

# Proposed Rules

Federal Register

Vol. 69, No. 210

Monday, November 1, 2004

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA 2004-19221; Directorate Identifier 2004-CE-28-AD]

RIN 2120-AA64

#### Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 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 Pilatus Aircraft Ltd. (Pilatus) Models PC-12 and PC-12/45 airplanes. This proposed AD would require you to check the airplane logbook to determine whether any main landing gear (MLG) actuator (part number (P/N) 960.30.01.103) with serial numbers (SNs) 830E through 881E is installed. If any MLG actuator with one of these SNs is installed, you are required to replace the MLG actuator with a P/N 960.30.01.103 actuator that has a SN other than 830E through 881E. The pilot is allowed to do the logbook check. If the pilot can positively determine that no MLG actuator with one of these SNs is installed, no further action is required. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. We are issuing this proposed AD to prevent failure of the MLG actuator, which could result in loss of hydraulic extension/retraction of the MLG. This failure could lead to loss of control during ground operations.

**DATES:** We must receive any comments on this proposed AD by December 3, 2004.

**ADDRESSES:** Use one of the following 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 20590-001.

- **Fax:** 1-202-493-2251.

- **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.

To get the service information identified in this proposed AD, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 6208; facsimile: +41 41 619 7311; e-mail: [SupportPC12@pilatus-aircraft.com](mailto:SupportPC12@pilatus-aircraft.com) or from Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465-9099; facsimile: (303) 465-6040.

To view the comments to this proposed AD, go to <http://dms.dot.gov>. This is docket number FAA 2004-19221.

#### FOR FURTHER INFORMATION CONTACT:

Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

*How do I comment on this proposed AD?* 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 the docket number, "FAA 2004-19221; Directorate Identifier 2004-CE-28-AD" at the beginning of your 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 rulemaking. Using the search function of our docket web site, anyone can find and read the comments received into 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.). This is docket number FAA 2004-19221. 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>.

*Are there any specific portions of this proposed AD I should pay attention to?* We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. If you contact us through a nonwritten communication 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 this proposed AD in light of those comments and contacts.

#### Docket Information

*Where can I go to view the docket information?* You may view the AD docket that contains the proposal, any comments received, and any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m. (eastern standard time), Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5227) is located on the plaza level of the Department of Transportation NASSIF Building at the street address stated in **ADDRESSES**. You may also view the AD docket on the Internet at <http://dms.dot.gov>. The comments will be available in the AD docket shortly after the DMS receives them.

#### Discussion

*What events have caused this proposed AD?* The Federal Office for Civil Aviation FOCA, which is the airworthiness authority for Switzerland, recently notified FAA that an unsafe condition may exist on all Pilatus Aircraft Ltd. (Pilatus) Models PC-12 and PC-12/45 airplanes. The FOCA reports that some components of MLG actuators (part number (P/N) 960.30.01.103 with serial numbers (SNs) 830E through 881E) were incorrectly heat treated during manufacture. Components in this condition can decrease the specified fatigue life of the actuators.

It is possible that these components could have been removed and then

installed in other Pilatus Models PC-12 and PC-12/45 airplanes.

*What is the potential impact if FAA took no action?* Failure of the MLG actuator could result in loss of hydraulic extension/retraction of the MLG. This failure could lead to loss of control during ground operations.

*Is there service information that applies to this subject?* Pilatus has issued Pilatus PC-12 Service Bulletin No. 32-017, dated August 3, 2004.

*What are the provisions of this service information?* The service bulletin includes procedures for:

- Checking the airplane logbook to ensure that no MLG actuator (P/N 960.30.01.103) with SNs 830E through 881E is installed;
- Inspecting for any MLG actuator (P/N 960.30.01.103) with SN 830E through 881E; and
- Replacing any MLG actuator with a P/N 960.30.01.103 actuator that has a SN other than 830E through 881E.

*What action did the FOCA take?* The FOCA classified this service bulletin as mandatory and issued Swiss AD Number HB 2004-330, dated August 18, 2004, to ensure the continued airworthiness of these airplanes in Switzerland.

*Did the FOCA inform the United States under the bilateral airworthiness agreement?* These Pilatus Models PC-12 and PC-12/45 airplanes are manufactured in Switzerland 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.

Under this bilateral airworthiness agreement, the FOCA has kept us informed of the situation described above.

#### **FAA's Determination and Requirements of This Proposed AD**

*What has FAA decided?* We have examined the FOCA's findings, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since the unsafe condition described previously is likely to exist or develop on other Pilatus Models PC-12 and PC-12/45 airplanes of the same type design that are registered in the United States, we are proposing AD action to prevent failure of the MLG actuator, which could result in loss of hydraulic

extension/retraction of the MLG. This failure could lead to damage upon landing.

