

comments on the proposal or on the determination of the cost to the public.

### Conclusion

We have carefully reviewed the available data 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, the FAA published a new version of 14 CFR part 39 (67 FR 47997, 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.

### 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. 2003-NE-05-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 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):

**2003-19-06 Turbomeca S.A.:** Amendment 39-13309. Docket No. 2003-NE-05-AD.

#### Effective Date

(a) This AD becomes effective October 22, 2003.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Turbomeca S.A. Arrius 2 B1, 2 B1A, 2 B1A 1, and 2 K1 turboshaft engines. These engines are installed on, but not limited to, Eurocopter Deutschland GmbH model EC135 T1 and Agusta S.p.A. model A109 helicopters.

#### Unsafe Condition

(d) This AD is prompted by a failure of an HP turbine blade during accelerated aging simulation tests performed by the manufacturer on an Arrius 2 B1A engine. The actions specified in this AD are intended to prevent engine failure of the only operating engine while at one engine inoperative (OEI) condition.

#### 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.

(f) After the effective date of this AD, replace the gas generator HP turbine disk before further flight after the engine has accumulated 5 minutes operating time at the 2½ minute OEI power rating.

#### Alternative Methods of Compliance

(g) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

#### Material Incorporated by Reference

(h) None.

#### Related Information

(i) The subject of this AD is addressed in DGAC airworthiness directive 2003-098(A), dated March 5, 2003, and Turbomeca S.A. Alert Service Letters No. 2174/02/ARRIUS2B1/19 and No. 2175/02/ARRIUS2K1/3, both dated July 30, 2002.

Issued in Burlington, Massachusetts, on September 11, 2003.

**Francis A. Favara,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*  
[FR Doc. 03-23673 Filed 9-16-03; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

[Docket No. 29334; Amendment No. 71-35]

### Airspace Designations; Incorporation By Reference

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Title 14 Code of Federal Regulations (CFR) part 71 relating to airspace designations to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9L Airspace Designations and Reporting Points. This action also explains the procedures the FAA will use to amend the listings of Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points incorporated by reference.

**EFFECTIVE DATE:** These regulations are effective September 16, 2003. The incorporation by reference of FAA Order 7400.9L is approved by the Director of the Federal Register as of September 16, 2003, through September 15, 2004.

**FOR FURTHER INFORMATION CONTACT:** Christine Graves, Airspace and Rules Division (ATA-400), Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

#### SUPPLEMENTARY INFORMATION:

#### History

FAA Order 7400.9K, Airspace Designations and Reporting Points, dated September 2, 2002, and effective September 16, 2002, listed Class A, B, C, D, and E airspace areas and reporting points. Due to the length of these descriptions, the FAA requested approval from the Office of the Federal Register to incorporate the material by reference in 14 CFR 71.1 (14 CFR 71.1). The Director of the Federal Register approved the incorporation by reference of FAA Order 7400.9K in § 71.1, effective September 16, 2002, through September 15, 2003. During the incorporation by reference period, the FAA processed all proposed changes of the airspace listings in FAA Order 7400.9K in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings were published in full text as final rules in the **Federal Register**. This

rule reflects the periodic integration of these final rule amendments into a revised edition of Airspace Designations and Reporting Points, Order 7400.9L. The Director of the Federal Register has approved the incorporation by reference of FAA Order 7400.9L in § 71.1, as of September 16, 2003, through September 15, 2004. This rule also explains the procedures the FAA will use to amend the airspace designations incorporated by reference in part 71. Sections 71.5, 71.31, 71.33, 71.41, 71.51, 71.61, 71.71, and 71.901 are also updated to reflect the incorporation by reference of FAA Order 7400.9L.

### The Rule

This action amends 14 CFR part 71 to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9L, effective September 16, 2003, through September 15, 2004. During the incorporation by reference period, the FAA will continue to process all proposed changes of the airspace listings in FAA Order 7400.9L in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings will be published in full text as final rules in the **Federal Register**. The FAA will periodically integrate all final rule amendments into a revised edition of the Order, and submit the revised edition to the Director of the Federal Register for approval for incorporation by reference in § 71.1.

The FAA has determined 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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. This action neither places any new restrictions or requirements on the public, nor changes the dimensions or operating requirements of the airspace listings incorporated by reference in part 71. Consequently, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Because this action will continue to update the changes to the airspace designations, which are depicted on aeronautical charts, and to avoid any unnecessary pilot confusion, I find that good cause exists, under 5 U.S.C. 553(d), for making this amendment effective in less than 30 days.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

■ 2. Section 71.1 is revised to read as follows:

#### § 71.1 Applicability.

The complete listing for all Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points can be found in FAA Order 7400.9L, Airspace Designations and Reporting Points, dated September 2, 2003. 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. The approval to incorporate by reference FAA Order 7400.9L is effective September 16, 2003, through September 15, 2004. During the incorporation by reference period, proposed changes to the listings of Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points will be published in full text as proposed rule documents in the **Federal Register**. Amendments to the listings of Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points will be published in full text as final rules in the **Federal Register**. Periodically, the final rule amendments will be integrated into a revised edition of the Order and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of FAA Order 7400.9L may be obtained from the Airspace and Rules Division, ATA-400, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-8783. Copies of FAA Order 7400.9L may be inspected in Docket No. 29334 at the Federal Aviation Administration, Office of the Chief Counsel, AGC-200, Room 325, 800 Independence Avenue, SW., Washington, DC, weekdays between 8:30 a.m. and 5 p.m., or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. This section is applicable September 16, 2003, through September 15, 2004.

#### § 71.5 [Amended]

■ 3. Section 71.5 is amended by removing the words "FAA Order

7400.9K" and adding, in their place, the words "FAA Order 7400.9L."

#### § 71.31 [Amended]

■ 4. Section 71.31 is amended by removing the words "FAA Order 7400.9K" and adding, in their place, the words "FAA Order 7400.9L."

#### § 71.33 [Amended]

■ 5. Paragraph (c) of § 71.33 is amended by removing the words "FAA Order 7400.9K" and adding, in their place, the words "FAA Order 7400.9L."

#### § 71.41 [Amended]

■ 6. Section 71.41 is amended by removing the words "FAA Order 7400.9K" and adding, in their place, the words "FAA Order 7400.9L."

#### § 71.51 [Amended]

■ 7. Section 71.51 is amended by removing the words "FAA Order 7400.9K" and adding, in their place, the words "FAA Order 7400.9L."

#### § 71.61 [Amended]

■ 8. Section 71.61 is amended by removing the words "FAA Order 7400.9K" and adding, in their place, the words "FAA Order 7400.9L."

#### § 71.71 [Amended]

■ 9. Paragraphs (b), (c), (d), (e), and (f) of Section 71.71 are amended by removing the words "FAA Order 7400.9K" and adding, in their place, the words "FAA Order 7400.9L."

#### § 71.901 [Amended]

■ 10. Paragraph (a) of Section 71.901 is amended by removing the words "FAA Order 7400.9K" and adding, in their place, the words "FAA Order 7400.9L."

Issued in Washington, DC, September 10, 2003.

**Reginald C. Matthews,**

*Manager, Airspace and Rules Division.*

[FR Doc. 03-23768 Filed 9-15-03; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2003-14402; Airspace Docket No. 01-AWA-4]

RIN 2120-AA66

#### Modification of the Houston Class B Airspace Area; TX

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

**ACTION:** Final rule.