

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. Would 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 summary of the costs to comply with this proposal and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Under the authority delegated to me by the Administrator, the Federal Aviation Administration 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:

**Turbomeca:** Docket No. FAA-2005-20849; Directorate Identifier 2005-NE-04-AD.

##### Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by June 6, 2005.

##### Affected ADs

(b) None.

##### Applicability

(c) This AD applies to Turbomeca Artouste III B, B1, and D turboshaft engines. These engines are installed on, but not limited to, Aerospatiale (Eurocopter—France) SA-315B LAMA, and Alouette III SA3160, SA-316B, and SA-316C helicopters.

##### Unsafe Condition

(d) This AD results from a report of an in-flight shutdown and subsequent loss of control of the helicopter, due to ice ingestion into the engine. We are issuing this AD to prevent ice ingestion into the engine, which could lead to an in-flight shutdown and subsequent loss of control of the helicopter.

##### Compliance

(e) You are responsible for having the actions required by this AD performed within

nine months after the effective date of this AD, unless the actions have already been done.

#### Addition of Water Drain Holes (Turbomeca Modification TU 171A)

(f) Within nine months from the effective date of this AD, drill an additional water drain hole in each engine air intake assembly half-cover, using paragraphs 2.B.(1) through 2.B.(5) of Turbomeca Artouste III Service Bulletin (SB) No. 218 72 0104, dated December 24, 2003.

#### Alternative Methods of Compliance

(g) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

#### Related Information

(h) DGAC airworthiness directive F-2003-455, dated December 24, 2003, also addresses the subject of this AD.

Issued in Burlington, Massachusetts, on March 30, 2005.

**Diane Cook,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 05-6774 Filed 4-5-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-20869; Directorate Identifier 2004-NM-09-AD]

**RIN 2120-AA64**

#### Airworthiness Directives; Dornier Model 328-100 and -300 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 Dornier Model 328-100 and -300 series airplanes. This proposed AD would require operators to install colored identification strips on the pulley brackets, fairlead bracket assemblies, operational assemblies, and flight control cables. This proposed AD is prompted by a report that the flight control systems do not have elements that are distinctively identified. We are proposing this AD to prevent the incorrect re-assembly of the flight control system during maintenance, which could result in reduced controllability of the airplane.

**DATES:** We must receive comments on this proposed AD by May 6, 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 AvCraft Aerospace GmbH, P.O. Box 1103, D-82230 Wessling, Germany.

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-2005-20869; the directorate identifier for this docket is 2004-NM-09-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-2005-20869; Directorate Identifier 2004-NM-09-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 website, 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 Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for

Germany, notified us that an unsafe condition may exist on certain Dornier Model 328-100 and -300 series airplanes. The LBA advises that the flight control systems on these airplane models do not have elements that are distinctively identified. Therefore, we have determined that these systems do not currently comply with Federal Aviation Regulation (FAR) 25.671 (b). FAR 25.671 (b) specifies that "each element of each flight control system must be designed, or distinctively and permanently marked, to minimize the probability of incorrect assembly that could result in the malfunctioning of the system." Service experience with other airplane models has shown that if the elements of the flight control system are not distinctively and permanently marked, they could be re-assembled incorrectly during maintenance. Incorrect re-assembly of the flight control system during maintenance could result in reduced controllability of the airplane.

**Relevant Service Information**

Dornier has issued Service Bulletin SB-328J-27-176, Revision 1, dated April 15, 2003, for Dornier Model 328-300 series airplanes; and Service

Bulletin SB-328-27-436, Revision 1, dated April 15, 2003, for Dornier Model 328-100 series airplanes.

These service bulletins describe procedures for installing colored identification strips on the pulley brackets, fairlead bracket assemblies, operational assemblies, and flight control cables. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

The LBA mandated the service information and issued German airworthiness directives 2003-376 and 2003-377, both dated November 11, 2003, to ensure the continued airworthiness of these airplanes in Germany.

**Concurrent Requirements**

The actions in the service bulletins in the following table must be accomplished before, or concurrently with, the actions in the Dornier Service Bulletin SB-328J-27-176, and Dornier Service Bulletin SB-328-27-436.

**CONCURRENT REQUIREMENTS**

Dornier service bulletin	Concurrent Dornier service bulletins	Action
SB-328J-27-176, for Dornier Model 328-300 series airplanes.	SB-328J-27-035, dated April 25, 2000 .....	Relocate the auto-pilot rudder servo.
SB-328-27-436, for Dornier Model 328-100 series airplanes.	SB-328J-27-036, dated April 25, 2000 .....	Relocate the auto-pilot elevator servo.
	SB-328J-27-037, dated April 25, 2000 .....	Relocate the auto-pilot aileron servo.
	SB-328-27-290, Revision 1, dated December 8, 2000.	Relocate the auto-pilot rudder servo.
	SB-328-27-291, Revision 1, dated December 8, 2000.	Relocate the auto-pilot aileron servo.
	SB-328-27-292, Revision 1, dated December 8, 2000.	Relocate the auto-pilot elevator servo.

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

These airplane models are manufactured in Germany and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept the FAA informed of the situation described above. We have examined the LBA'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 bulletins described previously, except as discussed under "Difference Between the Proposed AD and the German Airworthiness Directives."

