

# Proposed Rules

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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 Chapters I and III

[Docket No. FAA-2004-17168]

#### Review of Existing Regulations

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

**ACTION:** Request for comments.

**SUMMARY:** The FAA requests comments from the public to identify those regulations currently in effect that we should amend, remove, or simplify. We are publishing this notice under our ongoing regulatory review program required by Executive Order 12866. Getting public comments is a necessary element of our effort to make our regulations more effective and less burdensome.

**DATES:** Send comments to reach us by May 25, 2004.

**ADDRESSES:** You may send comments identified by Docket Number FAA-2004-17168 using any of the following methods:

- 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. **Note:** Due to suspension of mail delivery to DOT headquarters facilities, we encourage commenters to file comments electronically.
  - 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.
- For more information on the rulemaking process, see the

**SUPPLEMENTARY INFORMATION** section of this document.

*Privacy:* We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. For more information, see the Privacy Act discussion in the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* To read background documents or comments received, go to <http://dms.dot.gov> at any time or to 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 FURTHER INFORMATION CONTACT:** Patrick W. Boyd, Office of Rulemaking, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 267-7320, facsimile (202) 267-5075.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Congress has authorized the Secretary of Transportation, and by delegation, the Administrator of the Federal Aviation Administration (FAA) to do the following, among other things:

- Develop and maintain a sound regulatory system that is responsive to the needs of the public,
  - Regulate air commerce in a way that best promotes safety and fulfills national defense requirements, and
  - Oversee, license, and regulate commercial launch and reentry activities and the operation of launch and reentry sites as carried out by U.S. citizens or within the United States.
- Anyone interested in further information about FAA's authority and responsibilities should refer to Title 49 of the United States Code, particularly Subtitle VII, Aviation Programs.

For many years, the FAA has maintained an active regulatory review program:

- In 1992, the President announced a regulatory review to "weed out unnecessary and burdensome government regulations, which impose needless costs on consumers and substantially impede economic growth." In response to a request for public comments published in the **Federal Register** (57 FR 4744), the FAA received more than 300 comments.
- In August 1993, the National Commission to Ensure a Strong

Competitive Airline Industry recommended the FAA undertake a short-range regulatory review to remove or amend existing regulations to reduce regulatory burdens consistent with safety and security considerations.

- In September 1993, section 5 of Executive Order 12866 (58 FR 5173) required each agency to submit a program to the Office of Management and Budget by December 31, 1993, under which the agency will periodically review its existing significant regulations to determine whether any should be changed or removed.

- In January 1994, the FAA published a request for public comments in response to the Commission recommendation and to facilitate the review envisioned by E.O. 12866 (59 FR 1362). We received more than 400 comments from 184 commenters.

- In August 1995, the FAA published its proposed plan for periodic regulatory reviews for comment (60 FR 44142).

- In October 1996, the FAA adopted its current plan for periodic regulatory reviews based on a three-year cycle (61 FR 53610).

- In February 1997, the White House Commission on Aviation Safety and Security recommended the FAA simplify its regulations.

- In May 1997, the FAA published its first request for comments under the three-year review program and in accord with the Commission recommendation (62 FR 26894). We received 82 comments and published results of the review in October 1998 (63 FR 56540).

- In July 2000, the FAA began the second round of regulatory review under the three-year program (65 FR 43265). We received 476 comments and published results of the review in January 2002 (67 FR 4680).

In summary, since 1992 the FAA has completed four rounds of regulatory review and has received more than 1,250 comments. Currently, we have begun a comprehensive regulatory review of 14 CFR parts 125 and 135 to respond to industry dynamics, new technologies, new aircraft types and configurations, and current operating issues and environment (68 FR 5488).

#### **Request for Comments**

As part of its ongoing plan for periodic regulatory reviews, the FAA is requesting the public identify three regulations, in priority order, that it

believes we should amend or eliminate. To avoid duplication of effort, we ask the public to direct any comments concerning 14 CFR parts 125 and 135 to the address included in the February 3, 2003, notice announcing that special review (68 FR 5488). Also, readers should note that this is the first periodic regulatory review that specifically includes 14 CFR Chapter III, the regulations governing commercial space transportation. In earlier review cycles, the FAA requested comments only on 14 CFR Chapter I.

Our goal is to identify regulations that impose undue regulatory burden; are no longer necessary; or overlay, duplicate, or conflict with other Federal regulations. In order to focus on areas of greatest interest, and to effectively manage agency resources, the FAA asks that commenters responding to this notice limit their input to three issues they consider most urgent, and to list them in priority order.

The FAA will review the issues addressed by the commenters against its regulatory agenda and rulemaking program efforts and adjust its regulatory priorities consistent with its statutory responsibilities. At the end of this process, the FAA will publish a summary and general disposition of comments and indicate, where appropriate, how we will adjust our regulatory priorities.

Also, we request the public provide any specific suggestions where rules could be developed as performance-based rather than prescriptive, and any specific plain-language that might be used, and provide suggested language on how those rules should be written.

Issued in Washington DC, on February 20, 2004.

**Nick Sabatini,**

*Associate Administrator for Regulation and Certification.*

[FR Doc. 04-4171 Filed 2-24-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NM-288-AD]

RIN 2120-AA64

#### **Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes**

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

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

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all BAE Systems (Operations) Limited (Jetstream) Model 4101 airplanes. This proposal would require a review of airplane maintenance records and an inspection of the nose landing gear (NLG) to determine the part number of the steering pinion, and follow-on/corrective actions as applicable. The actions specified by the proposed AD are intended to prevent failure of the steering pinion in the NLG, which could result in loss of steering and possible damage to the airplane during takeoff and landing. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by March 26, 2004.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-288-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: [9-anm-nprmcomment@faa.gov](mailto:9-anm-nprmcomment@faa.gov). Comments sent via fax or the Internet must contain "Docket No. 2001-NM-288-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

Todd Thompson, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1175; fax (425) 227-1149.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address

specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-288-AD." The postcard will be date stamped and returned to the commenter.

#### **Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-288-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### **Discussion**

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on all BAE Systems (Operations) Limited (Jetstream) Model 4101 airplanes. The CAA advises that the manufacturer of the landing gear reported that a batch of steering pinions installed in the nose landing gear (NLG) were incorrectly heat treated, resulting in a softer base metal and reduced fatigue life. A steering pinion with reduced strength can affect the structural integrity of the NLG. This condition, if not corrected, could result in failure of the steering pinion in the NLG, and consequent loss of steering and possible damage to the airplane during takeoff and landing.