

the United Kingdom. The actions specified by this AD are intended to prevent failure of critical structure of the aircraft caused by fatigue.

DATES: This AD becomes effective on September 29, 2003.

The Director of the **Federal Register** approved the incorporation by reference of certain publications listed in the regulations as of September 29, 2003.

ADDRESSES: You may get the service information referenced in this AD from Short Brothers PLC, PO Box 241, Airport Road, Belfast BT3 9DZ Northern Ireland; telephone: +44 (0) 28 9045 8444; facsimile: +44 (0) 28 9073 3396. You may view this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-17-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: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified FAA that an unsafe condition may exist on all Shorts Models SC-7 Series 2 and SC-7 Series 3 airplanes. The CAA reports that the Model SC-7 airframe has undergone structural evaluations that have resulted in the establishment of an airplane service life limit.

Modifications, inspections, and replacements of certain life limited items have been identified to further extend the life of the aircraft.

What is the potential impact if FAA took no action? The life limits, if not complied with, could result in failure of the primary structural components and possibly result in structural failure during flight.

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 Shorts Models SC-7 Series 2 and SC-7 Series 3 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 13, 2002 (67 FR 68779). The NPRM proposed to establish a technical service life for these airplanes and allow you to incorporate

modifications, inspections, and replacements of certain life limited items to extend the life limits of these airplanes.

Was the public invited to comment?

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

Comment Issue No. 1: AD Is Not Needed

What is the commenter's concern?

One commenter states that the proposed issuance of this AD serves no safety benefit since all of the U.S. registered airplanes affected are already in compliance with the referenced service information, and no accidents have been reported as a result of any structural failures. The commenter recommends that FAA not issue this AD. We infer that the commenter recommends that FAA withdraw the NPRM.

What is FAA's response to the concern? We do not concur that the AD serves no safety benefit and that we should withdraw the NPRM. The FAA does not have confirmation that all of the U.S. registered airplanes are in compliance with the referenced service information. In addition, imported aircraft need to have the AD stated for a records checks during issuance of an airworthiness certificate. The actions referenced in the service information are not required when the service life limits are reached, unless required by AD.

Therefore, the AD is necessary to ensure the life limits are required. We are not changing the final rule AD action as a result of this comment.

Comment Issue No. 2: Economic Hardship

What is the commenter's concern?

Ten commenters state that issuing the AD would result in economic hardship to them. Specifically, these commenters communicated the following:

- Seven commenters state that issuing the AD would result in a prohibitive cost increase for their use of the aircraft or result in the loss of the aircraft. We infer that "by loss of the use of the aircraft" that the owner/operator of the affected airplane would choose to retire the airplane from service.
- Three commenters state that issuing the AD would reduce the remaining time-in-service of the affected airplanes and result in airplanes with no resale value. We infer that owners/operators would choose to withdraw airplanes from service rather than work with the manufacturer to

develop a life extension program for the affected airplanes.

We infer that the 10 commenters want FAA to withdraw the NPRM.

What is FAA's response to the concern? The FAA does not concur that the NPRM should be withdrawn because of economic impact. We have no way of determining the number or extent of inspections, repairs, and replacements that would be necessary based on the owner/operator and manufacturer developed life extension program for the affected airplanes noted in the NPRM. Further, it is the owners'/operators' responsibility to propose an alternative method of compliance that provides an acceptable level of safety.

We are not changing the final rule AD action as a result of these comments.

Comment Issue No. 3: Insufficient Comment Time

What is the commenter's concern?

Five commenters state that the comment period length was insufficient, that additional time is necessary to obtain technical information from the manufacturer, that there is no urgent safety condition indicating the need for this AD, and that more time is needed to propose a more comprehensive inspection program.

We infer that the five commenters want FAA to extend the comment period of the NPRM and delay issuance of the AD.

What is FAA's response to the concern? We disagree that the comment period for the NPRM should be extended. The comment period ended on December 23, 2002. However, FAA has always accepted late comments. Based on the timing of the final rule, the public had more than six extra months to comment on the NPRM. The FAA agrees that no urgent safety of flight condition existed; if an urgent safety of flight condition exists for this type design, we would have determined that this regulation is an emergency regulation that must be issued immediately and that must become effective prior to public comment. Owners/operators who want to propose a more comprehensive inspection program are free to work with the manufacturer to develop a life extension program for the affected airplane(s) and submit a plan to the FAA as an alternative method of compliance.

We are not changing the final rule AD action as a result of these comments.

Comment Issue No. 4: Inadequate/Incorrect Supporting Data

What is the commenter's concern? Six commenters state that inadequate/incorrect supporting data had been cited