordance with 14 CFR 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

**Related Information**

(h) British airworthiness directive 006-01-003 also addresses the subject of this AD.

**Material Incorporated by Reference**

(i) You must use BAE Systems (Operations) Limited Service Bulletin HS748-24-131, Revision 1, dated June 16, 2003, to perform the actions that are required by this AD, unless the AD specifies otherwise. BAE Systems (Operations) Limited Service Bulletin HS748-24-131, Revision 1, dated June 16, 2003, contains the following effective pages:

<b>Page number</b>	<b>Revision level shown on page</b>	<b>Date shown on page</b>
1-12, 14	1	June 16, 2003.
13	Original	January 20, 2003.

The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. 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 Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Nassif Building, Washington, DC; on the Internet at <http://dms.dot.gov>; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the 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).

Issued in Renton, Washington, on September 28, 2005.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05-20068 Filed 10-11-05; 8:45 am]

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