

lower wing skin doublers. We are issuing this AD to prevent fatigue cracks from developing at the score marks in the lower wing skins, which could result in the structural failure of the wing.

#### 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.

#### Revise the Airworthiness Limitations (AWL) Section—New Life Limit

(f) Within 30 days after the effective date of this AD, revise the AWL section of the Instructions for Continued Airworthiness to incorporate new life limits for the lower wing skins by incorporating Bombardier Temporary Revision (TR) 5-103, dated March 26, 2004, to the Bombardier Dash 7 Series 100 Maintenance Manual, PSM 1-7-2, into the AWL section.

(g) When the contents of Bombardier TR 5-103, dated March 26, 2004, have been included in the general revisions of the AWL section, the general revisions may be incorporated into the AWL section, and the TR may be removed from the AWL section.

(h) After the actions specified in paragraphs (f) and (g) of this AD have been accomplished, no alternative life limits may be approved for the lower wing skins, except as provided in paragraph (i) of this AD.

#### Alternative Methods of Compliance (AMOCs)

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

#### Related Information

(j) Canadian airworthiness directive CF-2004-12, dated June 28, 2004, also addresses the subject of this AD.

#### Material Incorporated by Reference

(k) You must use Bombardier Temporary Revision 5-103 to Chapter 5-10-11 of the Bombardier Dash 7 Series 100 Maintenance Manual, PSM 1-7-2, dated March 26, 2004, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Room PL-401, Nassif Building, Washington, DC; on the Internet at <http://dms.dot.gov>; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the 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 July 21, 2005.

**Kevin M. Mullin,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 05-15012 Filed 8-1-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA-2005-20661; Directorate Identifier 2004-NM-261-AD; Amendment 39-14206; AD 2005-16-01]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Boeing Model 747-200B, 747-300, 747-400, and 747-400D 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 747-200B, 747-300, 747-400, and 747-400D series airplanes. This AD requires modifying the lateral shear beam for the Door 5 crew rest and, for certain airplanes, replacing Zone E tie rods and modifying the Zone E stowbin ladder. This AD results from a report indicating that the lateral shear beam for the Door 5 crew rest does not meet the 9G forward loading requirement. We are issuing this AD to prevent the structural support for the Door 5 crew rest and Zone E stowbins from failing, which could result in the crew rest or stowbins falling during an emergency and consequent injury to crew and passengers.

**DATES:** This AD becomes effective September 6, 2005.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of September 6, 2005.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207, for service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** Don Wren, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM-150S, FAA, Seattle Aircraft

Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6451; fax (425) 917-6590.

#### SUPPLEMENTARY INFORMATION:

##### Examining the Docket

You may examine the AD docket 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 street address stated in the **ADDRESSES** section. This docket number is FAA-2005-20661; the directorate identifier for this docket is 2004-NM-261-AD.

##### Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Boeing Model 747-200B, 747-300, 747-400, and 747-400D series airplanes. That NPRM was published in the **Federal Register** on March 22, 2005 (70 FR 14428). That NPRM proposed to require modifying the lateral shear beam for the Door 5 crew rest and, for certain airplanes, replacing the Zone E tie rods and modifying the Zone E stowbin ladder.

##### Comments

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

##### Support for the Proposed AD

One commenter, the manufacturer, supports the proposed AD.

##### Request To Reduce Compliance Time

One commenter requests that the compliance time of 5 years to accomplish the actions specified in the proposed AD be shortened substantially. The commenter states that a 5-year compliance time is too long given that the affected lateral shear beam does not meet the 9G forward loading requirement.

We do not agree. The lateral shear beam has been substantiated to be structurally capable of carrying all flight, gust, and ground loads that may be encountered during normal operations by the subject Model 747-200B, 747-300, 747-400, and 747-400D series airplanes. The 9G forward loading requirement of section 25.561 ("General") of the Federal Aviation Regulations (14 CFR 25.561) is an emergency landing load condition only

and there is a very low probability that such loads will be encountered.

In developing the compliance time to adequately address the subject unsafe condition, we considered the degree of urgency associated with unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the modification. In light of all of these factors, we found a compliance time of 60 months for completing the proposed modification to be warranted, in that it allows operators to schedule the modification during a routine heavy check and represents an appropriate interval of time for affected airplanes to continue to operate without compromising safety. This compliance time was coordinated with the manufacturer. We have not revised the final rule in this regard.

**Request To Clarify Applicability**

One commenter requests that the applicability be clarified. The commenter suggests adding wording to exclude freighters and special freighters. The commenter notes that the Door 5 crew rest is only applicable to passenger airplanes.

We agree that the proposed AD is applicable only to passenger models equipped with a Door 5 crew rest.

The applicability of the proposed AD includes Model 747-200B, 747-300, 747-400, and 747-400D series airplanes as identified in specific Boeing service bulletins. All of the airplanes identified in these service bulletins are passenger models equipped with a Door 5 crew rest; none of the airplanes identified in the service bulletins are freighters or

special freighters. Therefore, it is not necessary to clarify the applicability to exclude freighters and special freighters. We have not revised the final rule in this regard.

**Conclusion**

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

**Costs of Compliance**

There are about 424 airplanes of the affected design in the worldwide fleet. This AD will affect about 65 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

| Action             | Work hours | Average labor rate per hour | Parts            | Cost per airplane | Number of U.S.-registered airplanes | Fleet cost            |
|--------------------|------------|-----------------------------|------------------|-------------------|-------------------------------------|-----------------------|
| Modification ..... | 86-207     | \$65                        | \$7,095-\$37,770 | \$12,685-\$51,225 | 65                                  | \$824,525-\$3,329,625 |

**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 and placed it in the AD docket. 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 Federal Aviation Administration (FAA) amends § 39.13 by

adding the following new airworthiness directive (AD):

**2005-16-01 Boeing:** Amendment 39-14206. Docket No. FAA-2005-20661; Directorate Identifier 2004-NM-261-AD.

**Effective Date**

(a) This AD becomes effective September 6, 2005.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to the Boeing airplanes, certificated in any category, specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD.

(1) Model 747-200B and 747-300 series airplanes identified in Boeing Special Attention Service Bulletin 747-53-2497, dated November 4, 2004.

(2) Model 747-200B and 747-300 series airplanes on which Boeing Service Bulletins 747-25-2716, 747-25-2724, and 747-25-2784 have been done.

(3) Model 747-400 and 747-400D series airplanes identified in Boeing Special Attention Service Bulletin 747-53-2481, dated October 24, 2002.

**Unsafe Condition**

(d) This AD was prompted by a report that the lateral shear beam for the Door 5 crew rest does not meet the 9G forward loading requirement. We are issuing this AD to prevent the structural support for the Door 5 crew rest and Zone E stowbins from failing, which could result in the crew rest or stowbins falling during an emergency and consequent injury to crew and passengers.

**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.

**Model 747-200B and 747-300: Modification**

(f) Within 60 months after the effective date of this AD, modify the lateral shear beam for the Door 5 crew rest by accomplishing all of the actions specified in the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747-53-2497, dated November 4, 2004.

**Model 747-400 and 747-400D: Modification and Replacement**

(g) Within 60 months after the effective date of this AD, modify the lateral shear beam for the Door 5 crew rest, replace the Zone E tie rods, and modify the Zone E stowbin ladder, by accomplishing all of the actions specified in the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747-53-2481, dated October 24, 2002.

**Alternative Methods of Compliance (AMOCs)**

(h) 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**

(i) You must use Boeing Special Attention Service Bulletin 747-53-2481, dated October 24, 2002; or Boeing Special Attention Service Bulletin 747-53-2497, dated November 4, 2004; as applicable, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Room PL-401, Nassif Building, Washington, DC; on the Internet at <http://dms.dot.gov>; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the 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 July 21, 2005.

**Kevin M. Mullin,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 05-15017 Filed 8-1-05; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 95**

[Docket No. 30453; Amdt. No. 456]

**IFR Altitudes; Miscellaneous Amendments**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

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

**FOR FURTHER INFORMATION CONTACT:** Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

**The Rule**

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to

the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

**Conclusion**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 95**

Airspace, Navigation (air).

Issued in Washington, DC on July 26, 2005.

**James J. Ballough,**

*Director, Flight Standards Service.*

**Adoption of the Amendment**

■ Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, January 20, 2005.

**PART 95—[AMENDED]**

■ 1. The authority citation for part 95 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows: