(7) Visual inspections, temporary repairs, replacements of the grommets, bonding inspections, and applications of conductive paste are also acceptable for compliance with the corresponding requirements of paragraphs (f)(1), (f)(2)(i), (f)(3), (f)(4), and (f)(5) of this AD if done before the effective date of this AD in accordance with BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53–202, Revision 2, dated October 24, 2008.

(8) Bonding inspections and applications of conductive paste are also acceptable for compliance with the corresponding requirement of paragraphs (f)(2)(i), (f)(3), (f)(4), and (f)(5) of this AD if done before the effective date of this AD in accordance with BAE Systems (Operations) Limited All Operator Message 08–015V, Issue 1, dated August 22, 2008.

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 ensure 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 Airworthiness Directive 2008–0180, dated September 30, 2008; and BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53–202, Revision 3, dated December 10, 2008; for related information.

Issued in Renton, Washington, on April 22, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–9865 Filed 4–29–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0397; Directorate Identifier 2008–NM–023–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B2–1C, B2–203, B2K–3C, B4–103, B4–203, and B4–2C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed 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:

An operator has reported the loss of a centre flap inner tab on an in-service A300 aircraft. The centre flap inner tab detached during approach to an airport. A similar event was reported several years ago on a pre-mod 04770 aircraft. * * *

* * * Investigations led by the manufacturer revealed that the centre hinge bracket developed a fatigue crack causing complete failure of the bracket. The tab rotated causing failure of the inboard link followed by the failure of the outboard link.

[D]etachment of a centre flap inner tab * * * could be a potential risk to persons on [the] ground * * *.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by June 1, 2009.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–40, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus SAS—EAW (Airworthiness Office), 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; e-mail *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com*. You may review copies of the referenced 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.

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 this proposed AD, 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.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0397; Directorate Identifier 2008–NM–023–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued Airworthiness Directive 2007–0299R2, dated October 28, 2008 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

An operator has reported the loss of a centre flap inner tab on an in-service A300 aircraft. The centre flap inner tab detached during approach to an airport. A similar event was reported several years ago on a pre-mod 04770 aircraft. Previous failure at the aft lug of the centre brackets led to the issuance of Airbus Service Bulletin A300–57–0205.

In the most recent case, the aircraft had been modified in accordance with Airbus Service Bulletin A300–57–0205 (Airbus modification No. 04770). Investigations led by the manufacturer revealed that the centre hinge bracket developed a fatigue crack causing complete failure of the bracket. The tab rotated causing failure of the inboard link followed by the failure of the outboard link.

To avoid a detachment of a centre flap inner tab, which could be a potential risk to persons on [the] ground, this AD requires a repetitive [high frequency eddy current] inspection of the centre flap inner tab hinge bracket and replacement of the bracket when cracks are detected * * * [and] reporting of inspection results to the TC holder [and provides] an optional terminating action. * * *

* * * * *

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Airbus has issued Mandatory Service Bulletin A300–57–0250, Revision 01, including Appendix 1 and Reporting Sheet, dated September 29, 2008; and Airbus Service Bulletin A300–57–0252, dated August 27, 2008. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

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 proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a *Note* within the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 22 products of U.S. registry. We also estimate that it would take about 55 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $96,800, or $4,400 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify 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. 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 proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

Airbus: Docket No. FAA–2009–0397; Directorate Identifier 2008–NM–023–AD.

Comments Due Date

(a) We must receive comments by June 1, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Airbus Model A300 B2–1C, B2–203, B2K–3C, B4–103, B4–203, and B4–2C airplanes, certificated in any category, all serial numbers, except airplanes which have been modified in accordance with Airbus Service Bulletin A300–57–0252 (Airbus Modification 13400).

Subject

(d) Air Transport Association (ATA) of America Code 57: Wings.

Reason

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

An operator has reported the loss of a centre flap inner tab on an in-service A300 aircraft. The centre flap inner tab detached during approach to an airport. A similar event was reported several years ago on a pre-mod 04770 aircraft. Previous failure at the aft lug of the centre brackets led to the issuance of Airbus Service Bulletin A300–57–0205.

