

operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform 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.

### 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:

**Boeing:** Docket 2003–NM–214–AD.

**Applicability:** Model 777–200 and –300 series airplanes, as listed in Boeing Service Bulletin 777–57A0040, Revision 1, dated July 10, 2003; certificated in any category.

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

To prevent fatigue cracks in the lower t-chord at the bolt holes common to the paddle fittings that could result in fractures of one or more of the t-chord segments, which could lead to detachment of the lower wing panel and consequent loss of the wing, accomplish the following:

#### Modification of the Lower Paddle Fitting Bolt Holes/Fastener Replacement

(a) At the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD, modify the bolt holes of the lower side of the body splice t-chord common to the paddle fitting of the lower wing panel (includes performing a high frequency eddy current inspection of the fastener hole for cracks, repairing the hole if necessary, and replacing the fasteners with new inconel bolts) by accomplishing all of the actions specified in "Part 2—Preventative Modification" of the Work Instructions of Boeing Service Bulletin 777–57A0040, Revision 1, dated July 10, 2003, except as provided by paragraph (b) of this AD. Any applicable repair must be accomplished before further flight.

(1) Prior to the accumulation of 20,000 total flight cycles or 60,000 total flight hours, whichever is first.

(2) Within 1,500 days or 8,000 flight cycles after the effective date of this AD, whichever is first.

(b) If any crack is found during the modification required by paragraph (a) of this AD, the service bulletin specifies to contact Boeing for additional instructions: Before further flight, repair per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved, the approval must specifically reference this AD.

#### Alternative Methods of Compliance

(c) In accordance with 14 CFR 39.19, the Manager, Seattle ACO, is authorized to approve alternative methods of compliance for this AD.

Issued in Renton, Washington, on June 7, 2004.

**Kalene C. Yanamura,**

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

[FR Doc. 04–13561 Filed 6–15–04; 8:45 am]

**BILLING CODE 4910–13–U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2004–NM–33–AD]

RIN 2120–AA64

#### Airworthiness Directives; Boeing Model 767–300 and –400ER Series Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 767–300 and –400ER series airplanes. This proposal would require replacing the tie rods for the waste tank cradle, related investigative actions, corrective actions, and special retrofit action if necessary. This action is necessary to prevent possible failure of the main deck floor stanchions and consequent collapse of the main floor during an emergency landing, which could result in passenger injury and impede passenger evacuation from the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by August 2, 2004.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2004–NM–33–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-nprmcomment@faa.gov](mailto:9-anm-nprmcomment@faa.gov). Comments sent via fax or the Internet must contain "Docket No. 2004–NM–33–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:**

Susan Rosanske, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM-150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6448; fax (425) 917-6590.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

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 proposed 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 proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2004-NM-33-AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2004-NM-33-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

The FAA has received a report from the airplane manufacturer indicating that an internal design review revealed that the tie rods on certain Boeing Model 767-300 and -400ER series airplanes, which support the waste tank cradle, do not meet the 9g forward emergency landing load requirements. If a 9g forward event occurs, the tie rods could fail. Failure of the tie rods could result in damage to or possible failure of the main deck floor stanchions and consequent collapse of the main floor, which could result in passenger injury and impede passenger evacuation from the airplane in an emergency situation.

**Explanation of Relevant Service Information**

The FAA has reviewed and approved Boeing Alert Service Bulletins 767-38A0062 (for Model 767-300 series airplanes) and 767-38A0063 (for Model 767-400ER series airplanes), both dated August 15, 2002, which describe procedures for replacing the tie rods for the waste tank cradle with new, improved tie rods, related investigative actions, corrective actions, and special retrofit action if necessary. The related investigative actions are general and detailed visual inspections of the tie rods and fittings for structural damage (*i.e.*, deformation, cracks, or other damage). The corrective actions are measuring the old tie rods to adjust the new tie rods for proper fit; removing the old tie rods; and installing the new tie rods. The special retrofit action is contacting Boeing for special retrofit procedures in the event that structural damage is found during the related investigative actions. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

**Explanation of Requirements of Proposed Rule**

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

**Difference Between Proposed Rule and Service Bulletins**

Although the service bulletins specify that operators may contact the manufacturer for disposition of certain repair conditions, this proposed AD would require operators to repair those conditions per a method approved by the FAA.

**Cost Impact**

There are approximately 97 airplanes of the affected design in the worldwide fleet. The FAA estimates that 42 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$65 per work hour. Required parts would cost approximately \$2,471 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$109,242, or \$2,601 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform 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 manufacturer may cover the cost of replacement parts associated with this proposed AD, subject to warranty conditions. Manufacturer warranty remedies may also be available for labor costs associated with this proposed AD. As a result, the costs attributable to the proposed AD may be less than stated above.

**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:

**Boeing:** Docket 2004–NM–33–AD.

*Applicability:* Model 767–300 series airplanes, as listed in Boeing Alert Service Bulletin 767–38A0062, dated August 15, 2002; and Model 767–400ER series airplanes, as listed in Boeing Alert Service Bulletin 767–38A0063, dated August 15, 2002; certificated in any category.

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

To prevent failure of the main deck floor stanchions and consequent collapse of the main floor during an emergency landing, which could result in passenger injury and impede passenger evacuation from the airplane, accomplish the following:

**Replacement and Related Investigative and Corrective Actions and Retrofit Action**

(a) Within 18 months after the effective date of this AD: Replace the four tie rods for the waste tank cradle with new tie rods and do all applicable related investigative actions/corrective and special retrofit actions by accomplishing all the actions in the Accomplishment Instructions of Boeing Alert Service Bulletins 767–38A0062 (for Model 767–300 series airplanes) and 767–38A0063 (for Model 767–400ER series airplanes), both dated August 15, 2002; as applicable. Do the actions in accordance with the applicable service bulletin except as provided by paragraph (b) of this AD. Accomplish any related investigative, corrective, or special retrofit action before further flight.

(b) If any deformation, crack, or other damage is found during any related investigative action required by paragraph (a) of this AD, and the bulletin specifies contacting Boeing for appropriate action: Before further flight, perform the special retrofit action per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. For a retrofit method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

**Parts Installation**

(c) As of the effective date of this AD, no person may install any tie rod for the waste tank cradle having part number 251T0100–1401, 251T0100–1402, 251T0100–1403, or 251T0100–1404, on any airplane.

**Alternative Methods of Compliance**

(d) In accordance with 14 CFR 39.19, the Manager, Seattle ACO, FAA, is authorized to approve alternative methods of compliance (AMOCs) for this AD.

Issued in Renton, Washington, on June 7, 2004.

**Kalene C. Yanamura,**

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

[FR Doc. 04–13560 Filed 6–15–04; 8:45 am]

**BILLING CODE 4910–13–U**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA–2004–18038; Directorate Identifier 2004–NE–01–AD]**

**RIN 2120–AA64**

**Airworthiness Directives; Honeywell International Inc., (Formerly AlliedSignal, Inc., Formerly Textron Lycoming) T5309, T5311, T5313B, T5317A, T5317A–1, and T5317B Series, and T53–L–9, T53–L–11, T53–L–13B, T53–L–13BA, T53–L–13B S/SA, T53–L–13B S/SB, T53–L–13B/D, and T53–L–703 Series Turboshift Engines**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for Honeywell International Inc. (formerly AlliedSignal, Inc., formerly Textron Lycoming), T5309, T5311, T5313B, T5317A, T5317A–1, and T5317B series turboshift engines, installed on, but not limited to, Bell 205 and Kaman K–1200 series helicopters, and T53–L–9, T53–L–11, T53–L–13B, T53–L–13BA, T53–L–13B S/SA, T53–L–13B S/SB, T53–L–13B/D, and T53–L–703 series turboshift engines, installed on, but not limited to, Bell AH–1 and UH–1 helicopters, certified under § 21.25 or 21.27 of the Code of Federal Regulations (14 CFR 21.25 or 14 CFR 21.27). This proposed AD would require operators to remove from service affected compressor, gas producer, and power turbine rotating components at reduced life limits, and would require use of replacement drawdown schedules for components on certain engine models that exceed the

new limits. This proposal results from continuous analysis of field-returned hardware indicating smaller service life margins than originally expected. We are proposing this AD to prevent failure of the compressor, gas producer, and power turbine rotating components which could result in an uncontained failure of the engine and damage to the helicopter.

**DATES:** We must receive any comments on this proposed AD by August 16, 2004.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD.

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

- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.

- Fax: (202) 493–2251.
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You can get the service information identified in this proposed AD from Honeywell International Inc., Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone: (602) 365–2493; fax: (602) 365–5577.

You may examine the comments on this proposed AD in the AD docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone: (562) 627–5245, fax: (562) 627–5210.

**SUPPLEMENTARY INFORMATION:**

**Docket Management System (DMS)**

We have implemented new procedures for maintaining AD dockets electronically. As of May 17, 2004, we posted new AD actions on the DMS and assigned a DMS docket number. We track each action and assign a corresponding Directorate identifier. The DMS docket No. is in the form “Docket No. FAA–200X–XXXXX.” Each DMS docket also lists the Directorate identifier (“Old Docket Number”) as a cross-reference for searching purposes.