

of federal and Levin funds.” *Shays* at 116–17.

The court stated that for a regulatory *de minimis* exemption to stand, an agency has the burden of demonstrating that following the precise language of the statute would lead to “absurd or futile results,” or that the failure to create a *de minimis* exemption would be “contrary to the primary legislative goal.” *Shays* at 117 (quoting *Environmental Defense Fund v. EPA*, 82 F.3d 451, 466 (D.C. Cir. 1996) quoting, in turn, *State of Ohio v. EPA*, 997 F.2d 1520, 1535 (D.C. Cir. 1993)). The court addressed each of the Commission’s reasons for adopting the \$5,000 Exemption and found that the Commission had not met the burden of demonstrating that following the precise statutory language would lead to absurd or futile results and had not shown that the \$5,000 Exemption comported with BCRA’s purposes.<sup>5</sup> *Shays* at 117. The court then remanded the regulations to the Commission for further action consistent with its opinion. *Shays* at 130.

#### **I. Proposed 11 CFR 300.32(c)(4)—Conditions and Restrictions on Spending Levin Funds**

Because the court found the \$5,000 Exemption to be inconsistent with the statutory intent of 2 U.S.C 441i(b) and that the standards for upholding a *de minimis* exemption had not been met, the Commission proposes to delete the \$5,000 Exemption from 11 CFR 300.32(c)(4). Paragraph (c)(4) of the proposed rule would require State, local, and district political party committees to pay for *all* allocable FEA either entirely with Federal funds or with an allocation of Federal and Levin funds pursuant to 11 CFR 300.33. The Commission solicits comments on the proposed regulation. The Commission also invites comments on whether following the precise language of BCRA would lead to “absurd or futile results,” absent promulgation of a *de minimis* exemption for disbursement of Levin funds by State, district, and local political party committees.

#### **II. Alternative Proposal for 11 CFR 300.32(c)(4)**

Although not reflected in the attached proposed rules, the Commission also seeks comments on whether 11 CFR

300.32(c)(4) should be revised to apply only to State, district, and local party committees with combined receipts and disbursements for FEA (whether allocable or not) that together aggregate to less than \$5,000 in a calendar year. See 2 U.S.C. 434(e)(2)(A). If a *de minimis* exemption allowing for the exclusive use of Levin funds for allocable Type 1&2 FEA were to apply only to State, district, and local party committees with FEA receipts and disbursements aggregating less than \$5,000 in a calendar year, the exemption would then apply only to those committees that are already statutorily exempt from having to report FEA under the exception contained in 2 U.S.C. 434(e)(2)(A). The Commission invites comment on whether adoption of this alternative proposal would comport with the statutory intent of 2 U.S.C 441i(b).

#### *Certification of No Effect Pursuant to 5 U.S.C. 605(b) [Regulatory Flexibility Act]*

The Commission certifies that the attached proposed rules, if promulgated, would not have a significant economic impact on a substantial number of small entities. The basis for this certification is that the State, district, and local party committees of the two major political parties are not small entities under 5 U.S.C. 601 because they are not small businesses, small organizations, or small governmental jurisdictions. To the extent that other political party committees may fall within the definition of “small entities,” their number is not substantial.

#### **List of Subjects in 11 CFR Part 300**

Campaign funds, Nonprofit organizations, Political candidates, Political committees and parties, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Federal Election Commission proposes to amend subchapter C of chapter I of title 11 of the *Code of Federal Regulations* as follows:

#### **PART 300—NON-FEDERAL FUNDS**

1. The authority citation for part 300 would continue to read as follows:

**Authority:** 2 U.S.C. 434(e), 438(a)(8), 441a(a), 441i, 453.

2. Section 300.32 would be amended by revising paragraph (c)(4) to read as follows:

#### **§ 300.32 Expenditures and disbursements**

\* \* \* \* \*

(c) \* \* \*

(4) The disbursements for allocable Federal election activity may be paid for entirely with Federal funds or may be allocated between Federal funds and Levin funds according to 11 CFR 300.33.

