

structural integrity of the slat system. This condition could result in loss of the inboard leading edge slat and could cause the flightcrew to lose control of the airplane.

#### Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

#### Service Bulletin Reference

(f) In this AD, the term "service bulletin" means the Accomplishment Instructions of Boeing Service Bulletin 2982, Revision 2, dated October 7, 1977.

#### Repetitive Inspections

(g) Before the accumulation of 10,000 total flight hours, or within 1,500 flight hours after the effective date of this AD, whichever occurs later, do a dye penetrant inspection to detect cracked or broken hinge fitting assemblies of the inboard leading edge slats in accordance with Part I, "Inspection Data," of the service bulletin. Repeat the inspection at intervals not to exceed 1,500 flight hours, except as provided by paragraph (i) or (k) of this AD.

#### Corrective Action

(h) If any crack or broken assembly is found during any inspection required by paragraph (g) of this AD, before further flight, do the action specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD.

(1) Replace the hinge fitting assembly with like serviceable part in accordance with Part I of the service bulletin.

(2) Replace the hinge fitting assembly with like serviceable part on which the preventative modification specified in paragraph (i) of this AD has been done, in accordance with Part II of the service bulletin. This replacement defers the repetitive inspection requirements of paragraph (g) of this AD for 15,000 flight hours for that hinge fitting assembly.

(3) Replace the hinge fitting assembly with a new, improved part in accordance with Part III of the service bulletin. This replacement terminates the repetitive inspection requirements of paragraph (g) of this AD for that hinge fitting assembly.

**Note 1:** For this AD, a "like serviceable part" is a serviceable part listed in the "Existing" part number column of Table II of the service bulletin that has been inspected and found to be crack free in accordance with paragraph (g) of this AD before installation. A "new part" is a part listed in the "Replacement" or "Optional" part number column of Table II of the service bulletin.

#### Optional Preventative Modification (Defers Repetitive Inspections)

(i) Do a preventative modification by accomplishing all the procedures in Part II of the service bulletin, except as required by paragraph (j) of this AD. Within 15,000 flight hours after the preventative modification, do the repetitive inspections in paragraph (g) of this AD at intervals not to exceed 1,500 flight hours.

(j) If any crack is found during the preventative modification specified in

paragraph (i) of this AD, before further flight, do the action specified in paragraph (h) of this AD.

#### Optional Terminating Action

(k) Replacement of a hinge fitting assembly with a new, improved part terminates the repetitive inspection requirements of paragraph (g) of this AD for that assembly. Replacement of all hinge fitting assemblies with new, improved parts terminates the repetitive inspection requirements of this AD. The replacement must be done in accordance with Part III of the service bulletin.

#### Actions Accomplished Using a Previous Issue of the Service Bulletin

(l) Actions accomplished before the effective date of this AD using Boeing Service Bulletin 2982, Revision 1, dated June 29, 1970, are considered acceptable for compliance with the corresponding action in this AD.

#### Alternative Methods of Compliance (AMOCs)

(m)(1) The Manager, Seattle Aircraft Certification Office (ACO) has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(2) An AMOC that provides an acceptable level of safety may be used for a preventative modification of hinge fitting assemblies of the inboard leading edge slat if it is approved by an Authorized Representative for the Boeing Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on March 17, 2005.

**Jeffery E. Duven,**

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

[FR Doc. 05-6251 Filed 3-29-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-20728; Directorate Identifier 2005-NM-003-AD]

RIN 2120-AA64

#### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 and -135 Series Airplanes

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain EMBRAER Model EMB-145 and -135 series airplanes. This proposed AD would require replacing the horizontal stabilizer control unit (HSCU) with a modified and reidentified or new, improved HSCU. For certain airplanes, this proposed AD would also require related concurrent actions as necessary. This proposed AD is prompted by reports of loss of the pitch trim system due to a simultaneous failure of both channels of the HSCU. We are proposing this AD to prevent loss of pitch trim and reduced controllability of the airplane.

**DATES:** We must receive comments on this proposed AD by April 29, 2005.

**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.

- By 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.

For service information identified in this proposed AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil.