**Difference Between the Proposed AD and the German Airworthiness Directives**

The German airworthiness directives recommend that operators install the colored identification strips when the flight control cable is replaced, if that replacement comes before the next scheduled "C-Check or its equivalent." This proposed AD does not require operators to install the colored identification strips when the flight

control cable is replaced, although we recommend that operators do so if the replacement comes before the 24-month compliance time of this proposed AD.

**Clarification of Compliance Time**

The German airworthiness directives mandate, and the Dornier service bulletins recommend, compliance at the next scheduled "C-check or equivalent." Because "C-check" schedules vary among operators, this proposed AD would require compliance within 24 months after the effective date of this AD. We find that 24 months correspond to normal scheduled maintenance for most affected operators and that this compliance time is appropriate for the affected airplanes to continue to operate without compromising safety.

**Costs of Compliance**

The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Installation .....	16	\$65	\$291	\$1,331	112	\$149,072

The following table provides the estimated costs for airplanes subject to the concurrent requirements described previously.

ESTIMATED COSTS—CONCURRENT REQUIREMENTS

Concurrent service bulletin	Work hours	Average labor rate per hour	Parts	Cost per airplane
SB-328-27-290 .....	5	\$65	(1)	\$325
SB-328-27-291 .....	5	65	(1)	325
SB-328-27-292 .....	5	65	(1)	325
SB-328J-27-035 .....	5	65	\$462	787
SB-328J-036 .....	5	65	578	903
SB-328J-037 .....	5	65	(1)	325

<sup>1</sup> Operator supplied.

**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):

**Fairchild Dornier GmbH (Formerly Dornier Luftfahrt GmbH):** Docket No. FAA–2005–20869; Directorate Identifier 2004–NM–09–AD.

**Comments Due Date**

(a) The Federal Aviation Administration must receive comments on this AD action by May 6, 2005.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Dornier Model 328–100 and –300 series airplanes, certificated in any category; as identified in Dornier Service Bulletin SB–328J–27–176, Revision 1, dated April 15, 2003; and Dornier Service Bulletin SB–328–27–436, Revision 1, dated April 15, 2003; as applicable.

**Unsafe Condition**

(d) This AD was prompted by a report that the flight control systems do not have elements that are distinctively identified. We are issuing this AD to prevent the incorrect re-assembly of the flight control system during maintenance, which could result in 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.

**Installation**

(f) Within 24 months after the effective date of this AD, install colored identification strips on the pulley brackets, fairlead bracket assemblies, operational assemblies, and flight control cables, in accordance with the

Accomplishment Instructions of Dornier Service Bulletin SB-328J-27-176, Revision 1, dated April 15, 2003; or Dornier Service Bulletin SB-328-27-436, Revision 1, dated April 15, 2003; as applicable.

**Prior or Concurrent Requirements**

(g) Prior to or concurrently with the accomplishment of the actions in paragraph (f) of this AD, accomplish the actions in the applicable service bulletins listed in Table 1 of this AD.

TABLE 1.—PRIOR OR CONCURRENT REQUIREMENTS

Model	Dornier service bulletin	Revision	Date	Action
328-100 .....	SB-328-27-290	1 .....	December 8, 2000 .....	Relocate the auto-pilot rudder servo.
	SB-328-27-291	1 .....	December 8, 2000 .....	Relocate the auto-pilot aileron servo.
	SB-328-27-292	1 .....	December 8, 2000 .....	Relocate the auto-pilot elevator servo.
328-300 .....	SB-328J-27-035	Original .....	April 25, 2000 .....	Relocate the auto-pilot rudder servo.
	SB-328J-27-036	Original .....	April 25, 2000 .....	Relocate the auto-pilot elevator servo.
	SB-328J-27-037	Original .....	April 25, 2000 .....	Relocate the auto-pilot aileron servo.

**Alternative Methods of Compliance (AMOCs)**

(h) 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**

(i) German airworthiness directive 2003-376, dated November 11, 2003; and German airworthiness directive 2003-377, dated November 11, 2003; also address the subject of this AD.

Issued in Renton, Washington, on March 24, 2005.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05-6773 Filed 4-5-05; 8:45 am]

BILLING CODE 4910-13-P

BAE Systems (Operations) Limited (Jetstream) Model 4101 airplanes. This proposed AD would require the overhaul of certain auxiliary components installed on the main landing gear (MLG) and nose landing gear (NLG). This proposed AD is prompted by manufacturer determination that overhaul limits need to be imposed for certain auxiliary components of the MLG and NLG. Components that exceed the established overhaul limits could fail due to fatigue, wear, and age. We are proposing this AD to prevent failure of the MLG or NLG, and consequent damage to the airplane and injury to flightcrew and passengers.

**DATES:** We must receive comments on this proposed AD by May 6, 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 British

Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171.

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-2005-20865; the directorate identifier for this docket is 2003-NM-103-AD.

**FOR FURTHER INFORMATION CONTACT:**

Todd Thompson, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1175; 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-2005-20865; Directorate Identifier 2003-NM-103-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

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2005-20865; Directorate Identifier 2003-NM-103-AD]

RIN 2120-AA64

**Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 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 all