

## 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):

**Airbus: Docket No. FAA-2004-19494;**

Directorate Identifier 2004-NM-135-AD.

### Comments Due Date

(a) The Federal Aviation Administration must receive comments on this AD action by December 3, 2004.

### Affected ADs

- (b) None.

### Applicability

(c) This AD applies to Airbus Model A318-111 and -112 series airplanes; Model A319-111, -112, -113, -114, -115, -131, -132, and -133 series airplanes; Model A320-111, -211, -212, -214, -231, -232, and -233 series airplanes; and Model A321-111, -112, -131, -211, and -231 series airplanes; certificated in any category; equipped with Air Cruisers/Aerazur forward passenger door emergency

escape slides, part number (P/N) D31516-111, -113, -115, -117, -311, or -313, and aft passenger door emergency escape slides, part number (P/N) D31517-111, -113, -115, -117, -311, or -313; except those airplanes on which Airbus Modification 33429 has been accomplished in production.

### Unsafe Condition

(d) This AD was prompted by manufacturer testing that has shown contact between the inflation hose and fabric roll, within a short period of time after inflation of the emergency escape slides, can rupture the inflation hose at its end fittings. We are issuing this AD to prevent interference between the inflation hose and slide fabric and rupture of the inflation hose, which could result in incomplete inflation of the emergency escape slides and consequent unavailability of those slides during an emergency evacuation.

### 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.

### Modification

(f) Within 37 months after the effective date of this AD, modify the forward and aft door slides, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320-25-1338, dated February 9, 2004.

**Note 1:** Airbus Service Bulletin A320-25-1338, dated February 9, 2004, refers to Air Cruisers/Aerazur Service Bulletin A320 004-25-72, dated October 28, 2003, as an additional source of service information for modifying the forward and aft door slides.

### Alternative Methods of Compliance (AMOCs)

(g) 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

(h) French airworthiness directive F-2004-072, dated May 26, 2004, also addresses the subject of this AD.

Issued in Renton, Washington, on October 20, 2004.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 04-24534 Filed 11-2-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

### 14 CFR Part 39

[Docket No. 2003-NM-04-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 EMBRAER Model EMB-135 and -145 series airplanes. That action would have required a one-time inspection of the trailing arm cardan of each main landing gear (MLG) to identify a certain part number; a one-time inspection of certain trailing arm cardans to detect cracking, if necessary; and replacement of incorrect trailing arm cardans with cardans having a certain part number. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received new substantiating data from the manufacturer that verify that all affected airplanes in the worldwide and domestic fleets are in compliance with the proposed requirements of the NPRM, and all affected spare parts have been returned to the manufacturer and destroyed. Accordingly, the proposed rule is withdrawn.

### FOR FURTHER INFORMATION CONTACT:

Todd Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 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 March 17, 2003 (68 FR 12615). The proposed rule would have required a one-time inspection of the trailing arm cardan of each main landing gear (MLG) to identify a certain part number; a one-time inspection of certain trailing arm cardans to detect cracking, if necessary; and replacement of incorrect trailing arm cardans with cardans having a certain part number. 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 that during a sampling program, fatigue cracks were found on certain trailing arm cardans of the MLGs. The proposed actions were intended to ensure that correct trailing arm cardans of the MLGs were installed.

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

Since the issuance of that NPRM, the manufacturer has requested that the NPRM be withdrawn. The manufacturer has provided data that substantiate that all affected airplanes in the worldwide and domestic fleets are in compliance with the proposed requirements of the NPRM, and that all affected spare parts have been returned to the manufacturer and destroyed.

#### FAA's Conclusions

Upon further consideration, and based on comments received in response to the proposed AD, we have determined that all affected airplanes in the worldwide and domestic fleets have complied with the requirements of the NPRM, and that all affected spare parts have been returned to the manufacturer and destroyed. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another action in the future, nor does it commit the agency 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, the notice of proposed rulemaking, Docket 2003–NM–04–AD, published in the **Federal Register** on March 17, 2003 (68 FR 12615), is withdrawn.

Issued in Renton, Washington, on October 21, 2004.

**Kalene C. Yanamura,**

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

[FR Doc. 04–24539 Filed 11–2–04; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2004–19493; Directorate Identifier 2004–NM–69–AD]

RIN 2120–AA64

#### Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series 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 certain Boeing Model 767–200, –300, and –300F series airplanes. This proposed AD would require replacing the inboard fairing seal common to the vapor barrier seal of each strut assembly. This proposed AD is prompted by discovery during production that a section of vapor barrier seal was missing from the spar web cavities of the upper aft struts of both wings. We are proposing this AD to prevent flammable fluids from leaking onto parts of a hot exhaust system of a shut-down engine of an airplane on the ground, which could result in ignition of the flammable fluids and an uncontained fire. This could also lead to an emergency evacuation of the airplane and possible injury to passengers.

**DATES:** We must receive comments on this proposed AD by December 20, 2004.

**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 Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207.

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–2004–19493; the directorate identifier for this docket is 2004–NM–69–AD.

#### FOR FURTHER INFORMATION CONTACT:

*Technical information:* Bernie Gonzalez, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6498; fax (425) 917–6590.

*Plain language information:* Marcia Walters, [marcia.walters@faa.gov](mailto:marcia.walters@faa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Docket Management System (DMS)

The FAA has implemented new procedures for maintaining AD dockets electronically. As of May 17, 2004, new AD actions are posted on DMS and assigned a docket number. We track each action and assign a corresponding directorate identifier. The DMS AD docket number is in the form “Docket No. FAA–2004–99999.” The Transport Airplane Directorate identifier is in the form “Directorate Identifier 2004–NM–999–AD.” Each DMS AD docket also lists the directorate identifier (“Old Docket Number”) as a cross-reference for searching purposes.

#### Comments Invited

We invite you to submit any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2004–19493; Directorate Identifier 2004–NM–69–AD” in the subject line 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 that 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,