

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.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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, Incorporation by reference, 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:

**2005–10–04 Airbus:** Amendment 39–14081. Docket 2002–NM–49–AD.

**Applicability:** Airbus Model A319, A320, and A321 series airplanes; certificated in any category; except those airplanes on which Airbus Modification 30648 has been installed.

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

To prevent failure of the MLG side-stay cuff lugs or down-lock spring attachments, which could result in improper down-lock of the MLG during a freefall extension, and possible collapse of the MLG, accomplish the following:

#### Inspection

(a) Do a general visual inspection of the left- and right-side main landing gear (MLG) side-stay cuff lugs and down-lock spring attachments to detect failures (cracked or fractured lugs), in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32A1224, Revision 01,

dated June 11, 2002, at the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD.

(1) Within 60 months from the first entry into service of the MLG, or before the accumulation of 9,000 total flight hours on the MLG, whichever occurs first.

(2) Within 500 flight hours on the MLG after the effective date of this AD.

**Note 1:** For the purposes of this AD, a general visual inspection is: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

(b) If, during any inspection required by paragraph (a) of this AD, no crack or fracture is detected: Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 500 flight hours until the actions specified in paragraph (f) of this AD are accomplished.

(c) If, during any inspection required by paragraph (a) of this AD, any crack or fracture is detected: Before further flight, replace any discrepant part with a new part of the same type in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32A1224, Revision 01, dated June 11, 2002. Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 500 flight hours until the actions specified in paragraph (f) of this AD are accomplished.

#### Actions Accomplished Previously per Earlier Revision of the Service Bulletin

(d) Inspections and part replacements accomplished before the effective date of this AD in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32A1224, dated January 18, 2001, are considered acceptable for compliance with the requirements of paragraphs (a), (b), and (c) of this AD.

#### Actions Accomplished per the Maintenance Planning Document

(e) Compliance with task number 321119–01–1, "Mechanism Visual Check of Main Landing Gear Downlocking Springs and Side-stay Center Joint Links and Cuff," in Revision 25, dated October 2001; or Revision 26a, dated July 31, 2003; of the Airbus A318/A319/A320/A321 Maintenance Planning Document; is considered acceptable for compliance with the inspection requirements of paragraph (a) of this AD. Operators should note that this task requires repetitive inspections at 8-day intervals, instead of intervals not to exceed 500 flight hours.

#### Optional Terminating Action

(f) Replacement of the MLG side-stay lugs and links on the left and right sides of the airplane, with lugs and links made of new,

improved material, in accordance with Airbus Service Bulletin A320–32–1223, dated March 5, 2001; or Revision 01, dated June 11, 2002; terminates the repetitive inspections required by paragraphs (b) and (c) of this AD.

#### Alternative Methods of Compliance

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

#### Incorporation by Reference

(h) Unless otherwise specified in this AD, the actions must be done in accordance with Airbus Service Bulletin A320–32A1224, Revision 01, dated June 11, 2002. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get copies of this service information, go to the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or to the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**Note 2:** The subject of this AD is addressed in French airworthiness directive 2002–075(B), dated January 23, 2002.

#### Effective Date

(i) This amendment becomes effective on June 15, 2005.

Issued in Renton, Washington, on April 29, 2005.

**Ali Bahrami,**

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

[FR Doc. 05–9196 Filed 5–10–05; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA–2005–20414; Directorate Identifier 2004–NM–116–AD; Amendment 39–14079; AD 2005–10–02]**

**RIN 2120–AA64**

#### Airworthiness Directives; Dornier Model 328–300 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all Dornier Model 328–300 series airplanes.

This AD requires installing an additional mounting angle for the respective de-icing pipes at rib 9 in the leading edge area of the left- and right-hand wings. This AD is prompted by chafed de-icing lines in the wing leading edge area. We are issuing this AD to prevent chafing of the de-icing lines, which could result in a reduction in functionality of the anti-ice system, and possibly reduced controllability and performance of the airplane in icing conditions.

**DATES:** This AD becomes effective June 15, 2005.

The incorporation by reference of a certain publication listed in the AD is approved by the Director of the Federal Register as of June 15, 2005.

**ADDRESSES:** For service information identified in this AD, contact AvCraft Aerospace GmbH, P.O. Box 1103, D-82230 Wessling, Germany.

*Docket:* The AD docket contains the proposed AD, comments, and any final

disposition. 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 U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Washington, DC. This docket number is FAA-2005-21404; the directorate identifier for this docket is 2004-NM-116-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:** The FAA proposed to amend 14 CFR part 39 with an AD for all Dornier Model 328-300

series airplanes. That action, published in the **Federal Register** on February 22, 2005 (70 FR 8547), proposed to require installing an additional mounting angle for the respective de-icing pipes at rib 9 in the leading edge area of the left- and right-hand wings.

**Comments**

We provided the public the opportunity to participate in the development of this AD. No comments have been submitted on the proposed AD or on the determination of the cost to the public.

**Conclusion**

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

**Costs of Compliance**

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

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Installation .....	8	\$65	\$252	\$772	49	\$37,828

**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 AD will not have federalism implications under Executive Order 13132. This AD 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.

For the reasons discussed above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866;
- (2) Is not a "significant rule" under 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 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, Incorporation by reference, Safety.

**Adoption of the Amendment**

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

**2005-10-02 Fairchild Dornier GMBH (Formerly Dornier Luftfahrt GmbH):** Amendment 39-14079. Docket No. FAA-2005-20414; Directorate Identifier 2004-NM-116-AD.

**Effective Date**

(a) This AD becomes effective June 15, 2005.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to all Dornier Model 328-300 series airplanes, certificated in any category.

**Unsafe Condition**

(d) This AD was prompted by chafed de-icing lines in the wing leading edge area. We are issuing this AD to prevent chafing of the de-icing lines, which could result in a reduction in functionality of the anti-ice

system, and possibly reduced controllability and performance of the airplane in icing conditions.

#### 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 90 days after the effective date of this AD, install an additional mounting angle at rib 9 in the leading edge area of the left- and right-hand wings in accordance with the Accomplishment Instructions of Dornier Service Bulletin SB-328J-30-190, dated July 16, 2003.

#### Alternative Methods of Compliance (AMOCs)

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

#### Related Information

(h) German airworthiness directive D-2004-049, dated February 1, 2004, also addresses the subject of this AD.

#### Material Incorporated by Reference

(i) You must use Dornier Service Bulletin SB-328J-30-190, dated July 16, 2003, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get copies of the service information, contact AvCraft Aerospace GmbH, P.O. Box 1103, D-82230 Wessling, Germany. To view the AD docket, go to the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Nassif Building, Washington, DC. To review copies of the service information, contact the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Renton, Washington, on April 29, 2005.

#### Ali Bahrami,

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 05-9197 Filed 5-10-05; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-20081; Directorate Identifier 2004-NM-132-AD; Amendment 39-14080; AD 2005-10-03]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 777-200 and 777-300 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 777-200 and -300 series airplanes. This AD requires modification of the operational program software (OPS) of the air data inertial reference unit (ADIRU). This AD is prompted by a report of the display of erroneous heading information to the pilot due to a defect in the OPS of the ADIRU. We are issuing this AD to prevent the display of erroneous heading information to the pilot, which could result in loss of the main sources of attitude data, consequent high pilot workload, and subsequent deviation from the intended flight path.

**DATES:** This AD becomes effective June 15, 2005.

The incorporation by reference of certain publications listed in the AD is approved by the Director of the Federal Register as of June 15, 2005.

**ADDRESSES:** For service information identified in this AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207.

**Docket:** The AD docket contains the proposed AD, comments, and any final disposition. 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 U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Washington, DC. This docket number is FAA-2005-20081; the directorate identifier for this docket is 2004-NM-132-AD.

**FOR FURTHER INFORMATION CONTACT:** Paul Feider, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton,

Washington 98055-4056; telephone (425) 917-6467; fax (425) 917-6590.

**SUPPLEMENTARY INFORMATION:** The FAA proposed to amend 14 CFR part 39 with an AD for certain Boeing Model 777-200 and -300 series airplanes. That action, published in the **Federal Register** on January 19, 2005 (70 FR 2980), proposed to require modification of the operational program software (OPS) of the air data inertial reference unit (ADIRU).

#### Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been submitted on the proposed AD.

#### Support for the Proposed AD

One commenter supports the proposed AD and states that it is appropriate because it will prevent future occurrences of erroneous heading information being presented to the pilot. Another commenter states that it understands the need for the modification to the affected OPS of the ADIRU and does not have any objection to the proposed AD. The second commenter adds that the modification was accomplished on all its Model 777 series airplanes in calendar year 2002.

#### Request To Add New Service Information

Two commenters ask that Boeing Service Bulletin 777-34-0094, dated June 10, 2004, be added to the proposed AD as an additional source of service information for accomplishing the modification of the OPS of the ADIRU.

One commenter, the airplane manufacturer, states that the new service bulletin provides procedures for installation of a newer version of the OPS of the ADIRU, which contains the fix required by the proposed AD. The commenter suggests adding the new service bulletin to paragraph (f) of the proposed AD as an option for accomplishing the modification in the proposed AD, instead of using the service bulletin currently referenced.

Another commenter states that it is concerned about any wording in the proposed AD that may affect and impact any future installations of new OPS of the ADIRU. The commenter adds that it is imperative that the proposed AD address this issue as Boeing has already released a new service bulletin. The commenter notes that the new service bulletin contains information for updating the existing software with an adjusted Mach function; the proposed AD would mandate installation of previous OPS of the ADIRU per Boeing