

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

[Docket No. FAA-2009-0432; Directorate Identifier 2008-NM-168-AD; Amendment 39-15982; AD 2009-15-19]

RIN 2120-AA64

**Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146-100A and 146-200A Series Airplanes**

**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) originated 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:

BAE Systems (Operations) Ltd has determined that in order to assure the continued structural integrity of the horizontal stabilizer lower skin and joint plates in the rib 1 area of certain BAe 146 aircraft, a revised inspection programme for this area is considered necessary. The disbonding of joints can lead to corrosion which, if undetected, could result in degradation of the structural integrity of the horizontal stabilizer.

\* \* \* \* \*

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

**DATES:** This AD becomes effective September 2, 2009.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 2, 2009.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.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.

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

**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 May 7, 2009 (74 FR 21281). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

BAE Systems (Operations) Ltd has determined that in order to assure the continued structural integrity of the horizontal stabilizer lower skin and joint plates in the rib 1 area of certain BAe 146 aircraft, a revised inspection programme for this area is considered necessary. The disbonding of joints can lead to corrosion, which, if undetected, could result in degradation of the structural integrity of the horizontal stabilizer.

For the reasons described above, this EASA AD requires the implementation of repetitive inspections and corrective actions, depending on findings. It also provides an approved repair as optional terminating action for the repetitive inspections.

The repetitive inspections for damage of the left and right side of the horizontal stabilizer lower skin and joint plates include a detailed visual inspection for damage (including distortion, loose or distorted fasteners, and corrosion) of the horizontal stabilizer lower skin, a borescopic inspection for damage (including staining, debris around the stringer and joint plate edges, cracked or broken stringers, and distortion or corrosion in rivet holes) of the internal structure of the horizontal stabilizer, and a low frequency eddy current inspection for damage (including corrosion) of the horizontal stabilizer lower skin. For airplanes on which no damage is found, the required actions include drilling and reaming four holes and doing a detailed visual inspection of the holes for distortion and corrosion. Corrective actions include installing rivets, and contacting BAE Systems (Operations) Limited for repair instructions and doing the repair. Doing a repair of the horizontal stabilizer (which consists of partially replacing the lower skin from the center line to inboard of rib 3) ends the repetitive inspections. You may obtain further information by examining the MCAI in the AD docket.

**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 our FAA policies. Any such differences are highlighted in a Note within the AD.

**Costs of Compliance**

We estimate that this AD will affect 5 products of U.S. registry. We also estimate that it will take about 9 work-hours per product to comply with the basic requirements of this AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$3,600, or \$720 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.

**Regulatory Findings**

We 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 this AD:

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.

### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

### 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 FAA amends § 39.13 by adding the following new AD:

**2008-15-19 BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft):** Amendment 39-15982. Docket No. FAA-2009-0432; Directorate Identifier 2008-NM-168-AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective September 2, 2009.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to BAE Systems (Operations) Limited Model BAe 146-100A and 146-200A series airplanes, certificated in any category, as identified in BAE Systems (Operations) Limited Inspection Service

Bulletin ISB.55-020, dated December 11, 2007.

#### Subject

(d) Air Transport Association (ATA) of America Code 55: Stabilizers.

#### Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

BAE Systems (Operations) Ltd has determined that in order to assure the continued structural integrity of the horizontal stabilizer lower skin and joint plates in the rib 1 area of certain BAe 146 aircraft, a revised inspection programme for this area is considered necessary. The disbonding of joints can lead to corrosion, which, if undetected, could result in degradation of the structural integrity of the horizontal stabilizer.

For the reasons described above, this EASA AD requires the implementation of repetitive inspections and corrective actions, depending on findings. It also provides an approved repair as optional terminating action for the repetitive inspections.

The repetitive inspections for damage of the left and right side of the horizontal stabilizer lower skin and joint plates include a detailed visual inspection for damage (including distortion, loose or distorted fasteners, and corrosion) of the horizontal stabilizer lower skin, a borescopic inspection for damage (including staining, debris around the stringer and joint plate edges, cracked or broken stringers, and distortion or corrosion in rivet holes) of the internal structure of the horizontal stabilizer, and a low frequency eddy current inspection for damage (including corrosion) of the horizontal stabilizer lower skin. For airplanes on which no damage is found, the required actions include drilling and reaming four holes and doing a detailed visual inspection of the holes for distortion and corrosion. Corrective actions include installing rivets, and contacting BAE Systems (Operations) Limited for repair instructions and doing the repair. Doing a repair of the horizontal stabilizer (which consists of partially replacing the lower skin from the center line to inboard of rib 3) ends the repetitive inspections.

#### Actions and Compliance

(f) Unless already done, do the following actions.

(1) Within 6 months after the effective date of this AD, inspect for damage of the horizontal stabilizer lower skin and joint plates, in accordance with paragraphs 2.C.(1) through 2.C.(3) of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.55-020, dated December 11, 2007 (the "service bulletin"); and, if no damage is found, drill and ream four holes in accordance with paragraph 2.C.(4)(a) of the service bulletin, and do a detailed visual inspection of the holes for distortion and corrosion, in accordance with paragraph 2.C.(4)(b) of the service bulletin.

(i) If any distortion or corrosion is found in any rivet hole, before further flight, contact BAE Systems (Operations) Limited for approved repair instructions and do the repair prior to the fitment of the rivets.

(ii) If no distortion and no corrosion is found, before further flight, install the four rivets in accordance with paragraph 2.C.(4)(c) of the service bulletin.

(2) Repeat the inspection for damage of the horizontal stabilizer lower skin and joint plates required by paragraph (f)(1) of this AD thereafter at intervals not to exceed 24 months.

(3) If damage is found during any inspection required by paragraph (f)(1) or (f)(2) of this AD, before further flight, contact BAE Systems (Operations) Limited in accordance with paragraph 2.C.(5) of the service bulletin, and accomplish an approved repair in accordance with paragraph 2.C.(6) of the service bulletin.

(4) Doing the repair of the horizontal stabilizer in accordance with BAE Systems (Operations) Limited Repair Instruction Leaflet (RIL) HC551H9061, Issue 3, dated January 31, 2008, on the left and right sides of the horizontal stabilizer, terminates the repetitive inspections required by paragraph (f)(2) of this AD.

(5) Actions accomplished before the effective date of this AD according to BAE Systems (Operations) Limited RIL HC551H9061, Issue 2, dated November 16, 2007, are considered acceptable for compliance with the corresponding action specified in this AD.

#### FAA AD Differences

**Note 1:** This AD differs from the MCAI and/or service information as follows: No differences.

#### Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Todd Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1175; fax (425) 227-1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

**Related Information**

(h) Refer to MCAI European Aviation Safety Agency (EASA) Airworthiness Directive 2008–0167, dated September 2, 2008; BAE Systems (Operations) Limited Inspection Service Bulletin ISB.55–020, dated December 11, 2007; and BAE Systems (Operations) Limited Repair Instruction Leaflet HC551H9061, Issue 3, dated January 31, 2008; for related information.

**Material Incorporated by Reference**

(i) You must use BAE Systems (Operations) Limited Inspection Service Bulletin ISB.55–020, dated December 11, 2007, to do the actions required by this AD, unless the AD specifies otherwise. If you do the repair option provided in paragraph (f)(4) of this AD, you must use BAE Systems (Operations) Limited Repair Instruction Leaflet HC551H9061, Issue 3, dated January 31, 2008, unless the AD specifies otherwise. (The issue date, January 31, 2008, of BAE Systems (Operations) Limited Repair Instruction Leaflet HC551H9061, Issue 3, is specified only on the first page of the document.)

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact BAE Systems Regional Aircraft, 13850 McLearen Road, Herndon, Virginia 20171; telephone 703–736–1080; e-mail [raebusiness@baesystems.com](mailto:raebusiness@baesystems.com); Internet <http://www.baesystems.com/Businesses/RegionalAircraft/index.htm>.

(3) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

(4) You may also review copies of the service information that is incorporated by reference 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/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 July 13, 2009.

**Ali Bahrami,**

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

[FR Doc. E9–17542 Filed 7–28–09; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****15 CFR Part 902****50 CFR Part 697**

[Docket No. 070717357–91069–03]

**RIN 0648–AV77**

**Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS announces new Federal American lobster (*Homarus americanus*) regulations which implement a mandatory Federal lobster dealer electronic reporting requirement, changes to the maximum carapace length regulations for several lobster conservation management areas (LCMAs/Areas), and a modification of the v-notch definition for protection of egg-bearing female American lobsters in certain LCMAs.

**DATES:** *Effective Date:* This final rule is effective August 28, 2009.

*Applicability dates:* The revised broodstock protection measures (maximum carapace length and v-notch definition) set forth in this final rule in § 697.20(b)(3) through § 697.20(b)(6) and § 697.20(g)(3) and (4) for Areas 2, 3, 4, 5 and 6 are applicable August 28, 2009. Broodstock protection measures relevant to the Outer Cape Area are applicable July 1, 2010 as set forth in § 697.20(b)(7) and (8) and § 697.20(g)(7) and (8). The weekly trip-level Federal lobster dealer electronic reporting requirements are applicable for all Federal lobster dealers beginning January 1, 2010 as set forth in § 697.6 paragraphs (n) through (s).

**ADDRESSES:** Copies of the American Lobster Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/ RIR/FRFA) prepared for this regulatory action are available upon written request to Harold C. Mears, Director, State, Federal and constituent Programs Office, NMFS, 55 Great Republic Drive, Gloucester, MA 01930, telephone (978) 281–9327. The documents are also available online at <http://www.nero.noaa.gov>.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information

requirements contained in this final rule may be submitted to the mailing address listed above and by e-mail to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov) or fax to (202) 395–7285.

**FOR FURTHER INFORMATION CONTACT:**

Peter Burns, Fishery Management Specialist, telephone (978) 281–9144, fax (978) 281–9117.

**SUPPLEMENTARY INFORMATION:** This action responds to the recommendations for Federal action in the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan for American Lobster (ISFMP). The mandatory Federal lobster dealer reporting requirement is consistent with the recommendations for Federal action by the Commission in Addendum X to Amendment 3 of the ISFMP and allows for a more comprehensive and consistent coastwide accounting of lobster harvest data to facilitate stock assessment and fishery management. Accordingly, effective January 1, 2010, this final rule requires all Federal lobster dealers to provide trip-level electronic reports on a weekly basis. Under the preferred alternative in the proposed rule for this action (70 FR 58099), the dealer reporting requirements would have been effective thirty days after publication of this final rule. However, in consideration of the public comments received on the reporting requirements, NMFS has deferred the effective date for electronic reporting for affected lobster dealers until January 1, 2010, to provide dealers with several additional months to adjust their business practices and comply with these new requirements.

In addition to expanded dealer reporting requirements, this action revises existing Federal lobster regulations and implements new requirements to support the Commission's ISFMP by adopting v-notching and maximum carapace length measures (together referred to as broodstock protection measures) in Areas 2, 3, 4, 5 and 6 (see 50 CFR § 697.18 for descriptions and locations of all LCMAs). These measures are, for the most part, identical to those already enforced by the states. These Federal broodstock protection measures complement the Commission's ISFMP objectives and state regulations, thereby reducing confusion and facilitating enforcement and resource assessment within and across lobster stock and management areas.

Specifically, for Areas 2, 4, 5 and 6, this rule implements a maximum carapace size restriction for both male and female American lobster at 5 1/4 inches (13.34 cm) and a maximum size