

required to gain access and close up, planning time, or time necessitated by other administrative actions.

### Regulatory Impact

The regulations proposed herein 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this 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) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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:

**Short Brothers PLC:** Docket 2003–NM–178–AD.

*Applicability:* All Short Brothers Model SD3 series airplanes, certificated in any category.

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

To detect and correct corrosion and deterioration of the aft pintle pin bushings of the main landing gear (MLG), which could result in the MLG not extending fully during landing, with consequent damage to the airplane structure, accomplish the following:

### Service Bulletin Reference

(a) The term "service bulletin," as used in this AD, means the Accomplishment Instructions of the following service bulletins, as applicable:

(1) For Model SD3–30 series airplanes: Short Brothers Service Bulletin SD330–32–122, dated April 30, 2003.

(2) For Model SD3 SHERPA series airplanes: Short Brothers Service Bulletin SD3 SHERPA–32–3, dated April 30, 2003.

(3) For Model SD3–60 SHERPA series airplanes: Short Brothers Service Bulletin SD360 SHERPA–32–2, dated April 30, 2003.

(4) For Model SD3–60 series airplanes: Short Brothers Service Bulletin SD3–60–32–36, Revision 1, dated May 26, 2003.

**Note 1:** Short Brothers Service Bulletin SD3–60–32–36 references Short Brothers Service Bulletin SD360–32–03, dated November 1983, as an additional source of service information for replacement of certain bushings, if necessary.

### Tests, Inspection, Measurements, and Corrective Action

(b) Within 24 months after the effective date of this AD: Do a friction test for stiffness of the aft pintle pin bushings of the MLG, and a detailed inspection for any defect of the bushings of the aft pintle pin of the MLG; and measure the bore diameter of the bushings (if a defect is found, this paragraph requires that the bushing be replaced; therefore, it is not necessary to do the bore diameter measurement on that bushing). Do all applicable corrective actions and other specified actions prior to further flight. Do all actions per the applicable service bulletin.

**Note 2:** For the purposes of this AD, a detailed inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

### No Reporting Requirement

(c) Although the service bulletins specify to send certain items to Short Brothers for evaluation (*i.e.*, results of the friction tests, unserviceable bushings, and photographs of serviceable bushings), this AD does not require that action.

### Alternative Methods of Compliance

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

**Note 3:** The subject of this AD is addressed in British airworthiness directives 001–04–2003 (for Model SD3–30 series airplanes), 002–04–2003 (for Model SD3–60 series airplanes), 004–04–2003 (for Model SD3 SHERPA series airplanes), and 003–04–2003 (for Model SD3–60 SHERPA series airplanes).

Issued in Renton, Washington, on June 3, 2004.

**Franklin Tiangsing,**

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

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**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003–NM–11–AD]

RIN 2120–AA64

### Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) 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 certain Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. This proposal would require a one-time inspection of the shafts of the main landing gear (MLG) side-brace fittings to detect corrosion, and the forward and aft bushings in the left-hand and right-hand MLG side-brace fittings to detect discrepancies. This proposal also would require corrective and related actions if necessary. This action is necessary to prevent fractures of the MLG side-brace fitting shafts, and possible collapse of the MLG. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by July 14, 2004.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–11–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*. Comments sent via fax or the Internet must contain "Docket No. 2003–NM–11–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 Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, suite 410, Westbury, New York.

**FOR FURTHER INFORMATION CONTACT:** Serge Napoleon, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, suite 410, Westbury, New York 11590; telephone (516) 228-7312; fax (516) 794-5531.

**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 2003-NM-11-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. 2003-NM-11-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on certain Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes. TCCA advises that there have been reports of fractures of the side-brace fitting shafts of the main landing gear (MLG). The fractures occurred on Bombardier Model CL-604 series airplanes. Investigation revealed that the fractures were caused by corrosion on the forward side of the MLG side-brace fitting shafts. Fractures of the side-brace fitting shafts, if not corrected, could result in collapse of the MLG.

The subject area on the affected Bombardier Model CL-604 series airplanes is almost identical to that on certain Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes. Therefore, Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes may be subject to the same unsafe condition revealed on the Bombardier Model CL-604 series airplanes. The Model CL-604 series airplanes are the business version of the Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes. The FAA may consider issuing further rulemaking for the affected Model CL-604 series airplanes.

**Explanation of Relevant Service Information**

Bombardier has issued Service Bulletin 601R-57-036, Revision 'C', including Appendix A, dated January 30, 2003, which describes procedures for a visual inspection of the shafts of the side-brace fittings of the MLG for corrosion; and a visual inspection of the forward and aft bushings in the MLG side-brace fittings for discrepancies (gouges, scores, corrosion, or other damage). If corrosion is found on the MLG side-brace fitting shaft, the corrective action is to replace the side-brace fitting shaft with a new or serviceable shaft. The service bulletin specifies that operators should complete a report detailing the extent of the corrosion, and send it to the

manufacturer. If the forward and aft bushings in the MLG side-brace have any discrepancy, the corrective action is to contact Bombardier for replacement instructions.

Following the inspection and any necessary corrective actions, the service bulletin describes related actions that include reconnecting the MLG side-brace fitting; installing a new improved nut having a new part number; and performing a functional test of the MLG extension/retraction system.

TCCA classified this service bulletin as mandatory and issued Canadian airworthiness directive CF-2002-41, dated September 20, 2002, to ensure the continued airworthiness of these airplanes in Canada.

**FAA's Conclusions**

These airplane models are manufactured in Canada 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, TCCA has kept us informed of the situation described above. We have examined the findings of TCCA, 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.

**Explanation of Requirements of Proposed AD**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

**Differences Among the Proposed AD, the Service Bulletin, and the Canadian Airworthiness Directive**

Although the Canadian airworthiness directive and the service bulletin specify that operators may contact Bombardier for certain replacement instructions, this proposed AD would require operators to replace per a method approved by either the FAA or the TCCA (or its delegated agent). In light of the type of replacement that would be required to address the unsafe condition, and consistent with existing bilateral airworthiness agreements, we have determined that, for this proposed AD, a replacement approved by either the FAA or the TCCA would be acceptable for compliance with this proposed AD.

The Canadian airworthiness directive mandates, and the Bombardier service bulletin recommends, compliance at the next scheduled "C-check," but no later than June 30, 2004. Because "C-check" schedules vary among operators, this proposed AD would require compliance within 4,000 flight cycles or 20 months after the effective date of this AD, whichever occurs first. We find that 4,000 flight cycles or 20 months is appropriate for affected airplanes to continue to operate without compromising safety.

Although the Canadian airworthiness directive refers to an inspection of the bore surface of the bushing for roughness, this proposed AD would not include this inspection. This inspection was removed from Revision 'C' of Bombardier Service Bulletin 601R-57-036, which is the source of service information for the actions in this proposed AD.

The Canadian airworthiness directive does not include the functional test of the MLG extension/retraction system as part of the corrective actions. However, this test is included in Revision 'C' of Bombardier Service Bulletin 601R-57-036. Therefore, this proposed AD would include this test as part of the related actions following any necessary replacement of a side-brace fitting and following the inspections. This test is also included in the Cost Impact estimate of this proposed AD.

These differences have been coordinated with TCCA.

#### Clarification of Inspection Type

The Canadian airworthiness directive refers to the required inspections as "visual inspections." In this proposed AD, we refer to these inspections as "general visual inspections." Note 1 of this proposed AD defines this type of inspection.

#### Interim Action

This proposed AD is considered to be interim action. The inspection reports that are required by this proposed AD will enable the manufacturer to obtain better insight into the nature, cause, and extent of the corrosion of the shafts of the MLG side-brace fittings, and eventually to develop final action to address the unsafe condition. Once final action has been identified, we may consider further rulemaking.

#### Cost Impact

We estimate that 462 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per airplane to accomplish the proposed inspections and functional test, and that

the average labor rate is \$65 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be \$150,150, or \$325 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed 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 proposed herein 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this 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) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

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

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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:

#### Bombardier, Inc. (Formerly Canadair):

Docket 2003-NM-11-AD.

*Applicability:* Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes, serial numbers 7003 through 7651 inclusive; certificated in any category.

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

To prevent fractures of the main landing gear (MLG) side-brace fitting shafts, and possible collapse of the MLG, accomplish the following:

#### Inspections, Corrective Actions, and Related Actions

(a) Within 20 months or 4,000 flight cycles after the effective date of this AD, whichever occurs first: Do a general visual inspection of the shafts of the side-brace fittings of the MLG for corrosion, and of the forward and aft bushings in the left-hand and right-hand MLG side-brace fittings for discrepancies (gouges, scores, corrosion, or other damage); and any applicable corrective and related actions. Do all of the actions per the Accomplishment Instructions of Bombardier Service Bulletin 601R-57-036, Revision 'C', including Appendix A, dated January 30, 2003. Do any applicable corrective and related actions prior to further flight. Where the service bulletin specifies to contact the manufacturer for certain replacement instructions: Before further flight, replace per a method approved by either the Manager, New York Aircraft Certification Office (ACO), FAA; or Transport Canada Civil Aviation (TCCA) (or its delegated agent).

**Note 1:** For the purposes of this AD, a general visual inspection is defined as: "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 enhance visual access to all exposed 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."

#### Reporting

(b) Submit a report of any corrosion of the shafts of the side-brace fittings of the MLG found during the inspections required by paragraph (a) of this AD to the Bombardier Technical Help Desk at fax number (514) 833-8501. Submit the report at the applicable time specified in paragraph (b)(1) or (b)(2) of this AD. Submission of the Field-Report Data Sheet in Appendix A of the service bulletin is an acceptable method for complying with this requirement. Include the inspection results (including the percentage of the corrosion), a digital photo of the shafts (if available), the location (zone) in which the

corrosion is found, the serial number of the airplane, the name of the inspector, the service bulletin number, and the date of the inspection. Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements contained in this AD and has assigned OMB Control Number 2120-0056.

(1) If the inspections are done after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspections were done prior to the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

#### Actions Accomplished Per Previous Issue of Service Bulletin

(c) Actions accomplished before the effective date of this AD per Bombardier Service Bulletin 601R-57-036, Revision 'A', including Appendix A, dated May 17, 2002; or Revision 'B', including Appendix A, dated July 4, 2002; are considered acceptable for compliance with the corresponding actions specified in this AD.

#### Alternative Methods of Compliance

(d) In accordance with 14 CFR 39.19, the Manager, New York ACO, is authorized to approve alternative methods of compliance for this AD.

**Note 2:** The subject of this AD is addressed in Canadian airworthiness directive CF-2002-41, dated September 20, 2002.

Issued in Renton, Washington, on June 3, 2004.

**Franklin Tiangsing,**

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

[FR Doc. 04-13224 Filed 6-10-04; 8:45 am]

**BILLING CODE 4910-13-P**

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## RAILROAD RETIREMENT BOARD

### 20 CFR Part 345

RIN 3220-AB53

#### Employers' Contributions and Contribution Reports

**AGENCY:** Railroad Retirement Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Railroad Retirement Board (Board) proposes to amend its regulations to explain the effective date of consolidated employer records that result in the issuance of a joint contribution rate under the experience rating provisions of section 8 of the Railroad Unemployment Insurance Act. In addition, as a result of an agency reorganization, there has been a change in the title of the Board employee to whom requests for consolidation should be addressed. The Board proposes to amend its regulations to reflect this change.

**DATES:** Comments should be submitted on or before August 13, 2004.

**ADDRESSES:** Any comments should be submitted to Beatrice Ezerski, Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092.

#### FOR FURTHER INFORMATION CONTACT:

Marguerite P. Dadabo, Assistant General Counsel, (312) 751-4945, TDD (312) 751-4701.

**SUPPLEMENTARY INFORMATION:** Effective January 1, 1990, the manner by which payroll taxes on railroad employers are determined moved from a universal tax rate to a tax rate based upon a formula which takes into consideration the amount of benefits that have been paid under the Railroad Unemployment Insurance Act (RUIA) to an employer's employees. This new method of computing employers' contribution rates is commonly referred to as experience rating. Part 345 of the Board's regulations deals with the manner by which experience rating contribution rates are determined and how employers report such contributions. Various business transactions throughout the year can impact employers' contribution rates. The existence of more than one rate for an employer during a calendar year creates a significant administrative burden for the Board, due to the design of the experience rating database. Therefore, the Board has adopted a policy of updating contribution rates to reflect relevant business transactions effective with the calendar year following the Board's determination related to the transaction.

In accordance with an agency reorganization, the revision to § 345.202 amends the title of the Board official to whom requests for the consolidation of employer records should be addressed from the Director of Unemployment and Sickness Insurance to the Director of Assessment and Training.

The revision to § 345.203 notifies employers of the date upon which an individual employer record will be updated to reflect a merger or combination of two or more employers. Where the entity surviving the merger is not a new employer, the individual employer record will not be updated to reflect the combined record until the calendar year following the year of the Board's determination. Where the entity surviving the merger becomes an employer under part 202 of subchapter B by virtue of the merger, the individual employer record shall consist of the combined record effective with its employer effective date.

The revision to § 345.204 notifies employers of the date upon which an individual employer record will be updated to reflect the acquisition of assets from another employer. Where the employer acquiring the assets is not a new employer under part 202 of subchapter B, the individual employer record for that employer will take into consideration the acquired assets effective with the calendar year following the year of the Board's determination. Otherwise, the individual employer record for the entity that becomes an employer by virtue of the acquisition will take the acquired assets into consideration as of the employer effective date.

In order to comply with the President's June 1, 1998 memorandum directing the use of plain language for all proposed and final rulemaking, the regulatory paragraphs introduced by the above rule changes have been written in plain language.

#### Collection of Information Requirements

The amendments to this part do not impose additional information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

#### Regulatory Impact Statement

Prior to publication of this proposed rule, the Board submitted the rule to the Office of Management and Budget for review pursuant to Executive Order 12866. Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for rules that constitute significant regulatory action, including rules that have an economic effect of \$100 million or more annually. This proposed rule is not a major rule in terms of the aggregate costs involved. Specifically, we have determined that this proposed rule is not a major rule with economically significant effects because it would not result in increases in total expenditures of \$100 million or more per year.

The amendments made by this proposed rule are not significant. The amendments explain the effective date when an employer's individual employer records under the Railroad Unemployment Insurance Act (RUIA)