

Alternative Methods of Compliance

(c) In accordance with 14 CFR 39.19, the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, is authorized to approve alternative methods of compliance for this AD.

Incorporation by Reference

(d) The actions shall be done in accordance with Boeing Report No. MDC-96K9063, Revision 3, dated August 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 Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(e) This amendment becomes effective on September 23, 2003.

Issued in Renton, Washington, on August 11, 2003.

Neil D. Schalekamp,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003-CE-14-AD; Amendment 39-13275; AD 2003-17-02]

RIN 2120-AA64

Airworthiness Directives; EXTRA Flugzeugbau GmbH Models EA-300/200, EA-300L, and EA-300S Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all EXTRA Flugzeugbau GmbH (EXTRA) Models EA-300/200, EA-300L, and EA-300S airplanes. This AD requires you to inspect the fuel selector valve for leakage and the wing for structural damage and correct any damage or leakage. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by this AD are intended to detect and correct fuel

leakage in the wings, which could lead to structural damage of the wings and possible reduced structural margins. Reduced structural margins could lead to eventual structural failure.

DATES: This AD becomes effective on October 10, 2003.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of October 10, 2003.

ADDRESSES: You may get the service information referenced in this AD from EXTRA Flugzeugbau GmbH, Flugplatz Dinslaken, D-46569 Hunxe, Federal Republic of Germany; telephone: (0 28 58) 91 37-00; facsimile: (0 28 58) 91 37-30. You may view this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003-CE-14-AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; facsimile: (816) 329-4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified FAA that an unsafe condition may exist on all EXTRA Models EA-300/200, EA-300L, and EA-300S airplanes. The LBA reports several occurrences where the fuel selector valve did not operate correctly. When the wing tanks are selected, the acro/center tank is not completely shut-off. The result is fuel draining into the wing tanks that must be empty for aerobatics. This failure of the fuel selector valve to correctly operate is caused by the deterioration of the "O"-ring in the valve.

What is the potential impact if FAA took no action? Aerobatic operation with fuel in the wings could lead to structural damage of the wings and possibly reduced structural margins. Reduced structural margins could lead to eventual structural failure.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all EXTRA Flugzeugbau GmbH (EXTRA) Models EA-300/200, EA-300L, and EA-300S airplanes. This proposal was published in the **Federal Register** as a notice of

proposed rulemaking (NPRM) on May 2, 2003 (68 FR 23427). The NPRM proposed to require you to inspect the fuel selector valve for leakage and the wing for structural damage and correct any damage or leakage.

Was the public invited to comment?

The FAA encouraged interested persons to participate in the making of this amendment. The following presents the comment received on the proposal and FAA's response to the comment:

Comment Issue: Condition Only Evident in Airplanes With Installed Long-Range Fuel Tanks

What is the commenter's concern?

One commenter states that the condition is only evident in airplanes with long-range fuel tanks installed because of the unique physical configuration of the tanks and does not affect the fuel selector valve. Further, the problem does not exist on the affected airplane model that does not have selectable tanks. The commenter also states that there have been no known structural failures; only a few fuel leaks and paint cracks. The FAA infers that the commenter wants the NPRM withdrawn. Further, we infer that if the AD is issued, the commenter wants the AD to apply only to airplanes with long-range fuel tanks installed.

What is FAA's response to the concern? The FAA disagrees that the NPRM should be withdrawn or that the AD should apply only to airplanes with long-range fuel tanks installed. While FAA agrees that the structural cracks have only been found on some airplanes with long-range fuel tanks installed, FAA has determined that the condition should be addressed on all airplanes listed on the German AD that are type certificated for operation in the United States. The leaking fuel selector is not the main problem; the primary concern is the consequent structural damage done by the presence of fuel in the wing tanks that must be empty during aerobatics.

We are not changing the final rule AD action as a result of this comment.

FAA's Determination

What is FAA's final determination on this issue? We carefully reviewed all available information related to the subject presented above and determined that air safety and the public interest require the adoption of the rule as proposed except for the changes discussed above and minor editorial corrections. We have determined that these changes and minor corrections:

—Provide the intent that was proposed in the NPRM for correcting the unsafe condition; and