*What would this proposed AD require?* This proposed AD would require you to incorporate the actions in the previously-referenced service bulletin.

*How does the revision to 14 CFR part 39 affect this proposed AD?* On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

#### **Costs of Compliance**

*How many airplanes would this proposed AD impact?* We estimate that this proposed AD affects 260 airplanes in the U.S. registry.

*What would be the cost impact of this proposed AD on owners/operators of the affected airplanes?* We estimate the following costs to do this proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 work hour × \$65 per hour = \$65 .....	Not Applicable .....	\$65	260 × \$65 = \$16,900.

We estimate the following costs to do any necessary replacement that would

be required based on the results of this proposed inspection. We have no way of

determining the number of airplanes that may need this replacement:

Labor cost	Parts cost	Total cost per airplane
3 work hours × \$65 per hour = \$195 per MLG actuator .....	Not Applicable .....	\$195

Pilatus will provide replacement parts free of charge if any MLG actuator with a SN 830E through 881E is returned to Pilatus. If purchased, the cost of a new actuator is \$14,000. The cost of an overhauled actuator is \$5,000.

#### **Regulatory Findings**

*Would this proposed AD impact various entities?* 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.

*Would this proposed AD involve a significant rule or regulatory action?* For the reasons discussed above, I certify that this proposed AD:

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 summary of the costs to comply with this proposed AD 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 FAA

2004-19221; Directorate Identifier 2004-CE-28-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 (AD):

**Pilatus Aircraft Ltd.:** Docket No. FAA 2004–19221; Directorate Identifier 2004–CE–28–AD

When Is the Last Date I Can Submit Comments on This Proposed AD?

(a) We must receive comments on this proposed airworthiness directive (AD) by December 3, 2004.

What Other ADs Are Affected By This Action?

(b) None.

What Airplanes Are Affected by This AD?

(c) This AD affects Models PC–12 and PC–12/45 airplanes, all serial numbers, that are certificated in any category.

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of mandatory continuing airworthiness information (MCAI)

issued by the airworthiness authority for Switzerland. The actions specified in this AD are intended to prevent failure of the main landing gear (MLG) actuator, which could result in loss of hydraulic extension/retraction of the MLG. This failure could lead to loss of control during ground operations.

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Check the airplane logbook to ensure that no main landing gear (MLG) actuator (part number (P/N) 960.30.01.103) with serial numbers (SN) 830E through 881E is installed.	Within 90 days after the effective date of this AD, unless already done.	The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may do this check.
(2) If you can positively determine that no MLG actuator (P/N 960.30.01.103) with SN 830E through 881E is installed, then no further action is required.	Not Applicable .....	Make an entry in the aircraft records showing compliance with paragraphs (e)(1) and (e)(2) of this AD per section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).
(3) If you cannot positively determine that no MLG actuator (P/N 960.30.01.103) with SN 830E through 881E is installed, then inspect any MLG actuator (P/N 960.30.01.103) for SN 830E through 881E.	Within 90 days after the effective date of this AD, unless already done.	Follow the Accomplishment Instructions—Aircraft section in Pilatus PC–12 Service Bulletin No. 32–017, dated August 3, 2004.
(4) If any MLG actuator (P/N 960.30.01.103) with SN 830E through 881E is found during the inspection required by paragraph (e)(3) of this AD, replace the MLG actuator with a P/N 960.30.01.103 actuator that has a SN other than 830E through 881E.	Before further flight after the inspection required by paragraph (e)(3) of this AD in which any actuator with SN 830E through 881E is found.	Follow the Accomplishment Instructions—Aircraft section in Pilatus PC–12 Service Bulletin No. 32–017, dated August 3, 2004.
(5) Do not install any MLG actuator (P/N 960.30.01.103) with SN 830E through 881E.	As of the effective date of this AD .....	Not Applicable.

**Note:** The FAA recommends that you send any MLG actuator (P/N 960.30.01.103) with SN 830E through 881E to Pilatus.

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

Is There Other Information That Relates to This Subject?

(g) Swiss AD Number HB 2004–330, dated August 18, 2004, also addresses the subject of this AD.

May I Get Copies of the Documents Referenced in This AD?

(h) To get copies of the documents referenced in this AD, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 6208; facsimile: +41 41 619 7311; e-mail: [SupportPC12@pilatus-aircraft.com](mailto:SupportPC12@pilatus-aircraft.com) or from

Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465–9099; facsimile: (303) 465–6040. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC, or on the Internet at <http://dms.dot.gov>. This is docket number FAA 2004–19221.

Issued in Kansas City, Missouri, on October 25, 2004.

**Scott L. Sedgwick,**

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

[FR Doc. 04–24323 Filed 10–29–04; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA–P–7659]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).