

**§ 39.13 [Amended]**

2. The FAA amends § 39.13 by adding the following new AD:

**BAE Systems (Operations) Limited**  
(Formerly British Aerospace Regional Aircraft): Docket No. FAA-2007-29337; Directorate Identifier 2007-NM-150-AD.

**Comments Due Date**

(a) We must receive comments by October 29, 2007.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to BAE Systems (Operations) Limited Model BAe 146 and Model Avro 146-RJ airplanes; certificated in any category; all models, all serial numbers.

**Subject**

(d) *Air Transport Association (ATA) of America Code 53: Fuselage.*

**Reason**

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

Corrosion has been reported beneath the heat shield which is located around the APU (auxiliary power unit) exhaust outlet. Such corrosion could result in the fuselage being unable to sustain horizontal and vertical stabiliser loads. This is considered as potentially hazardous/catastrophic. This AD mandates inspections necessary to address the identified unsafe condition.

The unsafe condition is that the horizontal or vertical stabilizer might collapse under excessive load, resulting in loss of control of the airplane. Corrective actions include repetitive detailed visual inspections for corrosion, pitted fasteners, or pillowing of the APU heat shield and surrounding skin and, if applicable, removal of the heat shield and repair.

**Actions and Compliance**

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

(1) Within 12 months after the effective date of this AD and thereafter at intervals not to exceed 24 months, perform a detailed visual inspection of the APU heat shield and surrounding skin, in accordance with paragraph 2.C. of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53-191, dated October 25, 2006.

(2) If any corrosion, pitted fastener, or pillowing is found during any detailed visual inspection required by paragraph (f)(1) of this AD, before the next flight, remove the APU heat shield and repair the affected area in accordance with paragraph 2.D. of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53-191, dated October 25, 2006.

(3) For any airplane modified in accordance with BAE Systems (Operations) Limited Modification Service Bulletin SB.53-193-60732A, dated November 1, 2006, the repetitive interval specified in paragraph (f)(1) of this AD may be extended to 48 months.

**FAA AD Differences**

**Note:** 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, 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, FAA, Transport Airplane Directorate, 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 appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(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 Airworthiness Directive 2007-0075, dated March 20, 2007; BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53-191, dated October 25, 2006; and BAE Systems (Operations) Limited Modification Service Bulletin SB.53-193-60732A, dated November 1, 2006; for related information.

Issued in Renton, Washington, on September 21, 2007.

**Ali Bahrami,**

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

[FR Doc. E7-19197 Filed 9-27-07; 8:45 am]

**BILLING CODE 4910-13-P**

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

[Docket No. FAA-2007-29336; Directorate Identifier 2007-NM-143-AD]

**RIN 2120-AA64**

**Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series 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:

\* \* \* accidents which occurred to in-service aircraft caused by the violent opening of the passenger door related to excessive residual pressure in the cabin.

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 October 29, 2007.

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

- *DOT Docket Web Site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- *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:* Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

**Examining the AD Docket**

You may examine the AD docket on the Internet at <http://dms.dot.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:** Tom Stafford, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1622; 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-2007-29336; Directorate Identifier 2007-NM-143-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://dms.dot.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 EASA Airworthiness Directive 2007-0093 R1, dated April 17, 2007 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

The present AD requires the flight crew to follow the instructions of the "emergency procedure check of delta P = 0" of the Aircraft Flight Manual (AFM) at the latest revision date.

This AD falls within the scope of a set of corrective measures developed by AIRBUS subsequent to accidents which occurred to in-service aircraft caused by the violent opening of the passenger door related to excessive residual pressure in the cabin.

\* \* \*

The corrective action is revising the Emergency Procedures sections of the AFMs to advise the flightcrew of new procedures for emergency evacuation. You may obtain further information by examining the MCAI in the AD docket.

#### **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 238 products of U.S. registry. We also estimate that it would take about 1 work-hour 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 \$19,040, or \$80 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, 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-2007-29336; Directorate Identifier 2007-NM-143-AD.

##### **Comments Due Date**

- (a) We must receive comments by October 29, 2007.

##### **Affected ADs**

- (b) None.

##### **Applicability**

- (c) This AD applies to Airbus Model A300, A310, and A300-600 series airplanes, certificated in any category, all certified models and all serial numbers.

**Subject**

(d) Air Transport Association (ATA) of America Code 21: Air conditioning.

**Reason**

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

The present AD requires the flight crew to follow the instructions of the "emergency procedure check of delta P = 0" of the Aircraft Flight Manual (AFM) at the latest revision date.

This AD falls within the scope of a set of corrective measures developed by AIRBUS subsequent to accidents which occurred to in-service aircraft caused by the violent opening of the passenger door related to excessive residual pressure in the cabin.

\* \* \*

The corrective action is revising the Emergency Procedures sections of the AFMs to advise the flightcrew of new procedures for emergency evacuation.

**Actions and Compliance**

(f) Within 30 days after the effective date of this AD, unless already done, do the following actions.

(1) For Model A300 series airplanes without modification 10002 installed, revise the Emergency Procedures sections of the AFM to include the following statement. This may be done by inserting a copy of this AD into the AFM.

**"EMERGENCY EVACUATION****AIRCRAFT/PARKING**

BRAKE .....	Stop/Set
ATC (VHF 1) .....	Notify
Cabin crew .....	Notify
EMER EXIT LT .....	ON
BOTH FUEL LEVERS .....	OFF
FIRE handles (ENG and APU) .....	Pull
AGENTS (ENG and APU) .....	as rqrd
RAM AIR INLET .....	Open

**Before opening doors:**

ΔP (DIFF PRESS) .....	Check zero
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**• If evacuation required:**

Evacuation .....	Initiate
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**• If evacuation not required:**

CABIN CREW and PAS- SENGERS .....	Notify"
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(2) For Model A300 series airplanes on which modification 10002 is installed, revise the Emergency Procedures sections of the AFM to include the following statement. This may be done by inserting a copy of this AD into the AFM.

**"EMERGENCY EVACUATION**

(Mod 10002)

**AIRCRAFT/PARKING**

BRAKE .....	Stop/Set
ATC (VHF 1) .....	Notify
Cabin crew .....	Notify
EMER EXIT LT .....	ON
CL LT .....	ON
BOTH FUEL LEVERS .....	OFF
FIRE handles (ENG and APU) .....	Pull
AGENTS (ENG and APU) .....	as rqrd
RAM AIR INLET .....	Open

**Before opening doors:**

ΔP (DIFF PRESS) .....	Check zero
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**• If evacuation required:**

Evacuation .....	Initiate
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**• If evacuation not required:**

CABIN CREW and PAS- SENGERS .....	Notify"
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(3) For Model A310 and A300-600 series airplanes, revise the Emergency Procedures sections of the AFM to include the following information. This may be done by inserting a copy of this AD into the AFM.

**"Before opening doors:****• IF DEPRESS VALVE se-**

lected in MAN mode:

—DEPRESS VALVE MAN CLT .....	Full Open
—ΔP (Diff press) .....	Check zero

**• If evacuation required:**

—Evacuation .....	Initiate
—BAT (before leaving A/ C) .....	OFF/R

**• If evacuation not required:**

—CABIN CREW and PAS- SENGERS .....	Notify"
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**Note 1:** When the information described in paragraphs (f)(1), (f)(2), or (f)(3) has been included in the general revisions of the AFM, the general revisions may be inserted in the applicable AFM, and the copy of the AD may be removed from that AFM.

**FAA AD Differences**

**Note 2:** 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, 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: Tom Stafford, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1622; fax (425) 227-1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(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 EASA Airworthiness Directive 2007-0093 R1, dated April 17, 2007, for related information.

Issued in Renton, Washington, on September 21, 2007.

**Ali Bahrami,**

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

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**SECURITIES AND EXCHANGE  
COMMISSION****17 CFR Part 275**

[Release No. IA-2652; File No. S7-22-07]

**RIN 3235-AJ97**

**Interpretive Rule Under the Advisers  
Act Affecting Broker-Dealers**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Securities and Exchange Commission is publishing for comment an interpretive rule that would address the application of the Investment Advisers Act of 1940 to certain activities of broker-dealers. The proposal would reinstate three interpretive provisions of a rule that was vacated by a recent court opinion. The first provision would clarify that a broker-dealer that exercises investment discretion with respect to an account or charges a separate fee, or separately contracts, for advisory services provides investment advice that is not "solely incidental to" its business as a broker-dealer. The second provision would clarify that a broker-dealer does not receive special compensation within the meaning of section 202(a)(11)(C) of the Advisers Act solely because it charges a commission for discount brokerage services that is less than it charges for full-service brokerage. The third provision would clarify that a registered broker-dealer is an investment adviser solely with respect to those accounts for which it provides services or receives compensation that subjects it to the Advisers Act.

**DATES:** Comments should be received on or before November 2, 2007.

**ADDRESSES:** Comments may be submitted by any of the following methods:

**Electronic Comments**

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/proposed.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number S7-22-07 on the subject line; or