

Dated at Rockville, Maryland, this 12th day of April, 2005.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 05-7658 Filed 4-15-05; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-NM-352-AD]

RIN 2120-AA64

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

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to certain Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 series airplanes. That action would have required replacement of the air turbine starters (ATSS) with modified ATSS. Since the issuance of the NPRM, we have reviewed the requirements of the proposed AD and determined that the same unsafe condition is addressed in another AD. Accordingly, this proposed AD is withdrawn.

**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:**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to certain EMBRAER Model EMB-135 and -145 series airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on December 18, 2003 (68 FR 70475). The proposed rule would have required replacement of the air turbine starters (ATSS) with modified ATSS. That action was prompted by notification from the Departamento de Aviação Civil (DAC), which is the airworthiness authority for Brazil, of an unsafe condition. The DAC advised it had received reports of interference problems between the engine ATSS' output shafts and the engine accessory gear box (AGB) shafts.

The proposed actions were intended to prevent a sheared ATS output shaft from allowing oil to flow down the engine AGB shafts and dripping into the engine compartments, and consequent oil fire, in-flight shutdown, and/or rejected take-off.

#### **Actions That Occurred Since the NPRM Was Issued**

Since we issued the NPRM, we have determined that the DAC issued two Brazilian airworthiness directives that address that same unsafe condition. The DAC issued Brazilian airworthiness directives 2001-09-04, dated October 10, 2001, and 2003-07-01R1, dated December 23, 2003. We issued a parallel proposed AD for each Brazilian airworthiness directive. One proposed AD, Docket Number 2002-NM-352-AD, was published in the **Federal Register** on December 18, 2003 (68 FR 70475). The other proposed AD, Docket Number 2003-NM-237-AD, was published in the **Federal Register** on February 19, 2004 (69 FR 7707). The final rule for Docket Number 2003-NM-237-AD was published in the **Federal Register** on February 17, 2005 (70 FR 8028) as AD 2005-04-05.

#### **FAA's Conclusions**

Upon further evaluation, and based on comments received in response to the proposed AD with Docket Number 2002-NM-352-AD, we determined that it was in the best interest of the FAA and the U.S. operators to combine the requirements of both of our proposed ADs into the final rule for Docket Number 2003-NM-237-AD, AD 2005-04-05. The requirements in AD 2005-04-05 adequately address the identified unsafe condition specified in the proposed AD, Docket Number 2002-NM-352-AD. Accordingly, the proposed AD with Docket Number 2002-NM-352-AD is withdrawn. The DAC and the airplane manufacturer support our decision.

Withdrawal of the NPRM does not preclude the FAA from issuing another related action or commit the FAA to any course of action in the future.

#### **Regulatory Impact**

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

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

Air transportation, Aircraft, Aviation safety, Safety.

#### **The Withdrawal**

Accordingly, we withdraw the NPRM, Docket Number 2002-NM-352-AD, which was published in the **Federal Register** on December 18, 2003 (68 FR 70475).

Issued in Renton, Washington, on April 11, 2005.

**Ali Bahrami,**

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

[FR Doc. 05-7672 Filed 4-15-05; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-20969; Directorate Identifier 2005-NM-017-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Raytheon Model DH.125, HS.125, and BH.125 Series Airplanes; Model BAe.125 Series 800A (C-29A and U-125), 800B, 1000A, and 1000B Airplanes; and Model Hawker 800 (including variant U-125A), and 1000 Airplanes**

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

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

**SUMMARY:** The FAA proposes to supersede an existing airworthiness directive (AD) that applies to certain Raytheon airplanes identified above. The existing AD currently requires a visual inspection to determine whether adequate clearance exists between the fan venturi motor casing and the adjacent equipment, and adjustments, if necessary; and a visual inspection to detect signs of overheating, degradation of insulating materials, and ingestion of debris into the motor, and replacement of discrepant parts with serviceable parts. This proposed AD would instead require that operators replace the fan venturi with a new or modified part. This proposed AD is prompted by reports that the fan venturi overheated and produced smoke while the airplane was on the ground. We are proposing this AD to prevent heat and fire damage to equipment adjacent to the fan venturi, which could result in smoke in the cabin and/or burning equipment.

**DATES:** We must receive comments on this proposed AD by June 2, 2005.

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