

These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

### Regulatory Impact

The regulations proposed herein 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this 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) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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:

#### **Empresa Brasileira de Aeronautica S.A.**

(EMBRAER): Docket 2004-NM-47-AD.

**Applicability:** Model EMB-135 and -145 series airplanes, as listed in EMBRAER Service Bulletin 145-33-0032 and 145LEG-33-0004, both dated November 5, 2003; certificated in any category.

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

To ensure that there is sufficient lightning bonding at the electrical harness for the tail

boom strobe light, and to prevent the simultaneous failure of multiple avionics systems in the event of a lightning strike, which could result in reduced controllability of the airplane, accomplish the following:

### Replacement and Test

(a) Within 5,000 flight hours or 30 months after the effective date of this AD, whichever occurs first: Replace the electrical harness of the tail boom strobe light with a new, improved harness that has a built-in metallic overbraid, and perform an operational test on the navigation lights and the anti-collision light after the replacement. Do the actions per the Accomplishment Instructions of the applicable service bulletin in paragraph (a)(1) or (a)(2) of this AD.

(1) EMBRAER Service Bulletin 145-33-0032, dated November 5, 2003 (for Model EMB-135 and -145 series airplanes, except Model EMB-135BJ series airplanes).

(2) EMBRAER Service Bulletin 145LEG-33-004, dated November 5, 2003 (for Model EMB-135BJ series airplanes).

### Alternative Methods of Compliance

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

**Note 1:** The subject of this AD is addressed in Brazilian airworthiness directive 2004-01-05, dated February 5, 2004.

Issued in Renton, Washington, on April 29, 2004.

**Kevin M. Mullin,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 04-10431 Filed 5-6-04; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003-NE-61-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Hamilton Sundstrand Power Systems T-62T Series Auxiliary Power Units (APUs)**

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for Hamilton Sundstrand Power Systems Models T-62T-46C12 and T-62T-40C14 (APS 500R) APUs with fuel filter housing assembly, part numbers (P/Ns) 4951627, 4951960, or 4952039, installed. This proposed AD would require installation of a bracket to prevent a failed bypass button from

protruding beyond the internal o-ring seal. This proposed AD results from reports of leaks caused by cracked bypass buttons that protruded beyond the o-ring seal. We are proposing this AD to prevent a fire or explosion caused by a fuel leak from a failed bypass button on the fuel filter housing.

**DATES:** We must receive any comments on this proposed AD by July 6, 2004.

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

- By mail: Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003-NE-61-AD, 12 New England Executive Park, Burlington, MA 01803-5299.
- By fax: (781) 238-7055.
- By e-mail: [9-ane-adcomment@faa.gov](mailto:9-ane-adcomment@faa.gov).

You can get the service information identified in this proposed AD from Hamilton Sundstrand Technical Publications Department, P.O. Box 7002, Rockford, IL 61125-7002, U.S.A.

You may examine the AD docket at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

**FOR FURTHER INFORMATION CONTACT:** Roger Pesuit, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712-4137; telephone (562) 627-5251, fax (562) 627-5210.

### SUPPLEMENTARY INFORMATION:

#### Comments Invited

We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under ADDRESSES. Include "AD Docket No. 2003-NE-61-AD" in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it; we will date-stamp your postcard and mail it back to you. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. If a person contacts us verbally, and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We are reviewing the writing style we currently use in regulatory documents. We are interested in your comments on

whether the style of this document is clear, and your suggestions to improve the clarity of our communications that affect you. You can get more information about plain language at <http://www.faa.gov/language> and <http://www.plainlanguage.gov>.

### Examining the AD Docket

You may examine the AD Docket (including any comments and service information), by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. See **ADDRESSES** for the location.

### Discussion

On October 22, 2003, Hamilton Sundstrand Power Systems advised us that they received reports of five fuel filter housing assemblies on which the bypass buttons failed. Fuel filter housing assemblies, P/Ns 4951627, 4951960, and 4952039, have bypass buttons that can fail from fatigue cracks. When the bypass button cracks through, the indicating portion of the button can extend beyond the internal o-ring seal and can allow fuel to leak into the APU compartment. This condition, if not corrected, could result in a fire or explosion caused by a fuel leak from a failed bypass button on the fuel filter.

### Relevant Service Information

We have reviewed and approved the technical contents of Hamilton Sundstrand Power Systems Alert Service Bulletin (ASB) No. ASB-4504112-49-22, dated December 2, 2003; and ASB No. ASB-4503067-49-9, dated December 2, 2003, that describe procedures for installing brackets on the fuel filter.

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

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other products of this same type design. Therefore, we are proposing this AD, which would require installing a bracket to prevent a failed bypass button from protruding beyond the internal o-ring seal.

### Interim Action

These actions are interim actions and we may take further rulemaking actions in the future.

### Costs of Compliance

There are about 552 Hamilton Sundstrand APUs of the affected design in the worldwide fleet. We estimate that 448 APUs installed on airplanes of U.S. registry would be affected by this proposed AD. We also estimate that it

would take about 1 work hour per APU to perform the proposed actions, and that the average labor rate is \$65 per work hour. Required parts would cost about \$517 per APU. The manufacturer indicated that they might provide the parts at no cost. Based on these figures, we estimate the total cost of the proposed AD to U.S. operators to be \$260,736.

### 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. 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 by sending a request to us at the address listed under **ADDRESSES**. Include "AD Docket No. 2003-NE-61-AD" in your request.

### 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 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:

**Hamilton Sundstrand Power Systems:**  
Docket No. 2003-NE-61-AD.

#### Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this

airworthiness directive (AD) action by July 6, 2004.

### Affected ADs

(b) None.

### Applicability

(c) This AD applies to Hamilton Sundstrand Power Systems Models T-62T-46C12 and T-62T-40C14 (APS 500R) auxiliary power units (APUs) with fuel filter housing assemblies, part numbers (P/Ns) 4951627, 4951960, or 4952039, installed. These APUs are installed on, but not limited to, Bombardier DHC-8-400 airplanes and Empresa Brasileira de Aeronautica S.A. (Embraer) EMB-135 and -145 series airplanes.

### Unsafe Condition

(d) This AD results from reports of leaks caused by cracked bypass buttons that protruded beyond the o-ring seal. We are issuing this AD to prevent a fire or explosion caused by a fuel leak from a failed bypass button on the fuel filter.

### Compliance

(e) You are responsible for having the actions required by this AD performed within 400 hours time-in-service or 6 months after the effective date of this AD, whichever occurs earlier, unless the actions have already been done.

### Installation of Bracket on APU Model T-62T-46C12

(f) Install a bracket onto the fuel filter housing assembly on APU Model T-62T-46C12. Use 2.A through 2.D. of the Accomplishment Instructions of Hamilton Sundstrand Alert Service Bulletin (ASB) No. ASB-4503067-49-9, dated December 2, 2003, to install the bracket.

### Installation of Bracket on APU Model T-62T-40C14 (APS 500R)

(g) Install a bracket onto the fuel filter housing assembly on APU Model T-62T-40C14 (APS 500R). Use 2.A through 2.D. of the Accomplishment Instructions of Hamilton Sundstrand ASB No. ASB-4504112-49-22, dated December 2, 2003, to install the bracket.

### Alternative Methods of Compliance (AMOCs)

(h) The Manager, Los Angeles Aircraft 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.

### Material Incorporated by Reference

(i) None.

### Related Information

(j) None.

Issued in Burlington, Massachusetts, on May 3, 2004.

**Jay J. Pardee,**

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

[FR Doc. 04-10430 Filed 5-6-04; 8:45 am]

BILLING CODE 4910-13-P