

(b) Airframe anti-icing system must be switched ON during flight operations whenever any of the following conditions is valid:

(1) Icing conditions are anticipated or present; In-flight, icing conditions are present when TAT is below +6 degrees C (+42 degrees F) down to an including -25 degrees C (-13 degrees F) and visible moisture is present.

(2) Ice buildup is observed;

(3) The ICING alert comes on."

Issued in Renton, Washington, on January 28, 2004.

**Kalene C. Yanamura,**

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

[FR Doc. 04-2106 Filed 2-2-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003-NM-257-AD; Amendment 39-13446; AD 2004-03-02]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A321 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to all Airbus Model A321 series airplanes. This action requires revising the Limitations section of the airplane flight manual to include an instruction to use Flap 3 for landing when performing an approach in conditions of moderate to severe icing, significant crosswind (*i.e.*, crosswinds greater than 20 knots, gust included), or moderate to severe turbulence. This action is necessary to prevent roll oscillations during approach and landing in certain icing, crosswind, and turbulent conditions, which could result in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Effective February 18, 2004. Comments for inclusion in the Rules Docket must be received on or before March 4, 2004.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2003-NM-257-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this

location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: *9-anm-iarcomment@faa.gov*. Comments sent via the Internet must contain "Docket No. 2003-NM-257-AD" in the subject line and need not be submitted in triplicate. Comments sent via fax or the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

Information pertaining to this AD may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Tim Dulin, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2141; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Airbus Model A321 series airplanes. The DGAC advises that pilots of two separate Model A321 series airplanes encountered some lateral handling difficulties, which led to roll oscillations. These difficulties occurred when the pilots were performing manual approaches using flaps full in moderate icing conditions. External inspections of the affected airplanes revealed ice on the parts of the wing and horizontal stabilizer that do not have thermal anti-ice capability. The DGAC also advises that some operators reported roll oscillations during manual approach in crosswind or in moderate to severe turbulence. Roll oscillations during approach and landing in certain icing, crosswind, and turbulent conditions, could result in reduced controllability of the airplane.

The DGAC issued French airworthiness directive 2003-388(B), dated October 15, 2003, to ensure the continued airworthiness of these airplanes in France.

#### FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept us informed of the

situation described above. We have examined the findings of the DGAC, 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 Rule

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, this AD is being issued to prevent roll oscillations, which could result in reduced controllability of the airplane. This AD requires revising the Limitations section of the airplane flight manual (AFM) to include an instruction to use Flap 3 for landing when performing a manual approach in conditions of moderate to severe icing, significant crosswind (*i.e.*, crosswinds greater than 20 knots, gust included), or moderate to severe turbulence.

#### Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.

• Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2003-NM-257-AD." The postcard will be date stamped and returned to the commenter.

### Regulatory Impact

The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

We have determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from 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.

### Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

**2004-03-02 Airbus:** Amendment 39-13446. Docket 2003-NM-257-AD.

**Applicability:** All Model A321 series airplanes, certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent roll oscillations during approach and landing in certain icing, crosswind, and turbulent conditions, which could result in reduced controllability of the airplane, accomplish the following:

#### Airplane Flight Manual Revision

(a) Within 10 days after the effective date of this AD, revise the Limitations Section of the airplane flight manual (AFM) to include the following statement. This may be done by inserting a copy of this AD in the AFM.

"A321 Approach and Landing (Roll Control)

When moderate to severe icing conditions, or significant cross wind (i.e., crosswinds greater than 20 knots, gust included), or moderate to severe turbulence are anticipated:

Use FLAP 3 for landing."

**Note 1:** When a statement identical to that in paragraph (a) of this AD has been included in the general revisions of the AFM, the general revisions may be inserted into the AFM, and the copy of this AD may be removed from the AFM.

#### Alternative Methods of Compliance

(b) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

**Note 2:** The subject of this AD is addressed in French airworthiness directive 2003-388(B), dated October 15, 2003.

#### Effective Date

(c) This amendment becomes effective on February 18, 2004.

Issued in Renton, Washington, on January 28, 2004.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 04-2107 Filed 2-2-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

[Docket No. FAA-2003-16359; Airspace Docket No. 03-ASO-18]

### Establishment of Class D Airspace; Hilton Head Island, SC; Correction

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains a correction to the final rule (FAA-2003-16359; 03-ASO-18), which was published in the **Federal Register** on December 24, 2003, (68 FR 74471), establishing Class D airspace at Hilton Head Island, SC. This action corrects an error in the description of the Class D airspace in the Summary paragraph.

**EFFECTIVE DATE:** February 3, 2004.

**FOR FURTHER INFORMATION CONTACT:** Walter R. Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5627.

#### SUPPLEMENTARY INFORMATION:

#### Background

**Federal Register** Document 03-31743, Docket No. FAA-2003-16359; Airspace Docket 03-ASO-18, published on December 24, 2003 (68 FR 74471), establishes Class D airspace at Hilton Head Airport, Hilton Head Island, SC. An error was discovered in the Summary paragraph, describing the Class D airspace area. The description of the Class D airspace should be changed from airspace extending upward from the surface to and including 2,800 feet MSL within a 4.1-mile radius of the airport to airspace extending upward from the surface to and including 2,000 feet MSL within a 3.9-mile radius of the airport. This action corrects the error.

Designations for Class D airspace are published in Paragraph 5000 of FAA Order 7400.9L, dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in the Order.

#### Need for Correction

As published, the final rule contains an error that incorrectly describes the size of the Class D airspace area. Accordingly, pursuant to the authority delegated to me, the Summary paragraph for the Class D airspace at Hilton Head Island, SC, incorporated by reference at § 71.1, 14 CFR 71.1, and