\* \* \* \* \*

Dated: January 27, 2005.

**Scott E. Thomas,**

*Chairman, Federal Election Commission.*

[FR Doc. 05–1891 Filed 2–1–05; 8:45 am]

**BILLING CODE 6715–01–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. FAA–2005–20251; Directorate Identifier 2004–NM–164–AD]

**RIN 2120–AA64**

#### **Airworthiness Directives; Raytheon Model Hawker 800XP 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 Raytheon Model Hawker 800XP airplanes. This proposed AD would require inspecting to detect damage of certain wiring in the flight compartment, performing corrective actions if necessary, modifying certain wiring connections, and revising the airplane flight manual. This proposed AD is prompted by reports of miswiring in the power distribution system. We are proposing this AD to ensure that the flightcrew is aware of the source of battery power for certain equipment, and to prevent damage to wiring and surrounding equipment that could result in smoke or fire on the airplane.

**DATES:** We must receive comments on this proposed AD by March 21, 2005.

**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.

<sup>5</sup> The Commission has filed an appeal with the U.S. Court of Appeals for the D.C. Circuit of certain aspects of the *Shays* decision, including the court’s conclusion that the \$5,000 Exemption is inconsistent with the statutory intent of 2 U.S.C 441i(b). The appeal is currently pending. In the event the Commission prevails on appeal, the Commission may terminate this rulemaking proceeding prior to adoption of final rules.

- 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 Raytheon Aircraft Company, Department 62, P.O. Box 85, Wichita, Kansas 67201-0085.

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-2005-20251; the directorate identifier for this docket is 2004-NM-164-AD.

#### FOR FURTHER INFORMATION CONTACT:

Philip Petty, Aerospace Engineer, Electrical Systems and Avionics, ACE-119W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4139; fax (316) 946-4107.

#### 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 under **ADDRESSES**. Include "Docket No. FAA-2005-20251; Directorate Identifier 2004-NM-164-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, business, labor union, etc.). You can review 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 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 DMS receives them.

#### Discussion

We have received a report indicating that miswiring in the flight compartment has been found on Raytheon Model Hawker 800XP airplanes. In one case, this miswiring affects the radio emergency switch, which is intended to ensure that the flightcrew is able to use navigation and communication radios when the airplane batteries are depleted during an electrical emergency. However, activating the radio emergency switch under normal aircraft operating conditions links the 35-amp essential radio bus and the radio emergency bus, which results in several wires being connected to the 35-amp essential radio bus without protection by circuit breakers or fuses. If one of these wires were to short to ground or be exposed to excessive current flow, wires, connectors, relays, or surrounding circuits or equipment may be damaged. Operating the radio emergency switch in accordance with the Emergency Procedures section of the airplane flight manual (AFM) will not cause the condition. In another case, miswiring has resulted in battery no. 3 supplying power to equipment that the Emergency Procedures section of the AFM identifies as being supplied by battery no. 4 and vice versa. These conditions, if not corrected, could cause the flightcrew to be misled about the source of battery power for certain equipment, or could lead to damage to wiring and surrounding equipment that could result in smoke or fire on the airplane.

#### Relevant Service Information

We have reviewed Raytheon Service Bulletin 24-3555, Revision 1, dated June 2004. Part 1 of the service bulletin describes procedures for visually inspecting for damage (primarily, but not limited to, evidence of heat damage) of wiring in the flight compartment. If any damage is found, corrective actions include performing repairs, or replacing damaged wiring with new wiring and replacing, with new parts, any relays or connectors from which damaged wiring extends. Part 2 of the service bulletin describes procedures for modifying certain wiring connections in the flight

compartment, which includes replacing a certain circuitbreaker switch with an improved part, installing new busbars, and replacing a certain circuitbreaker with an improved part.

The service bulletin also specifies revising the Emergency Procedures section of the AFM to include a certain temporary change. We have reviewed Raytheon Hawker 800XP Temporary Change 140-590032-0005TC7, dated June 3, 2003, which is intended to inform the flightcrew which standby batteries provide power to what equipment once the actions in Raytheon Service Bulletin 24-3555, Revision 1, have been done.

Accomplishing the actions specified in Raytheon Service Bulletin 24-3555, Revision 1, is intended to adequately address the unsafe condition.

#### 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 airplanes of this same type design. Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously, except as discussed under "Differences Between the Proposed AD and Service Information."

#### Clarification of Inspection Type

Raytheon Service Bulletin 24-3555, Revision 1, specifies visually inspecting for damage of certain wiring in the flight compartment. We find that the procedures described in the service bulletin constitute a detailed inspection. Note 1 of this proposed AD defines what we mean by "detailed inspection."

#### Differences Between the Proposed AD and Service Information

Where Raytheon Service Bulletin 24-3555, Revision 1, specifies contacting the manufacturer for information on certain actions, this proposed AD requires that, before further flight, you must contact the FAA. Then, before further flight, any applicable action specified by the FAA must be accomplished in accordance with a method approved by the FAA.

Raytheon Service Bulletin 24-3555, Revision 1, specifies that, on certain airplanes equipped with Airshow Cabin Display, the actions in Raytheon Service Bulletin 24-3664 must be done concurrently with or subsequent to the actions in Part 2 of Raytheon Service Bulletin 24-3555, Revision 1. We have determined that it is not necessary for this proposed AD to require accomplishing Raytheon Service

Bulletin 24–3664. It is possible to do all of the applicable actions in Raytheon Service Bulletin 24–3555, Revision 1, without first doing the actions in Raytheon Service Bulletin 24–3664.

Although the Accomplishment Instructions of Raytheon Service Bulletin 24–3555, Revision 1, describe procedures for reporting compliance with the service bulletin, this proposed AD would not require that action.

### Costs of Compliance

There are about 45 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspection .....	18	\$65	None	\$1,170	30	\$35,100
Modification .....	6	65	\$435	825	30	24,750

### 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. 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):

**Raytheon Aircraft Company:** Docket No. FAA–2005–20251; Directorate Identifier 2004–NM–164–AD.

#### Comments Due Date

- (a) The Federal Aviation Administration (FAA) must receive comments on this AD action by March 21, 2005.

#### Affected ADs

- (b) None.

#### Applicability

- (c) This AD applies to Raytheon Model Hawker 800XP airplanes, certificated in any category, serial numbers 258541, 258556, and 258567 through 258608 inclusive.

#### Unsafe Condition

- (d) This AD was prompted by reports of miswiring in the power distribution system. We are issuing this AD to ensure that the flightcrew is aware of the source of battery power for certain equipment, and to prevent damage to wiring and surrounding equipment that could result in smoke or fire on 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.

### Service Information Reference

- (f) The term "service bulletin," as used in this AD, means Raytheon Service Bulletin 24–3555, Revision 1, dated June 2004.

(1) Where the service bulletin specifies contacting the manufacturer for information, this proposed AD requires, before further flight, contacting the Manager, Wichita Aircraft Certification Office (ACO), FAA. Then, before further flight, any applicable action specified by the Manager, Wichita ACO, must be accomplished in accordance with a method approved by the Manager, Wichita ACO.

(2) The service bulletin also refers to Raytheon Hawker 800XP Temporary Change 140–590032–0005TC7, dated June 3, 2003, which is intended to be inserted into the Emergency Procedures section of the airplane flight manual to inform the flightcrew which standby batteries provide power to what equipment once the actions in the service bulletin have been done.

(3) Where the service bulletin specifies to report compliance information to the manufacturer, this AD does not include that requirement.

### Inspection

- (g) Within 50 flight hours or 30 days after the effective date of this AD, whichever is first: Perform a detailed inspection for damage (primarily but not limited to evidence of heat damage) of wiring in the flight compartment, and all applicable corrective actions, by doing all actions in part 1 of the Accomplishment Instructions of the service bulletin, except as provided by paragraphs (f)(1) and (f)(3) of this AD. Any applicable corrective action must be done before further flight.

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

**Modification**

(h) At the applicable time specified in paragraph (h)(1) or (h)(2) of this AD, modify wiring in the flight compartment by doing all actions in accordance with part 2 of the Accomplishment Instructions of the service bulletin. Following accomplishment of the actions in part 2 of the service bulletin, before further flight, do all actions associated with the functional test, including revising the Emergency Procedures section of the Raytheon Hawker 800XP Airplane Flight Manual to include the information in Temporary Change Part Number 140–590032–0005TC7, in accordance with the Accomplishment Instructions of the service bulletin.

(1) If no damage was found during the inspection required by paragraph (g) of this AD: Do paragraph (h) within 300 flight hours or 180 days after the effective date of this AD, whichever is first.

(2) If any damage is found during the inspection required by paragraph (g) of this AD: Do paragraph (h) before further flight after the damage is found.

**Alternative Methods of Compliance (AMOCs)**

(i) The Manager, Wichita ACO, 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 January 26, 2005.

**Ali Bahrami,**

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

[FR Doc. 05–1925 Filed 2–1–05; 8:45 am]

**BILLING CODE 4910–13–P**

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

[Docket No. 2002–NE–40–AD]

**RIN 2120–AA64**

**Airworthiness Directives; Rolls-Royce plc RB211–524 Series Turbofan Engines**

**AGENCY:** Federal Aviation Administration, DOT.

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

**SUMMARY:** This notice revises an earlier proposed airworthiness directive (AD), applicable to Rolls Royce plc (RR) RB211–524 series turbofan engines with certain part number (P/N) intermediate pressure (IP) compressor stage 5 disks installed. That proposal required new reduced IP compressor stage 5 disk cyclic limits. That proposal also required removing from service affected disks that already exceed the new

reduced cyclic limit, and removing other affected disks before exceeding their cyclic limits, using a drawdown schedule. That proposal resulted from the discovery of cracks in the cooling air hole areas of the disk front spacer arm. This Supplemental Notice of Proposed Rulemaking (SNPRM) revises the proposed rule by correcting certain cycle life limits specified in Table 3 of that AD and by clarifying certain inspections. We are proposing this AD to prevent IP compressor stage 5 disk failure, which could result in uncontained engine failure and possible damage to the airplane.

**DATES:** Comments must be received by April 4, 2005.

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

- By mail: Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002–NE–40–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 Rolls-Royce plc, PO Box 31 Derby, DE248BJ, United Kingdom; telephone 011–44–1332–242424; fax 011–44–1332–249936.

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

**FOR FURTHER INFORMATION CONTACT:** Ian Dargin, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7178; fax (781) 238–7199.

**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. 2002–NE–40–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.

**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 21, 2003 we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an AD to apply to RR RB211–524 series turbofan engines, with certain P/N IP compressor stage 5 disks installed. The Office of the Federal Register published that proposal as a notice of proposed rulemaking (NPRM) in the **Federal Register** on October 27, 2003 (68 FR 61158). That NPRM would have required new reduced IP compressor stage 5 disk cyclic limits. The NPRM also required removing from service affected disks that already exceed the new reduced cyclic limit, and removing other affected disks before exceeding their cyclic limits, using a drawdown schedule. That NPRM resulted from the discovery of cracks in the cooling air hole areas of the disk front spacer arm. That condition, if not corrected, could result in IP compressor stage 5 disk failure, which could result in uncontained engine failure and possible damage to the airplane.

Since we issued that NPRM, we found an error in Table 3 at the date December 1, 2008 row. The cycle life limits in columns 4 and 5 of this row were written incorrectly as 12,000. We have corrected those cycle life limits to 8,900 and 9,000 CIS, respectively. We have removed the phrase “one-time” in reference to on-wing inspections. We also added a sentence to clarify that an on-wing inspection may be used to extend service life only once between shop visit inspections of the disk.

Since these changes expand the scope of the originally proposed rule, we determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

**Manufacturer's Service Information**

We have reviewed and approved the technical contents of RR Mandatory Service Bulletin (MSB) No. RB.211–72–D428, Revision 3, dated June 30, 2003, that specifies a drawdown schedule for