In the most recent case, the aircraft had been modified in accordance with Airbus Service Bulletin A300–57–0205 (Airbus modification No. 04770). Investigations led by the manufacturer revealed that the centre hinge bracket developed a fatigue crack causing complete failure of the bracket. The tab rotated causing failure of the inboard link followed by the failure of the outboard link.

To avoid a detachment of a centre flap inner tab, which could be a potential risk to persons on [the] ground, this AD requires a repetitive [high frequency eddy current] inspection of the centre flap inner tab hinge bracket and replacement of the bracket when cracks are detected * * * [and] reporting of inspection results to the TC holder [and provides] an optional terminating action. * * *

* * * * *

Actions and Compliance

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

(1) At the times specified in Table 1 or Table 2 of this AD, as applicable, perform a high frequency eddy current inspection to detect fatigue cracks of the center hinge bracket of the center flap inner tab (on both wings), in accordance with Airbus Mandatory Service Bulletin A300–57–0250, Revision 01, dated September 29, 2008. If no cracking is found, repeat the inspection thereafter at intervals not to exceed 850 flight cycles.

TABLE 1—AIRPLANES ON WHICH AIRBUS SERVICE BULLETIN A300–57–0205 HAS NOT BEEN DONE

Flight cycles accumulated since first flight as of the effective date of this AD	Compliance time
Less than 6,000 flight cycles	Prior to accumulating 6,000 flight cycles since first flight or within 90 days after the effective date of this AD, whichever occurs later.
6,000 flight cycles or more, but less than 12,000 flight cycles	Within 850 flight cycles after the effective date of this AD.
12,000 flight cycles or more	Within 500 flight cycles after the effective date of this AD.

TABLE 2—AIRPLANES ON WHICH AIRBUS SERVICE BULLETIN A300–57–0205 HAS BEEN DONE

Flight cycles accumulated since Airbus Service Bulletin A300–57–0205 modification as of the effective date of this AD	Compliance time
Less than 6,000 flight cycles	Prior to accumulating 6,000 flight cycles since Airbus Service Bulletin A300–57–0205 modification or within 90 days after the effective date of this AD, whichever occurs later.
6,000 flight cycles or more, but less than 12,000 flight cycles	Within 850 flight cycles after the effective date of this AD.
12,000 flight cycles or more	Within 500 flight cycles after the effective date of this AD.

(2) If any crack is detected during any inspection required by this AD, before further flight, replace the center hinge bracket in accordance with Airbus Mandatory Service Bulletin A300–57–0250, Revision 01, dated September 29, 2008. Within 6,000 flight cycles after replacing the center hinge bracket, do the inspection required by paragraph (f)(1) of this AD, and if no cracking is found, repeat the inspection thereafter at intervals not to exceed 850 flight cycles.

(3) Modifying the inboard tab of the center flaps in accordance with Airbus Service Bulletin A300–57–0252, dated August 27, 2008, terminates the requirements of this AD.

(4) Actions accomplished before the effective date of this AD in accordance with Airbus Mandatory Service Bulletin A300–57–0250, dated November 2, 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2125; 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 Airworthiness Directive 2007–0299R2, dated October 28, 2008; Airbus Mandatory Service Bulletin A300–57–0250, Revision 01, dated September 29, 2008; and Airbus Service Bulletin A300–57–0252, dated August 27, 2008; for related information.

Issued in Renton, Washington, on April 22, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–9864 Filed 4–29–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2009–0283; Airspace Docket No. 09–ASW–8]

Proposed Establishment of Class D Airspace; Fort Worth, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class D airspace at Fort Worth Spinks Airport, Fort Worth, TX. Establishment of an air traffic control tower at Fort Worth Spinks Airport has made this action necessary for the safety and management of Instrument Flight Rules (IFR) aircraft operations at Fort Worth Spinks Airport.

DATES: 0901 UTC. Comments must be received on or before June 15, 2009.