

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 removing amendment 39–12383 (66 FR 42939, August 16, 2001) and adding the following new airworthiness directive (AD):

**Airbus:** Docket No. FAA–2004–19863; Directorate Identifier 2003–NM–29–AD.

#### Comments Due Date

(a) The Federal Aviation Administration must receive comments on this airworthiness directive (AD) action by January 31, 2005.

#### Affected ADs

(b) This AD supersedes AD 2001–16–14, Amendment 39–12383 (66 FR 42939, August 16, 2001).

#### Applicability

(c) This AD applies to Airbus Model A319, A320, and A321 series airplanes; certificated in any category; equipped with telescopic girt bars of the escape slide/raft assembly installed per Airbus Modification 20234, or Airbus Service Bulletin A320–25–1055 or A320–25–1218 in service; except those airplanes with Airbus Modification 31708.

#### Unsafe Condition

(d) This AD was prompted by development of a new, improved modification of the telescopic girt bar of the escape slide/raft assembly. We are issuing this AD to prevent failure of the escape slide/raft to deploy correctly, which could result in the slide being unusable during an emergency evacuation and consequent injury to passengers or airplane crewmembers.

#### 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.

#### Restatement of Requirements of AD 2001–16–14

##### Modification/Follow-On Actions

(f) For airplanes listed in Airbus Industrie All Operators Telex A320–52A1111, Revision 01, dated July 23, 2001: Within 1,500 flight hours after August 31, 2001 (the effective date of AD 2001–16–14); except as provided by paragraph (h) of this AD, modify the telescopic girt bar of the escape slide/raft assembly installed on all passenger and crew doors and do a functional test to ensure the girt bar does not retract, per Airbus Industrie AOT A320–52A1111, Revision 01, dated July 23, 2001.

(1) If the girt bar retracts, before further flight, replace any discrepant parts and do another functional test to ensure the girt bar does not retract, per the AOT. Repeat the functional test after that at intervals not to exceed 18 months until paragraph (g) of this AD is accomplished.

(2) If the girt bar does not retract, repeat the functional test thereafter at intervals not to exceed 18 months.

**Note 1:** Modification and follow-on actions accomplished prior to the effective date of this AD per Airbus Industrie AOT A320–52A1111, dated July 5, 2001, are considered acceptable for compliance with the applicable actions specified in this amendment.

#### New Requirements of This AD

##### Modification

(g) Within 48 months after the effective date of this AD: Modify the telescopic girt bar of the escape slide/raft assembly by doing all the applicable actions specified in the Accomplishment Instructions of Airbus Service Bulletin A320–52–1112, Revision 02, dated September 6, 2002. Accomplishing the actions required by this paragraph terminates the repetitive functional tests required by paragraph (f) of this AD.

(h) Airplanes on which the modification required by paragraph (g) of this AD is accomplished within the compliance time specified in paragraph (f) of this AD are not required to accomplish the modification required by paragraph (f).

#### Modifications Accomplished According to Previous Issues of Service Bulletin

(i) Modifications accomplished before the effective date of this AD in accordance with either Airbus Service Bulletin A320–52–1112, dated January 16, 2002; or Revision 01, dated April 3, 2002; are considered acceptable for compliance with paragraph (g) of this AD.

#### Parts Installation

(j) As of the effective date of this AD, no person may install on any airplane a telescopic girt bar of the escape slide/raft assembly unless it has been modified as required by paragraph (g) of this AD.

#### Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, International Branch, ANM–116, has the authority to approve alternative methods of compliance (AMOCs) for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) AMOCs approved previously in accordance with AD 2001–16–14, amendment 39–12383, are approved as AMOCs with paragraph (f) of this AD.

#### Related Information

(l) French airworthiness directive 2002–637(B) R1, dated April 16, 2003, also addresses the subject of this AD.

Issued in Renton, Washington, on December 6, 2004.

**Ali Bahrami,**

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

[FR Doc. 04–27505 Filed 12–15–04; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2004–18678; Directorate Identifier 2001–NM–312–AD]

RIN 2120–AA64

#### Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Series Airplanes

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

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

**SUMMARY:** The FAA is revising an earlier NPRM for an airworthiness directive (AD) that applies to all BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ series airplanes. The original NPRM would have required repetitive detailed inspections of the rear fuselage upper skin to detect cracking due to fatigue, and repair if necessary. The original NPRM was prompted by evidence of cracking due to fatigue along the edges of certain chemi-etched pockets in the rear fuselage upper skin. This new action revises the area of inspection specified in the original NPRM. We are proposing this supplemental NPRM to prevent a possible sudden loss of cabin pressure and consequent injury to passengers and flightcrew.

**DATES:** We must receive comments on this supplemental NPRM by January 10, 2005.

**ADDRESSES:** Use one of the following addresses to submit comments on this supplemental NPRM.

- 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.

- 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-2004-18678; the directorate identifier for this docket is 2001-NM-312-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 supplemental NPRM. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. 2000-FAA-18678; Directorate Identifier 2001-NM-312-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this supplemental NPRM. We will consider all comments received by the closing date and may amend this supplemental NPRM in light of those comments.

We will post all comments submitted, 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 supplemental NPRM. 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 in the Nassif Building at the DOT street address stated in **ADDRESSES**. Comments will be available in the AD docket shortly after the DMS receives them.

**Discussion**

We proposed to amend 14 CFR part 39 with a notice of proposed rulemaking (NPRM) for an airworthiness directive (AD) (the "original NPRM"). The original NPRM applies to all BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ series airplanes. The original NPRM was published in the **Federal Register** on July 26, 2004 (69 FR 44474). The original NPRM proposed to require repetitive detailed inspections of the rear fuselage upper skin to detect cracking due to fatigue, and repair if necessary.

**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 original NPRM.

**Request To Clarify Inspection Area**

The commenter notes a discrepancy between the original NPRM and the source of service information for the inspection (Inspection Service Bulletin ISB.53-164). The original NPRM specifies inspecting the rear fuselage skin, and the service bulletin specifies inspecting the center and rear fuselage skin. The commenter requests that we clarify the area to be inspected.

The commenter notes another potential conflict between the original NPRM and the service bulletin. While paragraph (f) the original NPRM specifies inspecting "the rear fuselage upper skin," the service bulletin

specifies inspecting "all the lap joints (stringers 2, 10, 19, and 30)." The commenter requests that we define the term "upper skin"—specifically, the lap joints of the upper skin that must be inspected.

We agree that clarification is necessary. The original NPRM specifies inspecting only the rear fuselage skin; reference to the center fuselage skin was inadvertently omitted from this proposed requirement. We have revised paragraph (f) in this supplemental NPRM to require inspection of the center and rear fuselage skin including all the lap joints at stringers 2, 10, 19, and 30.

**Request To Revise Repetitive Interval**

The commenter requests that we revise the repetitive inspection interval in paragraph (f)(1)(i) of the original NPRM for Model Avro 146-RJ series airplanes. The commenter requests that the proposed interval be extended from 4,000 to 6,000 landings. The commenter asserts that a 6,000-landing interval would better accommodate maintenance schedules.

We do not agree with the request. We have determined that a 4,000-landing interval represents the maximum interval of time allowable for the affected airplanes to continue to safely operate between inspections. We have not changed this supplemental NPRM regarding this issue.

**FAA's Determination and Proposed Requirements of the Supplemental NPRM**

Certain changes discussed above expand the scope of the original NPRM; therefore, we have determined that it is necessary to reopen the comment period to provide additional opportunity for public comment on this supplemental NPRM.

**Costs of Compliance**

This supplemental NPRM would affect about 55 airplanes of U.S. registry. The proposed actions would take about 4 work hours per airplane, at an average labor rate of \$65 per work hour. Based on these figures, the estimated cost of the supplemental NPRM for U.S. operators is \$14,300, or \$260 per airplane, per inspection cycle.

**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 supplemental NPRM would not have federalism implications under Executive Order 13132. This supplemental NPRM 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 supplemental NPRM. 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):

#### BAE Systems (Operations) Limited

(Formerly British Aerospace Regional Aircraft): Docket No. FAA-2004-18678; Directorate Identifier 2001-NM-312-AD.

### Comments Due Date

(a) The Federal Aviation Administration must receive comments on this AD action by January 10, 2005.

### Affected ADs

(b) None.

### Applicability

(c) This AD applies to all BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ series airplanes, certificated in any category.

### Unsafe Condition

(d) This AD was prompted by evidence of cracking due to fatigue along the edges of certain chemi-etched pockets in the rear fuselage upper skin. We are issuing this AD to prevent a possible sudden loss of cabin pressure and consequent injury to passengers and flightcrew.

### 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.

### Inspection and Repair

(f) Within the applicable compliance times specified in paragraph (f)(1) or (f)(2) of this AD, perform a detailed inspection to detect cracking of the center and rear fuselage skin, including all the lap joints at stringers 2, 10, 19, and 30, in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53-164, dated July 10, 2001.

**Note 1:** For the purposes of this AD, a detailed inspection is: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(1) For Model Avro 146-RJ series airplanes: Inspect before the accumulation of 10,000 total landings, or within 2,000 landings after the effective date of this AD, whichever is later.

(i) For areas where no crack is found, repeat the inspection at intervals not to exceed 4,000 landings.

(ii) For areas where any crack is found, before further flight, perform repairs in accordance with a method approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or the Civil Aviation Authority (CAA) (or its delegated agent). No further inspection of any repaired area is required by this AD.

(2) For Model BAe 146 series airplanes: Inspect before the accumulation of 16,000 total landings, or within 4,000 landings after the effective date of this AD, whichever is later.

(i) For areas where no crack is found, repeat the inspection at intervals not to exceed 8,000 landings.

(ii) For areas where any crack is found, before further flight, perform repairs in accordance with a method approved by the Manager, International Branch, ANM-116; or the CAA (or its delegated agent). No further inspection of any repaired area is required by this AD.

### No Reporting Requirement

(g) Although the referenced service bulletin specifies to submit appendix 1 of the service bulletin with certain information to the manufacturer, this AD does not require that action.

### Alternative Methods of Compliance (AMOCs)

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

Issued in Renton, Washington, on December 6, 2004.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04-27511 Filed 12-15-04; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2004-19867; Directorate Identifier 2004-NM-58-AD]

RIN 2120-AA64

### Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for all McDonnell Douglas Model MD-90-30 airplanes. This proposed AD would require replacing existing dual anti-skid control manifolds (DACM) with new, improved or reworked and reidentified DACMs; inspecting the inlet filters and other components of the DACMs for damage; replacing any damaged DACM components with new or serviceable components; and flushing/cleaning the braking system prior to replacing the inlet filters. This proposed AD is prompted by reports of multiple incidents of blown tires on landing while using maximum autobrake. We are proposing this AD to prevent metallic fibers from the first stage filter of the servo valves inside the DACM from becoming lodged in the first stage nozzle of the servo valve, which could lead to tire failure during high speed/