You can examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, on the plaza level of the Nassif Building, Washington, DC. This docket number is FAA-2005-20728; the directorate identifier for this docket is 2005-NM-003-AD.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your

comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2005-20728; Directorate Identifier 2005-NM-003-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments submitted by the closing date and may amend the proposed AD in light of 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 with FAA personnel concerning this proposed AD. Using the search function of our docket Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You can review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you can visit <http://dms.dot.gov>.

#### Examining the Docket

You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

#### Discussion

The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, notified us that an unsafe condition may exist on certain EMBRAER Model EMB-145 and EMB-135 series airplanes. The DAC advises that it has received reports of loss of the pitch trim system due to a simultaneous failure of both channels of the horizontal stabilizer control unit (HSCU). This condition, if not corrected, could result in loss of pitch trim and reduced controllability of the airplane.

#### Relevant Service Information

EMBRAER has issued Service Bulletins 145-27-0106, Revision 01 (for Model EMB-145 and EMB-135 series airplanes, except for EMB-135BJ series airplanes), and 145LEG-27-0016, Revision 01 (for Model EMB-135BJ

series airplanes); both dated August 30, 2004. The service bulletins describe procedures for replacing the HSCU with a modified and reidentified or new, improved HSCU. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The DAC mandated the service information and issued Brazilian airworthiness directive 2004-11-01, dated November 28, 2004, to ensure the continued airworthiness of these airplanes in Brazil.

The EMBRAER service bulletins refer to Parker Service Bulletin 362100-27-265, dated June 25, 2004, as an additional source of service information for replacing the HSCU. The EMBRAER service bulletins include the Parker service bulletin.

The EMBRAER service bulletins specify, for certain airplanes, concurrent accomplishment of certain actions specified in EMBRAER Service Bulletins 145LEG-27-0002, Revision 01, dated April 15, 2003, and 145-27-0084, Revision 04, dated October 21, 2003. These actions include replacing the HSCU with a new HSCU with improved features, and having a new part number. Accomplishment of these actions is required by AD 2004-25-21, as discussed under "Related AD."

#### Related AD

We have issued a related AD, AD 2004-25-21, amendment 39-13909 (69 FR 76605, December 22, 2004), which is applicable to certain EMBRAER Model EMB-135 and -145 series airplanes. Among other things, that AD requires accomplishment of EMBRAER Service Bulletins 145LEG-27-0002, Revision 01, dated April 15, 2003, and 145-27-0084, Revision 04, dated October 21, 2003, which describe procedures for replacing the HSCU with a new HSCU with improved features, and having a new part number. As explained previously, for certain airplanes, certain actions specified in these EMBRAER service bulletins must be accomplished before or during accomplishment of the replacement that would be required by this proposed AD.

#### FAA's Determination and Requirements of the Proposed AD

These airplane models are manufactured in Brazil and are 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 DAC has kept the FAA informed of the situation described above. We have examined the DAC's findings, evaluated

all pertinent information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously, except as discussed under "Difference Between Proposed AD and Foreign Airworthiness Directive" and "Difference Between Proposed AD and Service Information."

#### Difference Between Proposed AD and Foreign Airworthiness Directive

The DAC states that Brazilian airworthiness directive 2004-11-01, dated November 28, 2004, is applicable to "all EMB-145() and EMB-135() aircraft models in operation." However, this does not agree with EMBRAER Service Bulletin 145-27-0106, Revision 01, and Service Bulletin 145LEG-27-0016, Revision 01; both dated August 30, 2004; which state that only EMB-145 and -135 airplanes with certain serial numbers are affected. This proposed AD would be applicable only to the airplanes identified in the service bulletins. This difference has been coordinated with the DAC.

#### Difference Between Proposed AD and Service Information

The accomplishment instructions of EMBRAER Service Bulletins 145-27-0106 and 145LEG-27-0016 do not specifically address, as a concurrent requirement, the accomplishment of Service Bulletins 145LEG-27-0002 and 145-27-0084; however, this concurrent accomplishment is specified in paragraph 1.C (1) of EMBRAER Service Bulletins 145-27-0106 and 145LEG-27-0016, and would be required for certain airplanes by this proposed AD.

#### Costs of Compliance

This proposed AD would affect about 616 airplanes of U.S. registry. The proposed actions would take about 1 work hour per airplane, at an average labor rate of \$65 per work hour. Required parts would be supplied by the manufacturer at no cost. Based on these figures, the estimated cost of the proposed AD for U.S. operators is \$40,040, or \$65 per airplane.

#### 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 have 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 that the 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. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

### 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 airworthiness directive (AD):

**Empresa Brasileira de Aeronautica S.A. (EMBRAER):** Docket No. FAA-2005-

20728; Directorate Identifier 2005-NM-003-AD.

### Comments Due Date

(a) The Federal Aviation Administration must receive comments on this AD action by April 29, 2005.

### Affected ADs

(b) None.

### Applicability

(c) This AD applies to Model EMB-145 and -135 series airplanes; certificated in any category; as identified in EMBRAER Service Bulletin 145-27-0106, Revision 01 (for Model EMB-145 and EMB-135 series airplanes, except for EMB-135BJ series airplanes), and EMBRAER Service Bulletin 145LEG-27-0016, Revision 01 (for Model EMB-135BJ series airplanes); both dated August 30, 2004.

### Unsafe Condition

(d) This AD was prompted by reports of loss of the pitch trim system due to a simultaneous failure of both channels of the horizontal stabilizer control unit (HSCU). We are issuing this AD to prevent loss of pitch trim and reduced controllability of the airplane.

### Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

### Replacement

(f) Within 18 months or 4,000 flight hours after the effective date of this AD, whichever occurs first, replace the HSCU with a modified and reidentified or new, improved HSCU, part number 362100-1013, by doing all the actions specified in the Accomplishment Instructions of EMBRAER Service Bulletin 145-27-0106, Revision 01; or EMBRAER Service Bulletin 145LEG-27-0016, Revision 01; both dated August 30, 2004; as applicable.

### Related AD

(g) For airplanes identified in paragraph 1.C (1) of EMBRAER Service Bulletins 145-27-0106, Revision 01, and 145LEG-27-0016, Revision 01, both dated August 30, 2004: Prior to or concurrently with the actions required by paragraph (f) of this AD, replace the HSCU with a new HSCU with improved features, and having a new part number, in accordance with EMBRAER Service Bulletins 145LEG-27-0002, Revision 01, dated April 15, 2003, or 145-27-0084, Revision 04, dated October 21, 2003, as applicable. These actions are currently required by AD 2004-25-21, amendment 39-13909 (69 FR 76605, December 22, 2004).

### Actions Accomplished Per Previous Issue of Service Bulletin

(h) Actions accomplished before the effective date of this AD in accordance with EMBRAER Service Bulletin 145-27-0106, and EMBRAER Service Bulletin 145LEG-27-0016; both dated August 4, 2004; are considered acceptable for compliance with the applicable action in this AD.

### Alternative Methods of Compliance (AMOCs)

(i) The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

### Related Information

(j) Brazilian airworthiness directive 2004-11-01, dated November 28, 2004, also addresses the subject of this AD.

Issued in Renton, Washington, on March 18, 2005.

### Ali Bahrami,

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

[FR Doc. 05-6252 Filed 3-29-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-20756; Directorate Identifier 2004-NM-52-AD]

RIN 2120-AA64

### Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311 and -315 airplanes. This proposed AD would require installation of check valves in Numbers 1 and 2 hydraulic systems, removal of the filters from the brake shuttle valves, and removal of the internal garter spring from the brake shuttle valves. This proposed AD results from two instances of brake failure due to the loss of hydraulic fluid from both Numbers 1 and 2 hydraulic systems and one incident of brake failure due to filter blockage in the shuttle valve. We are proposing this AD to prevent the loss of hydraulic power from both hydraulic systems which could lead to reduced controllability of the airplane; and to prevent brake failure which could result in the loss of directional control on the ground and consequent departure from the runway during landing.

**DATES:** We must receive comments on this proposed AD by April 29, 2005.

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