

and that the average labor rate is \$65 per work hour. Required parts will cost about \$14,479 per airplane. Based on these figures, the cost impact of the modification on U.S. operators is estimated to be \$720,144, or \$20,004 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

### Regulatory Impact

The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify 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) 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

### List of Subjects in 14 CFR Part 39

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

### Adoption of the Amendment

■ Accordingly, pursuant to 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. Section 39.13 is amended by adding the following new airworthiness directive:

#### 2004-03-26 Dassault Aviation:

Amendment 39-13470. Docket 2001-NM-283-AD.

**Applicability:** Model Falcon 900EX series airplanes, serial numbers 1 through 60 inclusive; certificated in any category; except those on which Dassault Modifications M2754 and M2925, identified in Dassault Service Bulletin F900EX-103, Revision 1, dated October 16, 2002, have been accomplished.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent failure of the fail-safe lugs of the forward engine mount, and consequent cracking of the pick-up folded sheet of the pylon forward rib, which could rupture the mast case box and result in loss of the two forward engine mounts and consequent separation of the engine from the airplane, accomplish the following:

#### Modification

(a) Prior to the accumulation of 3,750 flight cycles since the date of issuance of the original Airworthiness Certificate or the date of issuance of the Export Certificate of Airworthiness, whichever occurs first: Modify the front attachment area of the No. 2 engine by doing all the actions per Paragraphs 2.A. through 2.D. of the Accomplishment Instructions of Dassault Service Bulletin F900EX-103, Revision 1, dated October 16, 2002.

#### Alternative Methods of Compliance

(b) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

#### Incorporation by Reference

(c) The actions shall be done in accordance with Dassault Service Bulletin F900EX-103, Revision 1, dated October 16, 2002. 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. Copies may be obtained from Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 1:** The subject of this AD is addressed in French airworthiness directive 2001-160-027(B), dated May 2, 2001.

#### Effective Date

(d) This amendment becomes effective on March 17, 2004.

Issued in Renton, Washington, on February 3, 2004.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04-2684 Filed 2-10-04; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003-CE-38-AD; Amendment 39-13473; AD 2004-03-29]

RIN 2120-AA64

### Airworthiness Directives; Pacific Aerospace Corporation, Ltd. Models FU24-954 and FU24A-954 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA adopts a new airworthiness directive (AD) for all Pacific Aerospace Corporation, Ltd. Models FU24-954 and FU24A-954 airplanes. This AD requires you to perform repetitive detailed visual inspections of the forward vertical fin base for cracks. If any cracks or discrepancies are found, you must repair the structure before further flight and notify the FAA. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for New Zealand. We are issuing this AD to detect and correct cracks in the vertical fin base, which could result in loss of the fin and loss of aircraft control.

**DATES:** This AD becomes effective on April 19, 2004.

**ADDRESSES:** You may view the AD docket at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003-CE-38-AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Office hours are 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Karl Schletzbaum, Aerospace Engineer, Small Airplane Directorate, 901 Locust, Room 302, Kansas City, MO 64106; telephone: 816-329-4146; facsimile: 816-329-4090.

#### SUPPLEMENTARY INFORMATION:

#### Discussion

*What events have caused this AD?* The Civil Aviation Authority (CAA), which is the airworthiness authority for New Zealand, notified the FAA of an unsafe condition that may exist on all

Pacific Aerospace Corporation, Ltd. Models FU24-954 and FU24A-954 airplanes. The CAA reports a recent fatal accident where the aircraft's fin separated in flight. Initial investigation of this accident indicates that the forward fin structure failed from fatigue cracks that were concealed beneath the rubber abrasion protection fitted to the fin.

*What is the potential impact if FAA took no action?* Failure to detect cracks in the vertical fin base could result in loss of the fin and loss of aircraft control.

*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 all Pacific Aerospace Corporation, Ltd. Models FU24-954 and FU24A-954 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on October 30, 2003 (68 FR 61766). The NPRM proposed to require you to perform repetitive detailed visual inspections of the

forward vertical fin base for cracks. If any cracks or discrepancies are found, you must repair the structure before further flight and notify the FAA.

#### Comments

*Was the public invited to comment?* We provided the public the opportunity to participate in the development of 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 the changes discussed above and minor editorial corrections. We have determined that these changes and 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. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

#### Costs of Compliance

*How many airplanes does this AD impact?* We estimate that this AD affects 2 airplanes in the U.S. registry.

*What is the cost impact of this AD on owners/operators of the affected airplanes?* We estimate the following costs to accomplish the inspection:

| Labor cost                                   | Parts cost                           | Total cost per airplane | Total cost on U.S. operators |
|----------------------------------------------|--------------------------------------|-------------------------|------------------------------|
| 8 workhours est. \$60 per hour = \$480 ..... | No parts needed for inspection ..... | \$480                   | \$960                        |

The FAA has no method of determining the number of repairs each owner/operator will incur over the life of each of the affected airplanes based on the results of the inspections. We have no way of determining the number of airplanes that may need such repair. The extent of damage may vary on each airplane.

#### 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 No. 2003-CE-38-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. FAA amends § 39.13 by adding a new AD to read as follows:

**2004-03-29 Pacific Aerospace Corporation, Ltd.:** Amendment 39-13473; Docket No. 2003-CE-38-AD.

#### When Does This AD Become Effective?

(a) This AD becomes effective on April 19, 2004.

#### What Other ADs Are Affected by This Action?

(b) None.

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

(c) This AD affects Models FU24-954 and FU24A-954 airplanes, all serial numbers, that are certificated in any category.

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

(d) This AD is the result of a recent fatal accident where the aircraft's fin separated in flight. The actions specified in this AD are intended to detect and correct cracks in the vertical fin base, which could result in loss of the fin or loss of control of the aircraft.

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

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

| Actions                                                                              | Compliance                                                                                                                                                                  | Procedures                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Perform visual inspection of the forward area at the base of the fin for cracks. | Initially inspect within the next 50 hours time-in-service (TIS) after April 19, 2004 (the effective date of this AD). Repetitively inspect every 100 hours TIS thereafter. | Inspect from the bottom of the fin up to the first external strap, paying particular attention to the skin in the area of the rivets that join the fin skin to the bulkhead, part number (P/N) 242305, and aft to the first vertical lap joint. To do this inspection, remove any rubber abrasion protection that is fitted in this area, including any sealant. You must also remove the fin leading edge fairing, P/N 242321. |
| (2) Repair any cracks that are found during the inspection.                          | Prior to further flight after doing any inspection required in paragraph (e)(1) of this AD.                                                                                 | Obtain an FAA-approved repair scheme from Pacific Aerospace Corporation, Ltd., Airport Road, Hamilton Airport, Hamilton, New Zealand and notify the FAA at the address and phone number in paragraph (f) of this AD.                                                                                                                                                                                                            |

#### 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, Standards Office, FAA, Small Airplane Directorate. For information on any already approved alternative methods of compliance, contact Karl Schletzbaum, Aerospace Engineer, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, MO 64106; telephone: (816) 329-4146; facsimile: (816) 329-4090.

#### Is There Other Information That Relates to This Subject?

(g) CAA airworthiness directive DCA/FU24/173, dated April 23, 2002, also addresses the subject of this AD.

Issued in Kansas City, Missouri, on February 4, 2004.

**Dorenda D. Baker,**

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

[FR Doc. 04-2953 Filed 2-10-04; 8:45 am]

BILLING CODE 4910-13-U

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Parts 91 and 93

[Docket No. FAA-2002-13235; Amendment Nos. 91-278, 93-82]

RIN 2120-AH57

##### Special Air Traffic Rules; Flight Restrictions in the Vicinity of Niagara Falls; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document makes a correction to the amendment numbers in the final rule published in the

**Federal Register** on February 28, 2003. That action codified flight restrictions for aircraft operating in U.S. airspace in the vicinity of Niagara Falls, NY.

**EFFECTIVE DATE:** This correction is effective on February 11, 2004.

**FOR FURTHER INFORMATION CONTACT:** Terry Brown, telephone (202) 267-9193.

#### Correction

■ In final rule FR Doc. 03-4638, published on February 28, 2003 (68 FR 9792), make the following corrections:

■ 1. On page 9792, in column 1, in the heading section, beginning on line 4, correct "Amendment Nos. 91-273 and 93-82" to read "Amendment Nos. 91-278 and, 93-82".

Issued in Washington, DC on January 30, 2004.

**Donald P. Byrne,**

*Assistant Chief Counsel for Regulations.*

[FR Doc. 04-2880 Filed 2-10-04; 8:45 am]

BILLING CODE 4910-13-U

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Parts 119, 121 and 135

[Docket No. FAA-2003-15571; Amdt. Nos. 119-8, 121-298 and 135-88]

RIN 2120-AI00

##### DOD Commercial Air Carrier Evaluators; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document makes a correction to the amendment numbers in the final rule published in the **Federal Register** on July 10, 2003. That rule clarified existing regulations as they apply to Department of Defense (DOD) commercial air carrier evaluators.

**EFFECTIVE DATE:** This correction is effective on February 11, 2004.

**FOR FURTHER INFORMATION CONTACT:** Lt. Col. Tom Barrale, USAF, Department of Defense Air Mobility Command Liaison Officer to FAA Flight Standards Service, (202) 267-7088.

#### Correction

In the final rule FR Doc. 03-17459 published on July 10, 2003, (68 FR 41214), make the following corrections:

■ 1. On page 41214, in column 3, in the heading section of the rule at the bottom of the page, beginning on line 4 of the heading, correct "Amdt Nos. 119-8, 121-286, and 135-83" to read "Amdt Nos. 119-8, 121-298, and 135-88".

Issued in Washington, DC, on January 30, 2004.

**Donald P. Byrne,**

*Assistant Chief Counsel for Regulations.*

[FR Doc. 04-2874 Filed 2-10-04; 8:45 am]

BILLING CODE 4910-13-P

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Parts 119, 121, 129, 135, and 183

[Docket No. FAA-1999-5401; Amdt. Nos. 119-6, 121-296, 129-34, 135-87, and 183-11]

RIN 2120-AE42

##### Aging Airplane Safety; Correction

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

**ACTION:** Interim final rule; correction.

**SUMMARY:** This document corrects amendment numbers in the final rule published in the **Federal Register** on February 4, 2003. That action extended the comment period for the interim final rule which deals with inspections and records reviews required on aircraft