

damage before further flight, and application of new sealant, installation of new fittings, and application of anti-corrosive compound.

- The optional modification of the flex shaft includes installation of new brackets on the rear spar, rework of the torque tube support fittings in the flap primary drive, installation of a new torque tube retainer tray assembly, and installation of additional clamps to stabilize the flex shaft.

The service bulletin also describes procedures for functional tests after doing all applicable actions.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. TCCA classified this service bulletin as mandatory and issued Canadian airworthiness directive CF-2001-42, dated November 23, 2001, to ensure the continued airworthiness of these airplanes in Canada.

#### FAA's Conclusions

These airplane models are manufactured in Canada and are 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, TCCA has kept us informed of the situation described above. We have examined the findings of TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### Explanation of Requirements of Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

This AD allows flight with wear damage, provided that (1) the wear damage is within the limits specified in the service bulletin, (2) no cracking is found, and (3) established inspection procedures would find wear damage in structure at intervals permitting repairs to be done before reduced structural integrity of the fuselage could occur.

To be consistent with the findings of the TCCA, this proposed AD allows operators to continue the repetitive inspections instead of doing the terminating action. In making this determination, we consider that, in the

case of this AD, long-term continued operational safety is adequately assured by doing the repetitive inspections to detect discrepancies before they represent a hazard to the airplane, and by doing repairs within the specified time limits.

#### Differences Between Proposed AD, Canadian Airworthiness Directive, and Service Information

The service bulletin and Canadian airworthiness directive refer only to a "visual inspection" for discrepancies of the rear spar fittings. We have determined that the procedures in the service bulletin should be described as a "detailed inspection." Note 1 has been included in this proposed AD to define this type of inspection.

Although the service bulletin specifies to submit certain information to the manufacturer, this proposed AD does not include such a requirement.

The applicability specified in the service bulletin and Canadian airworthiness directive includes Model DHC-8-314 airplanes; however, those airplanes are not U.S. type certificated and are not included in the applicability in this proposed AD.

#### Cost Impact

The FAA estimates that 218 airplanes of U.S. registry would be affected by this proposed AD.

It would take about 16 work hours per rear spar fitting (two fittings per airplane) to accomplish the proposed inspection, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be \$453,440, or \$2,080 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet done any of the proposed requirements of this AD action, and that no operator would do 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 do 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.

The optional terminating modification, if done, would take about 16 work hours, at an average labor rate of \$65 per work hour. Required parts would cost about \$365 per airplane. Based on these figures, we estimate the cost of the optional terminating modification to be \$1,405 per airplane.

#### Regulatory Impact

The regulations proposed herein would 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 proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed 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) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

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

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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:

**Bombardier, Inc.** (Formerly de Havilland, Inc.): Docket 2003-NM-154-AD.

*Applicability:* Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 series airplanes; certificated in any category; as listed in Bombardier Service Bulletin 8-27-83, Revision "A", dated February 8, 2002.

*Compliance:* Required as indicated, unless accomplished previously. To find and fix damage and prevent subsequent failure of the rear spar fittings between the flex shaft of the flap secondary drive and the wing-to-fuselage structure, which could result in loss of the wing, accomplish the following:

#### Repetitive Inspections/Corrective Action

(a) For airplanes with rear spar fittings having part number (P/N) 85320053,