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Issued in Kansas City, Missouri, on January 7, 2005.

**James E. Jackson,**

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

[FR Doc. 05-716 Filed 1-18-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-20048; Directorate Identifier 2005-CE-01-AD; Amendment 39-13945; AD 2005-02-01]

RIN 2120-AA64

#### Airworthiness Directives; The Lancair Company Models LC40-550FG and LC42-550FG Airplanes

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

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

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain The Lancair Company (Lancair) Models LC40-550FG and LC42-550FG airplanes. This AD requires you to incorporate additional takeoff chart distance values information into the Performance Section of the FAA-approved Airplane Flight Manual (AFM). This AD results from flight testing that revealed that the takeoff distance values for the affected airplanes could not be duplicated. We are issuing this AD to prevent potential impact with terrain or obstruction during takeoff due to incorrect takeoff distance values.

**DATES:** This AD becomes effective on January 21, 2005. We must receive any comments on this AD by March 18, 2005.

**ADDRESSES:** Use one of the following to submit comments on this 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 20590-001.

- *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.

To get the service information identified in this AD, contact The Lancair Company, 22550 Nelson Road, Bend Oregon 97701; telephone: (541) 330-4191; e-mail:

[product\\_support@lancair.com](mailto:product_support@lancair.com).

To view the comments to this AD, go to <http://dms.dot.gov>. The docket number is FAA-2005-20048.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey Morfitt, Program Manager, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98055-4065; telephone: (425) 917-6405; facsimile: (425) 917-6590.

**SUPPLEMENTARY INFORMATION:** *What events have caused this AD?* During flight testing for the approval of an optional air conditioning system, Lancair could not duplicate the takeoff performance criteria included in the FAA-approved Airplane Flight Manual (AFM) for the Models LC40-550FG and LC42-550FG airplanes. Lancair found that the currently published information predicts takeoff distances that are as much as 65 percent below that actually required.

*What is the potential impact if FAA took no action?* Using this incorrect data in certain situations could result in potential impact with terrain or obstruction during takeoff.

*Is there service information that applies to this subject?* Lancair has issued Mandatory Service Bulletin No. SB-05-001, dated January 4, 2005.

*What are the provisions of this service information?* The service bulletin includes corrected takeoff chart distance values for the Lancair Models LC40-550FG and LC42-550FG airplanes.

#### FAA's Determination and Requirements of the AD

*What has FAA decided?* We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other products of this same type design.

Since the unsafe condition described previously is likely to exist or develop on other Lancair Models LC40-550FG and LC42-550FG airplanes of the same type design, we are issuing this AD to prevent potential impact with terrain or obstruction during takeoff due to incorrect takeoff distance values.

*What does this AD require?* This AD requires you to incorporate additional takeoff chart distance values information into the Performance Section of the FAA-approved AFM.

In preparing of this rule, we contacted type clubs and aircraft operators to get technical information and information on operational and economic impacts. We did not receive any information through these contacts. If received, we would have included a discussion of any information that may have influenced this action in the rulemaking docket.

*How does the revision to 14 CFR part 39 affect this AD?* On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

#### Comments Invited

*Will I have the opportunity to comment before you issue the rule?* This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2005-20048; Directorate Identifier 2005-CE-01-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 rule that might suggest a need to modify it. If a person contacts us through a nonwritten communication, and that contact relates to a substantive part of this 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 AD in light of those comments.

#### Authority for This Rulemaking

*What authority does FAA have for issuing this rulemaking action?* 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 AD.

**Regulatory Findings**

*Will this AD impact various entities?* We have determined that this AD will not have federalism implications under Executive Order 13132. This AD 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.

*Will this AD involve a significant rule or regulatory action?* For the reasons discussed above, I certify that this AD:

- 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 summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "AD Docket FAA-2005-20048; Directorate Identifier 2005-CE-01-AD" in your request.

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

Air transportation, Aircraft, Aviation safety, Safety.

**Adoption of the Amendment**

■ Accordingly, under 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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**2005-02-01 The Lancair Company:**  
Amendment 39-13945; Docket No. FAA-2005-20048; Directorate Identifier 2005-CE-01-AD.

**When Does This AD Become Effective?**

(a) This AD becomes effective on January 21, 2005.

**Are Any Other ADs Affected by This Action?**

(b) None.

**What Airplanes Are Affected by This AD?**

(c) This AD affects the following airplane models and serial numbers that are certificated in any category:

Model	Serial Nos.
LC40-550FG .....	40004 through 40079.
LC42-550FG .....	42002 through 42062.

**What Is the Unsafe Condition Presented in This AD?**

(d) This AD results from flight testing that revealed that the takeoff distance values for the affected airplanes could not be duplicated. We are issuing this AD to prevent potential impact with terrain or obstruction during takeoff due to incorrect takeoff distance values.

**What Must I Do To Address This Problem?**

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) To address the unsafe condition, do the following: (i) Using pen and ink, make the following notation in the takeoff distance chart (Figure 5-7) in Section 5 of the FAA-approved Airplane Flight Manual (AFM): "Caution: See Service Bulletin SB-05-001 for takeoff performance correction." (ii) Insert a copy of Lancair Mandatory Service Bulletin SB-05-001, dated January 4, 2005, into Section 5 of the FAA-approved AFM.	Before further flight after January 21, 2005 (the effective date of this AD).	The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may do the flight manual changes requirement of this AD. Make an entry in the aircraft records showing compliance with this portion of the AD following section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).
(2) Lancair will include this information into the next revision of the FAA-approved AFM. Incorporation of the revision that includes this information into Section 5 of the FAA-approved AFM is considered terminating action for paragraphs (e)(1)(i) and (e)(1)(ii) of this AD.	At any time as terminating action .....	The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may do the flight manual changes requirement of this AD. Make an entry in the aircraft records showing compliance with this portion of the AD following section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

**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, Seattle Aircraft Certification Office, FAA. For information on any already

approved alternative methods of compliance, contact Mr. Jeffrey Morfitt, Program Manager, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98055-4065; telephone: (425) 917-6405; facsimile: (425) 917-6590.

**May I Get Copies of the Document Referenced in This AD?**

(g) You may obtain the service information referenced in this AD from The Lancair

Company 22550 Nelson Road, Bend, Oregon 97701; telephone: (541) 330-4191; e-mail: [product\\_support@lancair.com](mailto:product_support@lancair.com). To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC, or on the Internet at <http://dms.dot.gov>. This is docket number FAA-2005-20048.

Issued in Kansas City, Missouri, on January 10, 2005.

David R. Showers,

Acting Manager, Small Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 05-831 Filed 1-18-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2004-19443; Directorate Identifier 2004-CE-32-AD; Amendment 39-13942; AD 2005-01-17]

RIN 2120-AA64

#### Airworthiness Directives; EXTRA Flugzeugbau GmbH Model EA-300 and EA-300/S Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA adopts a new airworthiness directive (AD) to supersede AD 98-03-14, which applies to certain EXTRA Flugzeugbau GmbH (EXTRA) Model EA-300 and EA-300/S airplanes. AD 98-03-14 currently requires you to inspect the upper longeron cutout-bridge for cracks, to repair any cracks found, and to modify this area. This AD retains the actions of AD 98-03-14 and incorporates new service information. For owner/operators of the affected airplanes that were able to do the modification required in AD 98-03-14, no further action is required. This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. We are issuing this AD to detect and correct cracks in the upper longeron cutout-bridge, which could cause the upper longeron cutout-bridge to fail resulting in structural damage to the fuselage. This condition could lead to loss of control of the airplane.

**DATES:** This AD becomes effective on February 28, 2005.

On March 16, 1998 (63 FR 5881, February 5, 1998), the Director of the Federal Register approved the incorporation by reference of EXTRA Flugzeugbau GmbH Service Bulletin EA-300 & EA-300/S Doc: SB-300-3-93, Issue: A, Date: January 12, 1994.

As of February 28, 2005, the Director of the Federal Register approved the incorporation by reference of EXTRA Flugzeugbau GmbH Service Bulletin EA-300 & EA-300/S Doc: SB-300-3-93, Issue: B, Date: June 10, 1998.

**ADDRESSES:** To get the service information identified in this AD, contact Extra Flugzeugbau GmbH, Flugplatz Dinslaken, D-46569 Hünxe, Germany. To review this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html) or call (202) 741-6030.

To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001 or on the Internet at <http://dms.dot.gov>. The docket number is FAA-2004-19443.

**FOR FURTHER INFORMATION CONTACT:** Karl Schletzbaum, Aerospace Engineer, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, MO 64106; telephone: (816) 329-4146; facsimile: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

*What events have caused this AD?* The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified us that life cycle testing of the upper longeron cutout-bridge revealed potential cracks. This condition caused us to issue AD 98-03-14, Amendment 39-10307 (63 FR 5881, February 5, 1998). AD 98-03-14 currently requires you to do the following for certain EXTRA Model EA-300 and EA-300/S airplanes:  
—Inspect the upper longeron cutout-bridge for cracks;  
—Repair any cracks you find; and  
—Modify this area.

You were required to do these actions following EXTRA Flugzeugbau GmbH Service Bulletin EA-300 & EA-300/S, Doc: SB-300-3-93, Issue: A, Date: January 12, 1994.

*What has happened since AD 98-03-14 to initiate this action?* LBA notified FAA of the need to change AD 98-03-14. The LBA reports that not all affected airplanes could have the required modification done following EXTRA Service Bulletin EA-300 & EA-300/S, Doc: SB-300-3-93, Issue: A, Date: January 12, 1994.

Installing the new steel sleeves may cause distortion to the upper longeron bridge cutout and the fuselage. The distortion may cause misalignment of the steel sleeves fore and aft of the cutouts.

This caused EXTRA to issue a new service bulletin. The new service

bulletin includes additional procedures for modifying the upper longeron cutout-bridge. If you modify the upper longeron bridge-cutout following Procedure II in the new service bulletin, the new bridges must be replaced every 1,000 hours time-in-service (TIS) (as specified in the new service information.)

*What is the potential impact if FAA took no action?* If not detected and corrected, cracks in the upper longeron cutout-bridge could cause the upper longeron cutout-bridge to fail, which could result in structural damage to the fuselage. This failure could lead to loss of control of the airplane.

*Has FAA taken any action to this point?* We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain EXTRA Model EA-300 and EA-300/S airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 12, 2004 (69 FR 65388). The NPRM proposed to supersede AD 98-03-14 with a new AD that would retain the actions required in AD 98-03-14 and incorporate new service information.

#### Comments

*Was the public invited to comment?* We provided the public the opportunity to participate in developing this AD. We received no comments on the proposal or on the determination of the cost to the public.

#### Conclusion

*What is FAA's final determination on this issue?* We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

#### Changes to 14 CFR Part 39—Effect on the AD

*How does the revision to 14 CFR part 39 affect this AD?* On July 10, 2002, the FAA published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD.