

(3) If a crack is found, before further flight, replace the cracked cluster fitting with an airworthy cluster fitting.

(b) Cluster fittings, P/N 269A2234 and P/N 269A2235, that have NOT been modified with Kit P/N SA-269K-106-1, are NOT eligible replacement parts.

(c) Within 150 hours TIS or 6 months, whichever occurs first, replace each cluster fitting, P/N 269A2234 and P/N 269A2235, with an airworthy cluster fitting or modify each cluster fitting, P/N 269A2234 and P/N 269A2235, with Kit, P/N SA-269K-106-1. Installing the kit is terminating action for the 50-hour TIS repetitive dye-penetrant inspection for these cluster fittings. Broken or cracked cluster fittings are not eligible for the kit modification.

(d) For helicopters with strut assemblies, P/N 269A2015 or 269A2015-5, accomplish the following:

(1) At intervals not to exceed 50 hours TIS:

(i) Remove the strut assemblies, P/N 269A2015 or P/N 269A2015-5.

(ii) Visually inspect the strut aluminum end fittings for deformation or damage and dye-penetrant inspect the strut aluminum end fittings for a crack in accordance with Step II of Schweizer Service Information Notice No. N-109.2, dated September 1, 1976 (SIN N-109.2).

(iii) If deformation, damage, or a crack is found, before further flight, modify the strut assemblies by replacing the aluminum end fittings with stainless steel end fittings, P/N 269A2017-3 and -5, and attach bolts in accordance with Step III of SIN N-109.2; or replace each strut assembly P/N 269A2015 with P/N 269A2015-9, and replace each strut assembly P/N 269A2015-5 with P/N 269A2015-11.

(2) Within 500 hours TIS or one year, whichever occurs first, modify or replace the strut assemblies in accordance with paragraph (d)(1)(iii) of this AD.

(e) For the Model 269C helicopters, within 100 hours TIS, serialize each strut assembly, P/N 269A2015-5 and P/N 269A2015-11, in accordance with Schweizer Service Information Notice No. N-108, dated May 21, 1973.

(f) Within 25 hours TIS or 60 days, whichever occurs first, for cluster fittings, P/N 269A2234-3 and P/N 269A2235-3, perform a one-time inspection and repair, if required, in accordance with Procedures, Part II of Schweizer Service Bulletin No. B-277, dated January 25, 2002.

(g) Before further flight, replace any cluster fitting that is cracked or has surface defects beyond rework limits with an airworthy cluster fitting.

(h) 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 Manager, New York Aircraft Certification Office (NYACO), Engine and Propeller Directorate, FAA, for information about previously approved alternative methods of compliance.

(i) The inspections, modifications or replacements, and serializing shall be done in accordance with Schweizer Service Information Notice No. N-109.2, dated September 1, 1976; Schweizer Service Information Notice No. N-108, dated May 21,

1973; and Schweizer Service Bulletin No. B-277, dated January 25, 2002, as applicable. The incorporation by reference of those documents was approved previously by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of August 12, 2003 (68 FR 40478, July 8, 2003). Copies may be obtained from Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or 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).

(j) This amendment becomes effective on August 10, 2004.

Issued in Fort Worth, Texas, on June 24, 2004.

**Kim Smith,**

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

[FR Doc. 04-15128 Filed 7-2-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-SW-30-AD, Amendment 39-13704, AD 95-26-05 R1]

**RIN 2120-AA64**

#### **Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; rescission.

**SUMMARY:** This amendment rescinds an existing Airworthiness Directive (AD) for Robinson Helicopter Company (Robinson) Model R44 helicopters, which currently requires revisions to the R44 Rotorcraft Flight Manual (RFM). The RFM revisions limit operations in high winds and turbulence. The RFM revisions also provide information about main rotor stall and mast bumping with recommendations for avoiding these situations and additional emergency procedures for use in certain conditions. This amendment is prompted by the FAA's determination that the limitations and the procedures required by that AD are no longer necessary to correct an unsafe condition. The actions specified by this AD rescind all the requirements of AD 95-26-05, Amendment 39-9463, Docket 95-SW-30-AD.

**DATES:** Effective July 6, 2004.

**FOR FURTHER INFORMATION CONTACT:** Gordon Acker, FAA, Los Angeles Aircraft Certification Office, Flight Test Branch, 3960 Paramount Blvd., Lakewood, California 90712-4137, telephone (562) 627-5374, fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend 14 CFR part 39 by rescinding AD 95-26-05, Amendment 39-9463, Docket 95-SW-30-AD (60 FR 66488, December 22, 1995), for the Robinson Model R44 helicopters was published in the **Federal Register** on March 26, 2004 (69 FR 15743). That action proposed to rescind the limitations and procedures required by AD 95-26-05.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 515 helicopters of U.S. registry are affected by AD 95-26-05, and the required actions take about 1/2 work hour per helicopter to do at an average labor rate of \$65 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$16,738. However, adopting this rescission eliminates those costs.

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 is contained in the Rules Docket. A copy may be obtained from the Rules Docket at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

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

Air transportation, Aircraft, Aviation safety, Safety

**Adoption of the Amendment**

■ Accordingly, pursuant to 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. Section 39.13 is amended by removing Amendment 39-9463 (60 FR 66488, December 22, 1995).

**95-26-05 R1 Robinson Helicopter**

**Company:** Amendment 39-13704, Docket No. 95-SW-30-AD. Rescinds AD 95-26-05, Amendment 39-9463.

**Applicability:** Model R44 helicopters, certificated in any category.

This rescission is effective July 6, 2004.

Issued in Fort Worth, Texas, on June 24, 2004.

**Kim Smith,**

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

[FR Doc. 04-15129 Filed 7-2-04; 8:45 am]

**BILLING CODE 4910-13-P**

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

[Docket No. FAA-2004-17427; Airspace Docket No. 04-ACE-27]

**Modification of Class E Airspace; Oshkosh, NE**

**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 Oshkosh, NE.

**DATES:** *Effective Date:* 0901 UTC, August 5, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2524.

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a

request for comments in the **Federal Register** on May 11, 2004 (69 FR 26029) and subsequently published corrections to the direct final rule on May 25, 2004 (69 FR 29653) and June 18, 2004 (69 FR 34054). 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 August 5, 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 June 21, 2004.

**Paul J. Sheridan,**

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

[FR Doc. 04-15249 Filed 7-2-04; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[COTP Savannah-04-066]

RIN 1625-AA00

**Safety Zone; Shelter Cove, Hilton Head Island, SC**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone extending a radius of 1,000 feet around the fireworks barge located in Shelter Cove, Hilton Head Island, SC. This regulation is necessary to protect life and property on the navigable waters of Broad Creek due to possible dangers associated with fireworks. No vessel may enter the safety zone without the permission of the Captain of the Port Savannah.

**DATES:** This rule is effective from 8 p.m. June 15, 2004, until 10 p.m. August 24, 2004.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket [COTP Savannah-04-066] and are available for inspection or copying at Coast Guard Marine Safety Office Savannah, 100 W. Oglethorpe Ave., Savannah, GA 31401

between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant Junior Grade Anthony J. Quirino, Coast Guard Marine Safety Office Savannah, 912-652-4353 Ext 235.

**SUPPLEMENTARY INFORMATION:****Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this rule. Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a NPRM. Publishing a NPRM, which would incorporate a comment period before a final rule could be issued, would be contrary to public safety interests since immediate action is needed to minimize potential danger to the public.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

**Background and Purpose**

The temporary safety zone will be in effect and enforced in an area extending a radius of 1,000 feet around the barge located in Shelter Cove, Hilton Head Island, SC (32°10'55" N, 080°44' W). The temporary safety zone will be enforced from 8 p.m. through 10 p.m. each Tuesday beginning on June 8, 2004 through August 24, 2004, and from 8 p.m. to 10 p.m. July 4, 2004. Marine traffic will not be permitted to enter the safety zone without the permission of the Captain of the Port Savannah. Any concerned traffic can contact the representative of the Captain of the Port on board U.S. Coast Guard Auxiliary vessel, which will be on scene throughout the closure. Traffic needing permission to pass through this safety zone can contact the representative for the COTP on VHF-FM channel 16 or via phone at (912) 652-4181.

**Regulatory Evaluation**

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS) because marine traffic should be able to safely transit around the safety zone and may be allowed to enter the