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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NE-31-AD; Amendment 39-13445; AD 2004-03-01]

RIN 2120-AA64

#### Airworthiness Directives; Air Cruisers Company Emergency Evacuation Slide/Raft System

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is superseding an existing airworthiness directive (AD) for a certain Air Cruisers Company Emergency Evacuation Slide/Raft System. That AD currently requires a one-time unpacking and subsequent repacking of the slide/raft systems, identified by basic part number (P/N) with dash numbers, and serial numbers (SNs) listed in the AD, and mandates repacking of all other slide/raft systems of the same design at the next required normal maintenance schedule of the slide/raft system. This AD contains the same requirements but replaces the specific slide/raft system P/N dash numbers with the word “-series”, reduces the number of affected slide/raft systems to the SNs identified in paragraph (g) of the AD, and eliminates mandating the utilization of the applicable Folding Procedures for subsequent repacking of all slide/raft systems of the same design during the normal scheduled maintenance. This AD is prompted by recent information received that Air Cruisers Company has made modifications which have added new dash numbers to the slide/raft system basic P/N. This has affected some of the SN slide/raft systems listed in the AD. We are issuing this AD to prevent failure of the slide/raft to

properly inflate, which could impede the emergency evacuation of passengers in the event of an airplane emergency.

**DATES:** This AD becomes effective March 11, 2004. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of March 11, 2004. The incorporation by reference of certain other publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of March 7, 2003 (68 FR 4897; January 31, 2003).

**ADDRESSES:** You can get the service information identified in this AD from Air Cruisers Company, Technical Publications Department, P.O. Box 180, Belmar, NJ 07719-0180; telephone: (732) 681-3527; fax: (732) 280-8212.

You may examine the AD docket, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA. You may examine the service information, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Leung Lee, Aerospace Engineer, New York Aircraft Certification Office, FAA, Engine and Propeller Directorate, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (516) 228-7309; fax (516) 794-5531.

**SUPPLEMENTARY INFORMATION:** The FAA proposed to amend 14 CFR part 39 with a proposed AD. The proposed AD applies to a certain Air Cruisers Company Emergency Evacuation Slide/Raft System. We published the proposed AD in the **Federal Register** on July 18, 2003 (68 FR 42647). That action proposed the same requirements as AD 2003-03-11 but replaces the specific slide/raft system P/N dash numbers with the word “-series”, reduces the number of affected slide/raft systems to the SNs identified in paragraph (g) of the proposed AD, and eliminates mandating the utilization of the applicable Folding Procedures for subsequent repacking of all slide/raft systems of the same design during the normal scheduled maintenance.

## Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

### Requests To Update Air Cruisers Folding Procedures to Latest Revision

Two commenters state that the incorporation by reference of Folding Procedures, P-12054 and P12064, both Revision F, dated March 12, 1999, are not the latest revision. One commenter states that they have been folding the slides to the latest revision G, dated February 1, 2002. Both commenters request that the final rule reference Revision G, dated February 1, 2002, or an approved later revision.

The FAA partially agrees. We agree that the AD should reference Revision G of the Folding Procedures, dated February 1, 2002. We revised compliance paragraphs (f)(1), (f)(2), and (g) in the AD to reflect Folding Procedures, P-12054 and P12064, of Revisions G, dated February 1, 2002. We also agree that any slide/raft systems that have already been repacked to Air Cruisers Company Folding Procedures, P-12054 and P12064, of Revision F, dated March 12, 1999, or Revision G, dated February 1, 2002, are considered to be in full compliance with the AD.

We do not agree with changing the AD to reference Revision G, dated February 1, 2002 or an approved later revision. The Administrative Procedures Act requires that all service documents incorporated by reference in ADs be approved and a copy retained by the Office of the Federal Register. A reference to the “later revision” of a service document is a reference to a document that does not yet exist, and therefore, to a service document for which the FAA cannot yet obtain the approval for incorporation by reference. Operators may request an alternate method of compliance (AMOC) to utilize later revisions of the service document as specified in paragraph (j) of this AD.

### Agreement With Proposal As Written

One commenter states that the AD creates no greater impact than the original AD and agrees with the proposal as written.

**Conclusion**

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD as proposed.

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

On July 10, 2002, we issued a new version of 14 CFR part 39 (67 FR 47998, July 22, 2002), which governs the FAA’s AD system. That regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. The material previously was included in each individual AD. Since the material is included in 14 CFR part 39, we will not include it in future AD actions.

**Costs of Compliance**

There are approximately 388 slide/raft systems of the affected design in the worldwide fleet. We estimate that 74 slide/raft systems installed on airplanes of U.S. registry would be affected by this AD. We also estimate that it would take approximately 5 work hours per slide/raft system to perform the repacking, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost of the AD to U.S. operators is estimated to be \$22,200.

**Regulatory Findings**

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.

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 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 No. 99–NE–31–AD” in your request.

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

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

**Adoption of the Amendment**

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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 removing Amendment 39–13035 (68 FR 4897, January 31, 2003) and by adding a new airworthiness directive, Amendment 39–13445, to read as follows:

TABLE 1.—AFFECTED SLIDE/RAFT SNS

0203	0207	0220	0234	0235	0239	0241	0245	0250	0255
0267	0277	0280	0302	0305	0306	0310	0312	0316	0318
0320	0330	0332	0333	0335	0339	0342	0343	0344	0345
0348	0349	0350	0351	0354	0355	0356	0358	0364	0365
0366	0368	0369	0372	0373	0374	0376	0378	0379	0380
0381	0384	0385	0388	0389	0390	0391	0392	0394	0395
0396	0397	0398	0399	0402	0403	0404	0406	0408	0409
0411	0413	0415	0417	0418	0419	0420	0421	0422	0423
0425	0426	0427	0428	0429	0430	0431	0433	0438	0443
0445	0455	0456							

(1) For slide/raft systems currently installed on airplanes, repack the slide/raft system within 2 months after the effective date of this AD in accordance with the Accomplishment Instructions described in Air Cruisers Company SB 777–107–25–06, dated February 19, 1999, and the applicable Air Cruisers Company Folding Procedure P–12054

(for left-hand slide/rafts), Revision G, dated February 1, 2002, or Procedure P–12064 (for right-hand slide/rafts), Revision G, dated February 1, 2002.

(2) For uninstalled slide/raft systems, repack before installation, in accordance with the Accomplishment Instructions described in Air Cruisers Company SB 777–107–25–06, dated February 19,

**2004–03–01 Air Cruisers Company:** Amendment 39–13445. Docket No. 99–NE–31–AD. Supersedes AD 2003–03–11, Amendment 39–13035.

**Effective Date**

(a) This AD becomes effective March 11, 2004.

**Affected ADs**

(b) This AD supersedes AD 2003–03–11, Amendment 39–13035.

**Applicability**

(c) This AD applies to all dash numbers of Air Cruisers Company Emergency Evacuation Slide/Raft System, part number (P/N) 62774. These Emergency Evacuation Slide/Raft Systems are installed on, but not limited to Boeing 777–200 and –300 series airplanes.

**Unsafe Condition**

(d) This AD is prompted by recent information received that Air Cruisers Company has made modifications which have added new dash numbers to the slide/raft system basic P/N. This has affected some of the SN slide/raft systems listed in AD 2003–03–11. In addition, this AD is prompted by the requirement to reduce the number of affected slide/raft systems to only the SNs identified in paragraph (g) of this AD. We are issuing this AD to prevent failure of the slide/raft to properly inflate, which could impede the emergency evacuation of passengers in the event of an airplane emergency.

**Compliance**

(e) If you have not already performed the actions required by this AD, you must perform the actions within the compliance times specified in this AD.

**Repacking**

(f) For slide/raft systems that have a SN listed in Table 1 of this AD, do the following: Table 1 follows:

1999, and the applicable Air Cruisers Company Folding Procedure P–12054 (for left-hand slide/rafts), G, dated February 1, 2002, or Procedure P–12064 (for right-hand slide/rafts), Revision G, dated February 1, 2002.

(g) For slide/raft systems SN 0558 and lower that are not included in Table 1 of this AD, repack the slide/raft systems

in accordance with the applicable Air Cruisers Company Folding Procedure P-12054 (for left-hand slide/rafts), Revision G, dated February 1, 2002, or Procedure P-12064 (for right-hand slide/rafts), Revision G, dated February 1, 2002, at the next required normal maintenance schedule of the slide/raft system, but no later than 18 months after the effective date of this AD.

**Credit for Previous Repacking**

(h) Slide/raft systems with a SN listed in Table 1 or identified in paragraph (g) of this AD that have already been repacked in accordance with Air Cruisers Company Folding Procedures P-12054, Revision F, dated March 12, 1999, or P-12064, Revision F, dated March 12, 1999, as applicable, before the effective date of this AD, are

considered in full compliance with the requirements of paragraph (f) or (g) of this AD.

(i) Slide/raft systems with a SN listed in Table 1 or identified in paragraph (g) of this AD that were repacked under AD 2003-11-03 are considered in compliance with the requirements of paragraph (f) or (g) of this AD.

**Alternative Methods of Compliance (AMOCs)**

(j) You must request AMOCs as specified in 14 CFR 39.19. All AMOCs must be approved by the Manager, New York Aircraft Certification Office, FAA.

**Material Incorporated by Reference**

(k) You must use the service information listed in Table 2 of this AD to perform the actions required by this AD. The incorporation by reference of

Air Cruisers Company SB 777-107-25-06, dated February 19, 1999, was approved by the Director of the Federal Register on March 7, 2003 (68 FR 4897; January 31, 2003). The Director of the Federal Register approved the incorporation by reference of the documents listed in Table 2 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You can get a copy from Air Cruisers Company, Technical Publications Department, PO Box 180, Belmar, NJ 07719-0180; telephone: (732) 681-3527; fax: (732) 280-8212. You can review copies at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Table 2 follows:

TABLE 2.—INCORPORATION BY REFERENCE

Document No.	Page Nos. shown on the page	Revision level shown on the page	Date shown on the page
SB 777-107-25-06 ..... Total Pages: 3.	All .....	Original .....	February 19, 1999.
Folding procedure P-12054 ..... Total Pages: 159.	All .....	G .....	February 1, 2002.
Folding procedure P-12064 ..... Total Pages: 159.	All .....	G .....	February 1, 2002.

**Related Information**

(1) None.

Issued in Burlington, Massachusetts, on January 26, 2004.

**Francis A. Favara,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 04-2051 Filed 2-4-04; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2003-16502; Airspace Docket No. 03-ACE-86]

**Modification of Class E Airspace; Waverly, IA**

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

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This document confirms the effective date of the direct final rule which revises Class E airspace at Waverly, IA.

**EFFECTIVE DATES:** 0901 UTC, April 15, 2004.

**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:** The FAA published this direct final rule with a request for comments in the **Federal Register** on December 2, 2003 (68 FR 67360) and subsequently published a correction to the direct final rule in the **Federal Register** on December 10, 2003 (68 FR 68973). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 15, 2004. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO, on January 21, 2004.

**Paul J. Sheridan,**

*Acting Manager, Air Traffic Division, Central Region.*

[FR Doc. 04-2440 Filed 2-4-04; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2003-16763; Airspace Docket No. 03-ACE-100]

**Modification of Class E Airspace; Springfield, MO**

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

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

**SUMMARY:** This action corrects a direct final rule; request for comments that was published in the **Federal Register** on Thursday, January 15, 2004, (69 FR 2296) [FR Doc. 04-917]. It extends the comment period by thirty days.

**DATES:** This direct final rule is effective on 0901 UTC, April 15, 2004.