

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 a new airworthiness directive to read as follows:

**2005-13-17 Agusta. S.p.A.:** Amendment 39-14154. Docket No. FAA-2005-21589; Directorate Identifier 2004-SW-44-AD.

**Applicability:** Model AB412 Series helicopters, with a tail rotor blade (blade), part number (P/N) 212-010-750-All, having a serial number (S/N) with a prefix of "A" or "A-FS" and number 11530 through 13618, except numbers 13595 through 13602, installed, certificated in any category.

**Compliance:** Within 100 hours time-in-service, unless accomplished previously.

To prevent loss of the forward tip weight retention block (tip block) or aft tip closure (tip closure), loss of a blade, and subsequent loss of control of the helicopter, accomplish the following:

(a) Inspect the tip block and tip closure for voids. Before further flight, remove any blade with a void in excess of that allowed by the Component Repair and Overhaul Manual limitations.

(b) Inspect the tip block attachment countersink screws in four locations to determine if the head of each countersunk screw is flush with the surface of the abrasion strip and the skin. The location of these four screws is depicted on Figure 2 of Agusta Bollettino Tecnico No. 412-88, Revision A, dated August 17, 2004 (BT 412-88, Revision A). If any of these screws are set below the surface of the abrasion strip or are covered with filler material, before further flight, install shear pins by following the Accomplishment Instructions, Part A, Tip Block: Shear Pin Installation, paragraphs 1 through 3, of BT 412-88, Revision A.

(c) Install the tip closure rivets on all affected blades by following the Accomplishment Instructions, Part B, Aft Tip Closure: Rivet Installation, paragraphs 1 through 6, of BT 412-88, Revision A.

(d) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Safety Management Group, FAA, for information about previously approved alternative methods of compliance.

(e) The inspections and modification must be done by following the specified portions of Agusta Bollettino Tecnico No. 412-88, Revision A, dated August 17, 2004. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Agusta, 21017 Cascina Costa di Samarate (VA) Italy, Via Giovanni Agusta 520, telephone 39 (0331) 229111, fax 39 (0331) 229605-222595. Copies may be inspected at the National Archives

and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or 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).

(f) This amendment becomes effective on July 11, 2005.

**Note:** The subject of this AD is addressed in Ente Nazionale per l'Aviazione Civile (Italy) AD 2004-351, dated September 3, 2004.

Issued in Fort Worth, Texas, on June 8, 2005.

**S. Frances Cox,**

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 05-12419 Filed 6-23-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2004-19567; Directorate Identifier 2004-NM-118-AD; Amendment 39-14152; AD 2005-13-15]

**RIN 2120-AA64**

#### **Airworthiness Directives; Boeing Model 737-200, -200C, -300, -400, -500, -600, -700, -700C, -800, and -900 Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 737-200, -200C, -300, -400, -500, -600, -700, -700C, -800, and -900 series airplanes. This AD requires a one-time detailed inspection for discrepancies of the secondary fuel vapor barrier of the wing center section, and related investigative/corrective actions if necessary. This AD is prompted by reports that the secondary fuel vapor barrier was not applied correctly to, or was missing from, certain areas of the wing center section. We are issuing this AD to prevent fuel or fuel vapors from leaking into the cargo or passenger compartments and coming into contact with a possible ignition source, which could result in fire or explosion.

**DATES:** This AD becomes effective July 29, 2005.

The incorporation by reference of certain publications listed in the AD is approved by the Director of the Federal Register as of July 29, 2005.

**ADDRESSES:** For service information identified in this AD, contact Boeing

Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124 2207.

**Docket:** The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street SW, room PL-401, Washington, DC. This docket number is Docket No. FAA-2004-19567; the directorate identifier for this docket is 2004-NM-118-AD.

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

Doug Pegors, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6504; fax (425) 917-6590.

**SUPPLEMENTARY INFORMATION:** The FAA proposed to amend 14 CFR Part 39 with an AD for certain Boeing Model 737-200, -200C, -300, -400, -500, -600, -700, -700C, -800, and -900 series airplanes. That action, published in the **Federal Register** on November 10, 2004 (69 FR 65099), proposed to require a one-time detailed inspection for discrepancies of the secondary fuel vapor barrier of the wing center section, and related investigative/corrective actions if necessary.

#### **Comments**

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been submitted on the proposed AD.

#### **Agreement With Proposed AD**

One commenter, an operator, agrees with the proposed AD.

#### **Request for Alternative Procedure**

One commenter, an operator, requests that a note be added to paragraph (g) of the AD to allow the use of Boeing 737 Nondestructive Testing (NDT) Manual, Part 6, Section 53-30-27, paragraph 3, for determining vapor barrier thickness. The commenter contends that using this method for determining vapor barrier thickness provides an inspection procedure equivalent to that called out in Boeing Special Attention Service Bulletin 737-57-1261, dated February 27, 2003, and will allow operators to avoid any need for special tooling.

We do not agree. We have reviewed the specified section of the NDT manual and found that it does not adequately

describe an inspection procedure that is equivalent to that described in the service bulletin. However, we infer from the comment that the operator is proposing the use of an alternate tool for measuring coating thickness. Boeing Special Attention Service Bulletin 737-57-1261, dated February 27, 2003, page 40, paragraph F., note (a), states that the isoscope with the probe listed in paragraph F. is only one example of a nonconductive coating thickness gage (NCCTG) that may be used and that any NCCTG is acceptable as long as it has a thickness range from 0.001 to 0.045 inch. We have confirmed with the manufacturer that the service bulletin clearly states the requirements for the tooling required to measure the thickness of the vapor barrier and no additional guidance is required. We have not changed the final rule in this regard.

**Request for Extended Compliance Time**

One commenter, an operator, requests that the compliance time be extended

from 48 to 72 months. The commenter states that, assuming an effective date for the AD of January 2005, it has 15 aircraft that will not be scheduled for C check maintenance within the proposed 48-month compliance time. The commenter believes that this out-of-phase maintenance would result in financial hardship; therefore, the commenter would like to see the compliance time extended as requested.

We do not agree. In developing an appropriate compliance time for this action, we considered the urgency associated with the subject unsafe condition and the practical aspect of accomplishing the required modification within a period of time that corresponds to the normal scheduled maintenance for most affected operators. However, under the provisions of paragraph (i) of the final rule, we may approve requests for adjustments to the compliance time if data are submitted with the requests to substantiate that such adjustments would provide acceptable levels of

safety. We have not changed the final rule in this regard.

**Conclusion**

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

**Costs of Compliance**

This AD will affect about 1,521 airplanes of U.S. registry. There are about 3,861 airplanes of the affected design in the worldwide fleet. We estimate the average labor rate to be \$65 per work hour. We estimate that it will take the number of work hours shown in the following table to accomplish the actions for each airplane. Parts and materials are standard and are to be supplied by the operator. Based on these figures, the cost impact of the AD is estimated to range between \$325 and \$910 per airplane.

**ESTIMATED WORK HOURS**

Affected airplanes as listed in	Airplane group	Work hours
Boeing Special Attention Service Bulletin 737-57-1250, Revision 1, dated September 4, 2003 .....	1	14
	2	12
	3	5
Boeing Special Attention Service Bulletin 737-57-1261, dated February 27, 2003 .....	1	14
	2	7

**Authority for This Rulemaking**

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 rulemaking action.

**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 regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

**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 FAA 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 adding the following new airworthiness directive (AD):

**2005-13-15 Boeing:** Amendment 39-14152. Docket No. FAA-2004-19567; Directorate Identifier 2004-NM-118-AD.

**Effective Date**

- (a) This AD becomes effective July 29, 2005.

**Affected ADs**

- (b) None.

**Applicability**

(c) This AD applies to the airplanes listed in Table 1 of this AD, certificated in any category:

TABLE 1.—APPLICABILITY

Model	Line numbers
737–200, –200C, –300, –400, and –500 series airplanes .....	311 through 3132 inclusive.
737–600, –700, –700C, –800, and –900 series airplanes .....	1 through 1088 inclusive and 1090 through 1134 inclusive.

**Unsafe Condition**

(d) This AD is prompted by reports that the secondary fuel vapor barrier was not applied correctly to, or was missing from, certain areas of the wing center section. We are issuing this AD to prevent fuel or fuel vapors from leaking into the cargo or passenger compartments and coming into contact with a possible ignition source, which could result in fire or explosion.

**Compliance**

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Service Bulletin References**

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

(1) For Model 737–200, –200C, –300, –400, and –500 series airplanes: Boeing Special Attention Service Bulletin 737–57–1261, dated February 27, 2003; and

(2) For Model 737–600, –700, –700C, –800, and –900 series airplanes: Boeing Special Attention Service Bulletin 737–57–1250, Revision 1, dated September 4, 2003.

**Inspection**

(g) Within 48 months after the effective date of this AD, do a one-time detailed inspection for discrepancies of the secondary fuel vapor barrier of the wing center section; and if discrepancies exist, before further flight, do any applicable related investigative/corrective actions in accordance with the Accomplishment Instructions of the applicable service bulletin.

**Note 1:** For the purposes of this AD, a detailed inspection is: “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.”

**Actions Accomplished per Previous Issue of Service Bulletin**

(h) Actions accomplished before the effective date of this AD in accordance with Boeing Special Attention Service Bulletin 737–57–1250, dated February 7, 2002, are considered acceptable for compliance with

the corresponding actions specified in paragraph (g) of this AD.

**Alternative Methods of Compliance (AMOCs)**

(i) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

**Material Incorporated by Reference**

(j) You must use Boeing Special Attention Service Bulletin 737–57–1261, dated February 27, 2003; or Boeing Special Attention Service Bulletin 737–57–1250, Revision 1, dated September 4, 2003; as applicable; to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207. To view the AD docket, go to the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, Nassif Building, Washington, DC.

For information on the availability of this material at the National Archives and Records Administration (NARA), call (202) 741–6030, or 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).

Issued in Renton, Washington, on June 10, 2005.

**Ali Bahrami,**

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

[FR Doc. 05–12315 Filed 6–23–05; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2005–20567; Airspace Docket No. 05–AAL–05]

**Revision of Class E Airspace; Shishmaref, AK**

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

**ACTION:** Final rule.

**SUMMARY:** This action revises Class E airspace at Shishmaref, AK to provide adequate controlled airspace to contain aircraft executing two new Standard Instrument Approach Procedures (SIAPs). This Rule results in new Class E airspace upward from 700 feet (ft.) and 1,200 ft. above the surface at Shishmaref, AK.

**DATES:** Effective 0901 UTC, September 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Jesse Patterson, AAL–538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: [Jesse.ctr.Patterson@faa.gov](mailto:Jesse.ctr.Patterson@faa.gov). Internet address: <http://www.alaska.faa.gov/at>.

**SUPPLEMENTARY INFORMATION:****History**

On Monday, April 18, 2005, the FAA proposed to revise part 71 of the Federal Aviation Regulations (14 CFR part 71) to add to the Class E airspace upward from 700 ft. and 1,200 ft. above the surface at Shishmaref, AK (70 FR 20095). The action was proposed in order to add Class E airspace sufficient in size to contain aircraft while executing two new SIAPs for the Shishmaref Airport. The new approaches are (1) Area Navigation (Global Positioning System) (RNAV (GPS)) Runway (RWY) 23, original; and (2) RNAV (GPS) RWY 5, original. Additional Class E controlled airspace extending upward from 700 ft. and 1,200 feet above the surface in the Shishmaref Airport area is established by this action. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments have been received, thus, the rule is adopted as proposed.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9M, *Airspace Designations and Reporting Points*, dated August 30,