

**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:

**2004-25-23 Boeing:** Amendment 39-13911. Docket 2001-NM-179-AD.

**Applicability:** All Model 747 series airplanes, certificated in any category.

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

To detect and correct fatigue cracks in the top and side panel webs and stiffeners of the nose wheel well (NWW), which could compromise the structural integrity of the NWW and could lead to the rapid depressurization of the airplane, accomplish the following:

**Initial and Repetitive Inspections**

(a) Prior to the accumulation of 16,000 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever is later, do the inspections specified in either paragraph (a)(1) or (a)(2) of this AD.

(1) Do the inspections specified in paragraphs (a)(1)(i) and (a)(1)(ii) of this AD in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747-53A2465, Revision 1, dated October 16, 2003. Repeat the inspections thereafter at intervals not to exceed 1,000 flight cycles.

(i) Do detailed and ultrasonic inspections of the top and side panel webs of the NWW for cracks.

(ii) Do detailed and surface high frequency eddy current (HFEC) inspections of the top and side panel stiffeners of the NWW for cracks.

(2) Do the inspections specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747-53A2465, Revision 2, dated November 11, 2004. Repeat the inspections thereafter at the intervals specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Do external detailed inspections of the top and side panel webs of the NWW (specified as Area 1 and Area 2 in the service bulletin), as applicable, for cracks. Repeat the inspections thereafter at intervals not to exceed 1,000 flight cycles.

(ii) Do internal detailed and surface HFEC inspections of the top and side panel

stiffeners of the NWW (specified as Area 3 in the service bulletin) for cracks. Repeat the inspections thereafter at intervals not to exceed 6,000 flight cycles.

**Note 1:** For the purposes of this AD, a detailed inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirrors, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

**Corrective Actions**

(b) If any crack is found during any inspection required by paragraph (a) of this AD: Prior to further flight, do the applicable corrective actions specified in paragraphs (b)(1) and (b)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747-53A2465, Revision 1, dated October 16, 2003; or Boeing Alert Service Bulletin 747-53A2465, Revision 2, dated November 11, 2004; as applicable. Thereafter, repeat the inspections required by paragraph (a) of this AD at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) Repair web cracks.

(2) Replace cracked stiffeners with new stiffeners.

**Inspections Accomplished per Previous Issue of Service Bulletin**

(c) Inspections accomplished before the effective date of this AD in accordance with Boeing Alert Service Bulletin 747-53A2465, dated April 5, 2001, are considered acceptable for compliance with the corresponding inspections specified in paragraph (a) of this AD.

**Alternative Methods of Compliance**

(d) In accordance with 14 CFR 39.19, the Manager, Seattle Aircraft Certification Office, FAA, is authorized to approve alternative methods of compliance for this AD.

**Incorporation by Reference**

(e) Unless otherwise specified in this AD, the actions shall be done in accordance with Boeing Service Bulletin 747-53A2465, Revision 1, dated October 16, 2003; or Boeing Alert Service Bulletin 747-53A2465, Revision 2, dated November 11, 2004. 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 Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; 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).

**Effective Date**

(f) This amendment becomes effective on January 27, 2005.

Issued in Renton, Washington, on December 7, 2004.

**Ali Bahrami,**

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

[FR Doc. 04-27508 Filed 12-22-04; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Parts 119, 121 and 135**

[Docket No. FAA-2003-15571; Amendment Nos. 119-8, 121-286 and 135-83]

**RIN 2120-AI00**

**DOD Commercial Air Carrier Evaluators**

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

**ACTION:** Disposition of comments on final rule.

**SUMMARY:** This document discusses comments FAA received on the final rule, published on July 10, 2003 (68 FR 41214), which became effective on July 11, 2003, and which clarified existing regulations as they apply to Department of Defense (DOD) commercial air carrier evaluators. These amendments clarified DOD's congressionally mandated cockpit evaluation mission and authority for the aviation security community. Also, DOD's Air Mobility Command (AMC) issued a new credential to allow DOD commercial air carrier evaluators uninterrupted access to the cockpit for evaluations.

**ADDRESSES:** The complete docket for the final rule "DOD Commercial Air Carrier Evaluators" may be examined in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the Nassif Building at the Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. Also, you may review the public docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Lt. Col. Gregory Clawson, Department of Defense Air Mobility Command Liaison Officer to FAA Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-7088.

**SUPPLEMENTARY INFORMATION:**

## Background

The DOD contracts for passenger and air cargo movements from air carriers certificated by the FAA. The DOD is congressionally mandated to conduct capability evaluations of contracted carriers. These evaluations ensure each carrier is able to satisfy the unique requirements of military contracts and to adhere to the DOD Commercial Air Carrier Quality and Safety Requirements. These evaluations apply only to carriers under contract with the DOD or carriers wanting to enter into contracts with the DOD.

DOD commercial air carrier evaluators require uninterrupted access to the flight deck to perform their reviews. For many years, DOD commercial air carrier evaluators relied on the FAA, the air carrier, and the pilot in command authorizing their access to conduct the air carrier evaluation mission. Language contained in 14 CFR parts 121 and 135 did not include DOD commercial air carrier evaluators among those individuals authorized access to the flight deck.

The absence of direct authority in the regulation listing and the lack of a well-known DOD evaluator credential significantly hindered the congressionally mandated DOD air carrier evaluations.

The amendments in the final rule make clear the authority of DOD commercial air carrier evaluators to conduct cockpit evaluations by including them in the regulation text. These changes, with the creation of the S&A Form 110B evaluator credential, have alleviated the problems DOD commercial air carrier evaluators have faced in the field.

## Discussion of Comments

The FAA received comments from a private citizen and a commercial air carrier. The content of the two letters was identical. These comments are addressed below.

The commenters stated that allowing cockpit access to the DOD evaluators was not "prudent or necessary" and the potential existed for DOD evaluators to abuse the process by wanting "free rides."

FAA response: The FAA does not agree with the commenters. The DOD is required by law to conduct carrier evaluations including cockpit observations. The DOD coordinates these observations in advance with the air carrier. Flight crews are made aware of the presence of the DOD evaluator before the flight. Surprise evaluations are not part of this program and DOD evaluators must show proper

documentation, including their S&A Form 110B credential and military orders, to gain access to the aircraft. Additionally, these evaluations only occur on air carriers participating, or applying to participate, in the DOD program. The process currently in place safeguards the security of the aircraft and does not allow for "free ride" abuse by the evaluators.

The FAA received comments regarding the possible falsification of the new credential being issued to DOD evaluators and the potential for increased costs to the air carrier by having to verify the evaluator's documentation.

FAA response: The FAA does not agree that the credential is easily falsified. The new credential issued to DOD air carrier evaluators has the same security features as the credentials carried by FAA inspectors and are difficult to falsify. In addition, DOD evaluators must present military orders with their S&A Form 110B credential. Verifying the credential and military order should not take any more time than in the past, and we expect the costs to be minimal. Again, these evaluations only occur on air carriers participating, or applying to participate, in the DOD program.

## Conclusion

After consideration of the comments submitted in response to the final rule, the FAA has determined that no further rulemaking action is necessary. The final rule, "DOD Commercial Air Carrier Evaluators" remains in effect as adopted.

Issued in Washington, DC, on December 15, 2004.

**Marion C. Blakey,**  
*Administrator.*

[FR Doc. 04-27896 Filed 12-22-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 774

[Docket No. 041123328-4328-01]

**RIN 0694-AD16**

#### **Revision of Export Control Classification Number (ECCN) 2B351 To Conform With the Australia Group (AG) "Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology"**

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Industry and Security (BIS) is publishing this final rule to amend the Export Administration Regulations (EAR) by revising the Commerce Control List (CCL) entry that describes controls on certain toxic gas monitoring systems to conform with the Australia Group (AG) "Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology." Specifically, this final rule removes a technical note that contained an overly broad description of the types of toxic gas monitoring systems and detectors subject to chemical/biological (CB) controls under the EAR. The note covered a number of toxic gas monitoring systems and detectors not included on the AG control list. By removing the technical note, this final rule eliminates the CB license requirement for these toxic gas monitoring systems and detectors. Toxic gas monitoring systems and detectors that are included on the AG control list continue to require a license, for CB reasons, to certain destinations.

**DATES:** This rule is effective December 23, 2004.

**ADDRESSES:** You may submit comments, identified by RIN 0694-AD16, by any of the following methods:

- E-mail: [wfisher@bis.doc.gov](mailto:wfisher@bis.doc.gov). Include "RIN 0694-AD16" in the subject line of the message.
- Fax: (202) 482-3355. Please alert the Regulatory Policy Division, by calling (202) 482-2440, if you are faxing comments.
- Mail or Hand Delivery/Courier: Willard Fisher, U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, ATTN: RIN 0694-AD16.

#### **FOR FURTHER INFORMATION CONTACT:**

Mark Sagrams, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Telephone: (202) 482-7900.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) by revising Export Control Classification Number (ECCN) 2B351 on the Commerce Control List (CCL) (Supplement No. 1 to Part 774 of the EAR) to conform with the Australia Group (AG) "Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology."