

following statement. This AFM revision may be accomplished by inserting a copy of this AD into the AFM.

"Flight is restricted to unpressurized flight below 10,000 feet mean sea level (MSL). The airplane must be operated in accordance with DHC-7 AFM, PSM 1-71A-1A, Supplement 20."

(2) Install a placard on the cabin pressure control panel or in a prominent location that states the following:

"DO NOT PRESSURIZE THE AIRCRAFT UNPRESSURIZED FLIGHT PERMITTED ONLY IN ACCORDANCE WITH DHC-7 AFM PSM 1-71A-1A, SUPPLEMENT 20 FLIGHT ALTITUDE LIMITED TO 10,000 FEET MSL OR LESS."

#### Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

#### Special Flight Permits

(e) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

#### Incorporation by Reference

(f) Unless otherwise specified in this AD, the actions shall be done in accordance with de Havilland Temporary Revision 5-101, dated August 17, 2001, for Supplementary Inspection Task 52-1 to the de Havilland Dash 7 Maintenance Manual PSM 1-7-2. 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 Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, suite 410, Westbury, New York; 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).

**Note 4:** The subject of this AD is addressed in Canadian airworthiness directive CF-99-03R1, dated August 22, 2001.

#### Effective Date

(g) This amendment becomes effective on June 15, 2004.

Issued in Renton, Washington, on April 22, 2004.

**Kalene C. Yanamura,**

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

[FR Doc. 04-10244 Filed 5-10-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NE-45-AD; Amendment 39-13625; AD 2004-09-34]

RIN 2120-AA64

#### Airworthiness Directives; General Electric Company CF6-80E1 Model Turbofan Engines

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is superseding an existing airworthiness directive (AD) for General Electric Company (GE) CF6-80E1 model turbofan engines with high pressure turbine (HPT) stage 2 (S2) nozzle guide vanes (NGVs) part number (P/N) 1647M84G09 or 1647M84G10, installed. That AD currently requires flex borescope inspections of HPT S2 NGVs installed in CF6-80E1 model turbofan engines. This AD requires the same actions but at reduced compliance intervals. This AD results from inspection findings of HPT S2 NGVs that show cracks from distress could occur sooner and grow faster than originally predicted. We are issuing this AD to prevent failure of HPT rotor blades from HPT S2 NGV distress, which could result in an uncontained engine failure.

**DATES:** Effective May 26, 2004. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of May 26, 2004.

We must receive any comments on this AD by July 12, 2004.

**ADDRESSES:** Use one of the following addresses to submit comments on this AD:

- By mail: The Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001-NE-45-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

- By fax: (781) 238-7055.

- By e-mail: [9-ane-adcomment@faa.gov](mailto:9-ane-adcomment@faa.gov).

You can get the service information referenced in this AD from General

Electric Company via Lockheed Martin Technology Services, 10525 Chester Road, Suite C, Cincinnati, Ohio 45215, telephone (513) 672-8400, fax (513) 672-8422.

You may examine the AD docket, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA. You may examine the service information, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; 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).

#### FOR FURTHER INFORMATION CONTACT:

Karen Curtis, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone: (781) 238-7192; fax: (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** On January 15, 2002, the FAA issued AD 2002-01-04, Amendment 39-12595 (67 FR 4326, January 30, 2002). That AD requires flex borescope inspections of HPT S2 NGVs installed in CF6-80E1 model turbofan engines. That AD was the result of an uncontained engine failure attributed to HPT S2 NGV distress. That condition, if not corrected, could result in failure of HPT rotor blades from HPT S2 NGV distress, which could result in an uncontained engine failure.

#### Actions After AD 2002-01-04 Was Issued

After AD 2002-01-04 was issued, GE received inspection findings of HPT S2 NGVs that show cracks from distress. GE and the FAA have determined that cracks from this distress could occur sooner and propagate faster than originally predicted, and have also determined that the inspection compliance intervals of AD 2002-01-04 are too long.

#### Relevant Service Information

We have reviewed and approved the technical contents of GE Service Bulletin (SB) No. CF6-80E1 S/B 72-0217, Revision 2, dated January 5, 2004, that describes procedures for initial and repetitive flex borescope inspection of HPT S2 NGV P/Ns 1647M84G09 and 1647M84G10.

### FAA's Determination and Requirements of This AD

Although no airplanes that are registered in the United States use these GE CF6-80E1 model turbofan engines, the possibility exists that the engine model could be used on airplanes that are registered in the United States in the future. The unsafe condition described previously is likely to exist or develop on other GE CF6-80E1 model turbofan engines of the same type design. We are issuing this AD to prevent blade failure from HPT S2 NGV distress, which could result in an uncontained engine failure. This AD requires flex borescope inspections of HPT S2 NGVs installed in GE CF6-80E1 model turbofan engines. These actions are required at initial and repetitive compliance intervals that are reduced from the intervals in AD 2002-01-04. You must use the service information described previously to perform the actions required by this AD.

### FAA's Determination of the Effective Date

Since there are currently no domestic operators of this engine model, notice and opportunity for public comment before issuing this AD are unnecessary. Therefore, a situation exists that allows the immediate adoption of this regulation.

### Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. 2001-NE-45-AD" in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it; we will date-stamp your postcard and mail it back to you. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it. If a person contacts us verbally, and that contact relates to a substantive part of this AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend the AD in light of those comments.

We are reviewing the writing style we currently use in regulatory documents. We are interested in your comments on whether the style of this document is

clear, and your suggestions to improve the clarity of our communications with you. You may get more information about plain language at <http://www.faa.gov/language> and <http://www/plainlanguage.gov>.

### Examining the AD Docket

You may examine the AD Docket (including any comments and service information), by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. See **ADDRESSES** for the location.

### 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 the regulation:

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. 2001-NE-45-AD" in your request.

### 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 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. The FAA amends § 39.13 by removing Amendment 39-12595 (67 FR 4326, January 30, 2002) and by adding a new airworthiness directive,

Amendment 39-13625, to read as follows:

#### 2004-09-34 General Electric Company:

Amendment 39-13625. Docket No. 2001-NE-45-AD. Supersedes AD 2002-01-04, Amendment 39-12595.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective May 26, 2004.

#### Affected ADs

(b) This AD supersedes AD 2002-01-04.

#### Applicability

(c) This AD applies to General Electric Company (GE) CF6-80E1 engine models with high pressure turbine (HPT) stage 2 (S2) nozzle guide vanes (NGVs), part number (P/N) 1647M84G09 or 1647M84G10, installed. These engines are installed on, but not limited to, Airbus A330 airplanes.

#### Unsafe Condition

(d) This AD results from inspection findings of HPT S2 NGVs that show cracks from distress could occur sooner and propagate faster than originally predicted. We are issuing this AD to prevent failure of HPT rotor blades from HPT S2 NGV distress, which could result in an uncontained engine failure.

#### 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.

#### NGVs Previously Inspected by Flex Borescope

(f) For NGVs inspected by flex borescope before the effective date of this AD, reinspect or remove from service the NGVs using the Conditions and Reinspection intervals listed in the "Inspection Table for Cracking in the Airfoil Outer Fillet," Figure 5, of GE Service Bulletin (SB) No. CF6-80E1 S/B 72-0217, Revision 2, dated January 5, 2004, or within 200 cycles-in-service-since-last inspection (CSLI), whichever is earlier.

#### NGVs Not Previously Inspected by Flex Borescope

(g) For NGVs not previously inspected by flex borescope, remove from service, or inspect using the Accomplishment Instructions of GE SB No. CF6-80E1 S/B 72-0217, Revision 2, dated January 5, 2004, at the following:

(1) For NGVs with more than 800 cycles-since-overhaul (CSO) on the effective date of this AD, within 50 cycles-in-service (CIS) after the effective date of this AD.

(2) For NGVs with 800 or fewer CSO on the effective date of this AD, at the first regular HPT blade inspection after 800 CSO, but before reaching 900 CSO.

(3) Reinspect or remove from service NGVs using the Conditions and Reinspection intervals listed in the "Inspection Table for Cracking in the Airfoil Outer Fillet," Figure 5, of GE SB No. CF6-80E1 S/B 72-0217, Revision 2, dated January 5, 2004.

**Cycles-Since-Overhaul Defined**

(h) For the purposes of this AD, cycles-since-overhaul (CSO) is defined as cycles since repair as described in GE SB No. CF6-80E1 S/B 72-0164, dated March 16, 1999.

**Engines Not Affected by this AD**

(i) Engines configured with HPT S2 NGV P/Ns 1647M84G05, 1647M84G06, 2080M47G01, 2080M47G02, 2086M62G03, or 2086M62G04 are not affected by this AD.

**Alternative Methods of Compliance**

(j) 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**

(k) You must use General Electric Company Service Bulletin No. CF6-80E1 S/B 72-0217, Revision 2, dated January 5, 2004, to perform the inspections required by this AD. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You can get a copy from General Electric Company via Lockheed Martin Technology Services, 10525 Chester Road, Suite C, Cincinnati, Ohio 45215, telephone (513) 672-8400, fax (513) 672-8422. You may review copies at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA 01803-5299; 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).

**Related Information**

(l) None.

Issued in Burlington, Massachusetts, on April 29, 2004.

**Jay J. Pardee,**

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 04-10371 Filed 5-10-04; 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; request for comments.

**SUMMARY:** This action amends Title 14 Code of Federal Regulations, part 71 (14

CFR 71) by revising Class E airspace at Oshkosh, NE. A review of controlled airspace for Garden County Airport revealed it does not comply with the criteria for 700 feet above ground level (AGL) airspace required for diverse departures. The review also identified discrepancies in the legal description of the Oshkosh, NE Class E airspace area. The area is modified and enlarged to conform to the criteria in FAA Orders.

**DATES:** This direct final rule is effective on 0901 UTC, August 5, 2004.

Comments for inclusion in the Rules Docket must be received on or before June 7, 2004.

**ADDRESSES:** Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2004-17427/ Airspace Docket No. 04-ACE-27, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

**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:** This amendment to 14 CFR 71 modifies the Class E airspace area extending upward from 700 feet above the surface at Oshkosh, NE. An examination of controlled airspace for Garden County Airport revealed it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2E, Procedures for Handling Airspace Matters. The criteria in FAA Order 7400.2E for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the airport reference point (ARP) to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The examination identified discrepancies in the location of the Oshkosh nondirectional radio beacon (NDB) used in the Class E airspace legal description and also that the legal

description was not in compliance with FAA Order 8260.19C, Flight Procedures and Airspace. The limit of the Class E airspace area extension should be defined as a distance from the Oshkosh NDB and the bearing corrected. This amendment expands the airspace area from a 6-mile radius to a 6.5-mile radius of Garden County Airport, corrects the identified location of the Oshkosh NDB in the legal description, defines the airspace extension in relation to the Oshkosh NDB, corrects the NDB bearing from 303° to 300° and brings the legal description of the Oshkosh, NE Class E airspace area into compliance with FAA Orders 7400.2E and 8260.19C. This area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9L, Airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

**The Direct Final Rule Procedure**

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

**Comments Invited**

Interested parties are invited to participate in this rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory