

TABLE 2.—AFFECTED ACTUATORS

| Manufacturer              | Actuator P/N |
|---------------------------|--------------|
| (1) Messier-Bugatti ..... | 4136290004   |
| (2) Messier-Bugatti ..... | 4136290005   |
| (3) Aviac .....           | 6147-6       |
| (4) Artus .....           | AD8552502-1  |

**Concurrent Replacements**

(g) For Messier-Bugatti actuators identified in table 2 of this AD: Concurrently with the applicable corrective action required by paragraph (f) of this AD, replace the rotors on both vertical and horizontal movements with new rotors, and replace the clutch cap with a new cap, in accordance with Messier-Bugatti Service Bulletin 4136290004-25-05 or 4136290005-25-02, both dated April 2005, as applicable.

**Parts Installation**

(h) After the effective date of this AD, no actuator identified in table 2 of this AD may be installed on any airplane.

**Alternative Methods of Compliance (AMOCs)**

(i)(1) 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.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

**Related Information**

(j) French airworthiness directive F-2005-164, issued September 28, 2005, also addresses the subject of this AD.

Issued in Renton, Washington, on January 10, 2006.

**Ali Bahrami,**

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

[FR Doc. E6-532 Filed 1-18-06; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2006-23635; Directorate Identifier 2005-NM-245-AD]

RIN 2120-AA64

**Airworthiness Directives; Aerospatiale Model ATR42 Airplanes and Model ATR72 Airplanes**

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Aerospatiale Model ATR42 airplanes and Model ATR72 airplanes. This proposed AD would require installing protective ramps on trim panel 110VU; and inspecting the protective guard of the standby pitch trim switch to determine if it is missing, damaged, or ineffective, and doing the corrective action if necessary. This proposed AD results from a finding that the protective guard of the standby pitch trim switch, which is installed on the center pedestal, could be damaged or missing. We are proposing this AD to prevent inadvertent activation of the standby pitch trim, which could result in pitch trim runaway and consequent reduced controllability of the airplane.

**DATES:** We must receive comments on this proposed AD by February 21, 2006.

**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.

- 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.

Contact Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France, for service information identified in this proposed 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:****Comments Invited**

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number "FAA-2006-23635; Directorate Identifier 2005-NM-245-AD" at the beginning 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 received 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, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://dms.dot.gov>.

**Examining the Docket**

You may 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 DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

**Discussion**

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified us that an unsafe condition may exist on certain Aerospatiale Model ATR42 and Model ATR72 airplanes. The DGAC advises that the protective guard of the standby pitch trim switch (18CG), which is installed on the center pedestal, could be damaged or missing. In some cases, a damaged protective guard, even if engaged, may not prevent inadvertent activation of the standby pitch trim. This condition, if not corrected, could result in pitch trim runaway and consequent reduced controllability of the airplane.

**Relevant Service Information**

Aerospatiale has issued Avions de Transport Regional Service Bulletin ATR42-92-0010, Revision 1, dated March 11, 2003 (for Model ATR42 airplanes); and Service Bulletin ATR72-92-1010, Revision 1, dated March 11, 2003 (for Model ATR72 airplanes). The service bulletins describe the following procedures:

- Installing protective ramps on trim panel 110VU.
- Checking the protective guard of the standby pitch trim switch (18CG) to determine if it is missing, damaged, or ineffective. (The protective guard is ineffective if there is trim movement when the protective guard is engaged and the standby pitch trim switch is activated.)
- Doing the corrective action if necessary, which includes replacing a damaged or ineffective protective guard with a new part or installing a new part if the protective guard is missing.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The DGAC mandated the service information and issued French airworthiness directive 2003–106(B) R1, dated April 16, 2003, to ensure the continued airworthiness of these airplanes in France.

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

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. We have examined the DGAC's findings, evaluated all pertinent information, and determined that we need to issue an AD for airplanes of this type design that are certificated for operation in the United States.

Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously, except as discussed under "Clarification of Inspection Terminology."

#### Clarification of Inspection Terminology

The "check" of the protective guard specified in the Aerospatiale service bulletins is referred to as a "general visual inspection" in this proposed AD. We have included the definition for a general visual inspection in a note in this proposed AD.

#### Costs of Compliance

This proposed AD would affect about 69 airplanes of U.S. registry. The proposed actions would take about 1 work hour per airplane, at an average labor rate of \$65 per work hour. Required parts would cost about \$465 per airplane. Based on these figures, the estimated cost of the proposed AD for

U.S. operators is \$36,570, or \$530 per airplane.

#### 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 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 and placed it in the AD docket. 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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

**Aerospatiale:** Docket No. FAA–2006–23635; Directorate Identifier 2005–NM–245–AD.

#### Comments Due Date

(a) The FAA must receive comments on this AD action by February 21, 2006.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Aerospatiale Model ATR42–200, –300, –320, and –500 airplanes and Model ATR72–101, –201, –102, –202, –211, –212, and –212A airplanes, certificated in any category; except those on which Airbus Modification 5450 has been incorporated in production.

#### Unsafe Condition

(d) This AD results from a finding that the protective guard of the standby pitch trim switch, which is installed on the center pedestal, could be damaged or missing. We are issuing this AD to prevent inadvertent activation of the standby pitch trim, which could result in pitch trim runaway and consequent reduced controllability of the airplane.

#### 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, Inspection, and Corrective Action if Necessary

(f) Within 4 months after the effective date of this AD: Install protective ramps on trim panel 110VU; and do a general visual inspection of the protective guard of the standby pitch trim switch (18CG) to determine if it is missing, damaged, or ineffective, and do the corrective action if applicable; by accomplishing all the applicable actions specified in the Accomplishment Instructions of Avions de Transport Regional Service Bulletin ATR42–92–0010, Revision 1, dated March 11, 2003 (for Model ATR42 airplanes); or Avions de Transport Regional Service Bulletin ATR72–92–1010, Revision 1, dated March 11, 2003 (for Model ATR72 airplanes), as applicable. The corrective action, if required, must be done before further flight after the inspection.

**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.”

#### **Alternative Methods of Compliance (AMOCs)**

(g)(1) 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.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

#### **Related Information**

(h) French airworthiness directive 2003-106(B) R1, dated April 16, 2003, also addresses the subject of this AD.

Issued in Renton, Washington, on January 10, 2006.

**Ali Bahrami,**

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

[FR Doc. E6-533 Filed 1-18-06; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 110**

**[CG01-05-101]**

**RIN 1625-AA98**

#### **Anchorage Regulations; Port of New York and Vicinity**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a Special Anchorage Area in Haverstraw Bay on the Hudson River adjacent to Haverstraw, NY. This proposed action is necessary to facilitate safe navigation in that area and provide safe and secure anchorages for vessels not more than 20 meters in length. This action is intended to increase the safety of life and property on the Hudson River, improve the safety of anchored vessels, and provide for the overall safe and efficient flow of recreational vessel traffic and commerce.

**DATES:** Comments and related material must reach the Coast Guard on or before March 20, 2006.

**ADDRESSES:** You may mail comments and related material to Waterways

Management Division (CGD01-05-101), Coast Guard Sector New York, 212 Coast Guard Drive, room 321, Staten Island, New York 10305. The Waterways Management Division of Coast Guard Sector New York maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in the preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room 321, Coast Guard Sector New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

#### **FOR FURTHER INFORMATION CONTACT:**

Lieutenant Commander M. McBrady, Waterways Management Division, Coast Guard Sector New York at (718) 354-2353.

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01-05-101), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

##### **Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Waterways Management Division at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

##### **Background and Purpose**

As part of a waterfront revitalization effort the Village of Haverstraw is encouraging waterfront use by the general public. This proposed rule is in response to a request made by the Village of Haverstraw to ensure the safe navigation of increased vessel traffic expected to arrive along the village waterfront due to this revitalization effort.

The Coast Guard is designating the area as a special anchorage area in

accordance with 33 U.S.C. 471. In accordance with that statute, vessels will not be required to sound signals or exhibit anchor lights or shapes which are otherwise required by rule 30 and 35 of the Inland Navigation Rules, codified at 33 U.S.C. 2030 and 2035. The proposed special anchorage area will be located on the west side of the Hudson River about 1,800 yards south of Bowline Point, well removed from the channel and located where general navigation will not endanger or be endangered by unlighted vessels. Providing anchorage well removed from the channel and general navigation would greatly increase navigational safety.

This special anchorage area is part of a waterfront revitalization project authorized under U.S. Army Corps of Engineers permit number 2004-00596-YR.

##### **Discussion of Proposed Rule**

The proposed rule would create a new special anchorage area located on the Hudson River at the Village of Haverstraw, New York, on Haverstraw Bay. It would include all waters of the Hudson River bound by the following points: 41°11'25.2" N, 073°57'19.9" W; thence to 41°11'34.2" N, 073°57'00.8" W; thence to 41°11'41.9" N, 073°57'07.5" W; thence to 41°11'31.8" N, 073°57'26.5" W; thence to 41°11'30.8" N, 073°57'24.9" W; thence to the point of origin (NAD 1983).

All proposed coordinates are North American Datum 1983 (NAD 83).

The special anchorage area would be limited to vessels no greater than 20 meters in length. Vessels not more than 20 meters in length are not required to sound signals as required by rule 35 of the Inland Navigation Rules (33 U.S.C. 2035) nor exhibit anchor lights or shapes required by rule 30 of the Inland Navigation Rules (33 U.S.C. 2030) when at anchor in a special anchorage area. Additionally, mariners utilizing the anchorage areas are encouraged to contact local and state authorities, such as the local harbor master, to ensure compliance with additional applicable state and local laws. Such laws may involve, for example, compliance with direction from the local harbor master when placing or using moorings within the anchorage.

##### **Regulatory Evaluation**

This proposed rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office