

Actions	Compliance	Procedures
(4) After removal of the shock absorber bolts (P/N 532.10.12.110), send the old removed bolts to Pilatus. Report this to FAA at the address in paragraph (f) of this AD. The Office of Management and Budget (OMB) approved the information collection requirements contained in this regulation under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 <i>et seq.</i> ) and assigned OMB Control Number 2120-0056.	Within the next 30 calendar days after May 6, 2004 (the effective date of this AD), unless already done..	Not Applicable.
(5) Before installing any left or right MLG assembly (P/N 532.10.12.049 or P/N 532.10.12.050) that has a serial number beginning with AM, ensure that the shock absorber bolts (P/N 532.10.12.110) NOT MARKED with "AT" or "VLG" have been replaced, and, if not, replace with new bolts.	As of May 6, 2004 (the effective date of this AD).	Follow Pilatus PC12 Service Bulletin No: 32-015, dated September 12, 2003

#### 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.

#### Does This AD Incorporate Any Material by Reference?

(g) You must do the actions required by this AD following the instructions in Pilatus PC12 Service Bulletin No: 32-015, dated September 12, 2003. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may get a copy from Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 619 6224; or from Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465-9099; facsimile: (303) 465-6040. You may review copies at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### Is There Other Information That Relates to This Subject?

(h) Swiss AD Number HB 2003-522, dated November 14, 2003, also addresses the subject of this AD.

Issued in Kansas City, Missouri, on March 15, 2004.

**James E. Jackson,**

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

[FR Doc. 04-6260 Filed 3-23-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NM-400-AD; Amendment 39-13527; AD 2004-06-01]

**RIN 2120-AA64**

#### Airworthiness Directives; Dornier Model 328-100 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328-100 series airplanes, that requires replacement of the existing main landing gear (MLG) leg assembly with a modified assembly. This action is necessary to prevent fatigue damage of the MLG leg, which could result in collapse of the MLG. This action is intended to address the identified unsafe condition.

**DATES:** Effective April 28, 2004.

The incorporation by reference of a certain publication listed in the regulations is approved by the Director of the Federal Register as of April 28, 2004.

**ADDRESSES:** The service information referenced in this AD may be obtained from AvCraft Aerospace GmbH, P.O.

Box 1103, D-82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Tom Groves, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1503; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328-100 series airplanes was published in the **Federal Register** on January 5, 2004 (69 FR 287). That action proposed to require replacement of the existing main landing gear (MLG) leg assembly with a modified assembly.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

#### Conclusion

After careful review of the available data, we have determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

We estimate that 53 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required

replacement, and that the average labor rate is \$65 per work hour. Required parts will be provided by the manufacturer at no charge. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be \$27,560, or \$520 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. 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 adopted herein will 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 final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

**2004-06-01 Fairchild Dornier GmbH (Formerly Dornier Luftfahrt GmbH):**  
Amendment 39-13527. Docket 2001-NM-400-AD.

**Applicability:** Model 328-100 series airplanes, certificated in any category, serial numbers (S/Ns) 3005 through 3119 inclusive, equipped with a main landing gear (MLG) leg assembly, main body, or main machined body having a part number (P/N) and S/N listed in Table 1 of this AD.

TABLE 1.—MLG LEG ASSEMBLY, MAIN BODY, AND MAIN MACHINED BODY P/Ns AND S/Ns

MLG part name	P/N	S/Ns
Leg assembly .....	22730-000-02	U16 through U22 inclusive.
Leg assembly .....	22731-000-02	U16 through U22 inclusive.
Main body .....	22415-000-01	U16 through U22 inclusive.
Main body .....	22416-000-01	U16 through U22 inclusive.
Main machined body .....	24284-000-00	U56, U62, U64, U66, U68, U70, U74.
Main machined body .....	22286-000-00	U51, U57, U59, U65, U67, U73, U85.

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

To prevent fatigue damage of the MLG leg, which could result in collapse of the MLG, accomplish the following:

#### Replacement of MLG Leg Assembly

(a) Prior to the accumulation of 16,000 total landings on the MLG body, or within 300 flight hours after the effective date of this AD, whichever occurs later, replace the existing MLG leg assembly with a modified leg assembly per Dornier Service Bulletin SB 328-32-344, Revision 1, dated June 11, 2001.

**Note 1:** Dornier Service Bulletin SB 328-32-344, Revision 1, refers to Messier-Dowty Service Bulletins 800-32-028, dated November 27, 2000; and 800-32-014, dated January 18, 1999; as appropriate sources of service information for modifying the MLG leg assembly.

#### Alternative Methods of Compliance

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

#### Incorporation by Reference

(c) The actions shall be done in accordance with Dornier Service Bulletin SB 328-32-344, Revision 1, dated June 11, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from AvCraft Aerospace GmbH, P.O. Box 1103, D-82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 2:** The subject of this AD is addressed in German airworthiness directive 2002-001, dated January 10, 2002.

#### Effective Date

(d) This amendment becomes effective on April 28, 2004.

Issued in Renton, Washington, on March 5, 2004.

**Ali Bahrami,**

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

[FR Doc. 04-5941 Filed 3-23-04; 8:45 am]

**BILLING CODE 4910-13-P**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Food and Drug Administration

#### 21 CFR Chapter 1

#### Change of Name; Technical Amendment

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Food and Drug Administration (FDA) is amending its regulations to reflect a change in the name of the Dockets Management