

(3) Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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.

#### Effective Date

(l) This amendment becomes effective on May 20, 2003.

Issued in Renton, Washington, on April 4, 2003.

**Vi L. Lipski,**

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

[FR Doc. 03-8742 Filed 4-14-03; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NM-386-AD; Amendment 39-13113; AD 2003-08-02]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD-90-30 airplanes. This action requires a one-time inspection for chafing or damage of the cable assemblies and follow-on modification of the cable assemblies of the powered seats located in the first-class cabin. This action is necessary to prevent chafing and damage of the cable assemblies due to contact between the cable and the metal retaining clip on the seat leg, which could result in electrical arcing and consequent smoke and/or fire in the cabin. This action is intended to address the identified unsafe condition.

**DATES:** Effective April 30, 2003.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 30, 2003.

Comments for inclusion in the Rules Docket must be received on or before June 16, 2003.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114,

Attention: Rules Docket No. 2001-NM-386-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-iarcomment@faa.gov*. Comments sent via fax or the Internet must contain "Docket No. 2001-NM-386-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 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

George Mabuni, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5341; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** Boeing production personnel reported that, while securing a first-class powered seat to the floor during routine maintenance, the seat-to-seat power cable assembly shorted and arced causing a small fire under the seat. Investigation revealed that the tie-wrapped cable assembly had migrated and was contacting the metal retaining clip on the powered seat leg. This condition, if not corrected, could result in chafing and damage of the cable assemblies, consequent electrical arcing, and smoke and/or fire in the cabin.

#### Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin MD90-25A056, Revision 01, dated April 30, 2002, which describes procedures for a one-time visual inspection for chafing or damage of the cable assemblies and follow-on modification of the cable

assemblies of the powered seats located in the first-class cabin between fuselage stations Y=273.500 and Y=465.000. The modification includes fabrication of identification bands for the left and right side seat plug cables, and accomplishment of one of the following conditions:

*Condition 1*—If no chafing or damage is found, install cable assemblies and mating identification bands; install protective sleeving and wrap; install and route seat cable assemblies using improved methods; and coil and stow the ground wire;

*Condition 2*—If any chafing or damage is found that is within the limits specified in Chapter 20 of the Standard Wiring Practices Manual (SWPM), repair the damaged cable assemblies and do a continuity check; install cable assemblies and mating identification bands; install protective sleeving and wrap; install and route seat cable assemblies using improved methods; and coil and stow the ground wire; or

*Condition 3*—If any chafing or damage is found that is outside the limits specified in Chapter 20 of the SWPM, replace the damaged wires or cable assemblies with new components, and do a continuity check; install cable assemblies and mating identification bands; install protective sleeving and wrap; install and route seat cable assemblies using improved methods; and coil and stow the ground wire.

The procedures for inspection and modification described above are for Group 1 airplanes. The procedures for Group 2 airplanes are the same, except there is no coiling and stowing of the ground wire.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

#### Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design that may be registered in the United States at some time in the future, this AD is being issued to prevent chafing and damage of the cable assemblies due to contact between the cable and the metal retaining clip on the seat leg, which could result in electrical arcing and consequent smoke and/or fire in the cabin. This AD requires a one-time inspection for chafing or damage of the cable assemblies and follow-on modification of the cable assemblies of the powered seats located in the first-class cabin. The actions are required to be accomplished in

accordance with the service bulletin described previously.

#### Cost Impact

None of the Model MD-90-30 airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 7 work hours to accomplish the required modification, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this AD would be \$420 per airplane.

#### Determination of Rule's Effective Date

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

#### Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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 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 rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-386-AD." The postcard will be date stamped and returned to the commenter.

#### 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:

#### 2003-08-02 McDonnell Douglas:

Amendment 39-13113. Docket 2001-NM-386-AD.

*Applicability:* Model MD-90-30 airplanes, as listed in Boeing Alert Service Bulletin MD90-25A056, Revision 01, dated April 30, 2002; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

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

To prevent chafing and damage of the cable assemblies of the powered seats located in the first-class cabin, which could result in electrical arcing and consequent smoke and/or fire in the cabin, accomplish the following:

#### One-Time Inspection/Follow-on Modification

(a) Within 6 months after the effective date of this AD: Do a one-time general visual inspection for chafing and damage of the cable assemblies of the powered seats located in the first-class cabin between fuselage stations Y=273.500 and Y=465.000, per Boeing Alert Service Bulletin MD90-25A056, Revision 01, dated April 30, 2002. Before further flight, do the applicable follow-on modification specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD.

**Note 2:** 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."

(1) If no chafing or damage is found, modify the cable assemblies (includes

installing cable assemblies and mating identification bands; installing protective sleeving and wrap; installing and routing of seat cable assemblies using improved methods; and coiling and stowing the ground wire if applicable) per Condition 1 of the service bulletin.

(2) If any chafing or damage is found that is within the limits specified in Chapter 20 of the Standard Wiring Practices Manual (SWPM), modify the cable assemblies (includes repairing the damaged cable assemblies and doing a continuity check; installing cable assemblies and mating identification bands; installing protective sleeving and wrap; installing and routing of seat cable assemblies using improved methods; and coiling and stowing the ground wire if applicable) per Condition 2 of the service bulletin.

(3) If any chafing or damage is found that is outside the limits specified in Chapter 20 of the SWPM, modify the cable assemblies (includes replacing the damaged wires or cable assemblies with new components, and doing a continuity check; installing cable assemblies and mating identification bands; installing protective sleeving and wrap; installing and routing of seat cable assemblies using improved methods; and coiling and stowing the ground wire if applicable) per Condition 3 of the service bulletin.

#### Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

#### Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

#### Incorporation by Reference

(d) The actions shall be done in accordance with Boeing Alert Service Bulletin MD90-25A056, Revision 01, dated April 30, 2002. 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 Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the

Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### Effective Date

(e) This amendment becomes effective on April 30, 2003.

Issued in Renton, Washington, on April 7, 2003.

**Ali Bahrami,**

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

[FR Doc. 03-8892 Filed 4-14-03; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2003-14845; Airspace Docket No. 03-ACE-30]

#### Modification of Class E Airspace; Shenandoah, IA

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

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** An examination of controlled airspace for Shenandoah, IA revealed discrepancies in the Shenandoah Municipal Airport, IA airport reference point and in the location of the Shenandoah, IA nondirectional radio beacon (NDB), both used in the legal description for the Shenandoah, IA Class E airspace. This action corrects the discrepancies by modifying the Shenandoah, IA Class E airspace and by incorporating the current Shenandoah Municipal Airport, IA airport reference point and the current location of the Shenandoah NDB in the Class E airspace legal description.

**DATES:** This direct final rule is effective on 0901 UTC, July 10, 2003.

Comments for inclusion in the Rules Docket must be received on or before May 15, 2003.

**ADDRESSES:** Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2003-14845/ Airspace Docket No. 03-ACE-30, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal

holidays. The Docket Office (telephone 1-800-647-5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

**FOR FURTHER INFORMATION CONTACT:** Kathy Randolph, Air Traffic Division, Airspace Branch, ACE-520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2525.

**SUPPLEMENTARY INFORMATION:** This amendment to 14 CFR 71 modifies the Class E airspace area extending upward from 700 feet above the surface at Shenandoah, IA. It incorporates the current airport reference point for Shenandoah Municipal Airport, IA and the current location of the Shenandoah NDB. It brings the legal description of this airspace area into compliance with FAA Order 7400.2E, Procedures for Handling Airspace Matters. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

#### Comments Invited

Interested parties are invited to participate in this rulemaking by submitting such written data, views, or