



- 1 Measurements are to be taken at at least three locations on the skin panel of the vertical fin. Care has to be taken that the external calipers are held squarely to the skin panel wall while measurements are being taken, since tilting of the calipers can lead to false results. If the panel thickness, including the primer coating, is at least 0.778 mm (0.03063 inch) at every measured location, no further action is necessary.

Vertical Fin-Skin Panelling  
Figure 1

(b) If the wall thickness, including the primer coating, of the panelling is less than 0.778 millimeter (0.03063 inch) at any of the measured locations, replace the vertical fin with an airworthy part before further flight.

(c) 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 Safety Management Group, Rotorcraft Directorate, FAA, for information about previously approved alternative methods of compliance.

**Note 2:** The subject of this AD is addressed in Luftfahrt-Bundesamt (Federal Republic of Germany) AD 2003-219, dated August 21, 2003.

Issued in Fort Worth, Texas, on January 30, 2004.

**David A. Downey,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

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**BILLING CODE 4910-13-C**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 60 and 121

[Docket No. FAA-2002-12461; Notice No. 02-11]

RIN 2120-AH07

#### Flight Simulation Device Initial and Continuing Qualification and Use

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

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** On September 25, 2002, the FAA published a Notice of Proposed Rulemaking (NPRM) to establish a new

part regarding flight simulation device qualification requirements. The comment period closed on February 24, 2003; however, the FAA is reopening the comment period for an additional 30 days in order to give the public an opportunity to comment on recommendations received from an Aviation Rulemaking Committee established by the Administrator on July 2, 2003.

**DATES:** Comments must be received on or before March 11, 2004.

**ADDRESSES:** You may send comments [identified by Docket Number FAA-2002-12461] using any of the following methods:

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.
- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590.
- Fax: 1-202-493-2251.
- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For more information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**Privacy:** We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. For more information, see the Privacy Act discussion in the **SUPPLEMENTARY INFORMATION** section of this document.

**Docket:** To read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Edward Cook, National Simulator Program Staff (AFS-205), Flight Standards Service, Federal Aviation Administration, 100 Hartsfield Centre Parkway, Suite 400, Atlanta, GA 30354; telephone: (404) 832-4700

#### **SUPPLEMENTARY INFORMATION:**

#### **Comments Invited**

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating

to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also review the docket using the Internet at the Web address in the **ADDRESSES** section.

**Privacy Act:** Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://dms.dot.gov>.

Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

#### **Availability of NPRMs**

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the FedWorld electronic bulletin board service (telephone: (703) 321-3339) or the Government Printing Office (GPO)'s electronic bulletin board service (telephone: (202) 512-1661).

Internet users may reach the FAA's Web page at <http://www.faa.gov/avr/arm/nprm/nprm.htm> or the GPO's Web page at <http://www.access.gpo.gov/nara> to access recently published rulemaking documents.

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Communications must identify the notice number or docket number of this NPRM.

Persons interested in being placed on the mailing list for future rulemaking documents should request from the above office a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

#### **Background**

On September 25, 2002, the FAA published in the **Federal Register** Notice 02-11, entitled "Flight Simulation Device Initial and Continuing Qualification and Use" (67 FR 60284). The comment period closed on February 24, 2003. In order to resolve comments and provide a forum for the FAA and the aviation community to discuss and resolve issues regarding FSDs, the FAA established the Flight Simulation Device Aviation Rulemaking Committee (ARC) on July 2, 2003. The general goal of the ARC is to provide advice, guidance, and recommendations on FSD issues including but not limited to safety of flight issues; the suitability and/or the application of the simulation to flight crewmember training, testing, or checking activities; and implementation of technical changes or scientific advancements in simulation. This ARC provided a forum for the FAA and affected members of the aviation community to discuss issues. The ARC also allowed members of the aviation community to reach consensus on certain recommendations that would be submitted to the FAA, to develop resolutions to facilitate the evolution of FSDs. The ARC's initial task was to review the FAA's proposed new rules in Notice 02-11 (Docket No. FAA-2002-12461), published on September 25, 2002. On November 24, 2003, the ARC submitted to the FAA its recommendations on how the proposed rule language should be clarified and reorganized. The ARC believes its recommendations are within the scope of the original NPRM.

In order to give the public an opportunity to comment on the recommendations received from the ARC, the FAA is reopening the comment period for an additional 30 days. The FAA finds that it is in the public interest to reopen the comment period for 30 days.

Issued in Washington, DC, on February 2, 2004.

John M. Allen,

Acting Director, Flight Standards Service.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 61, 91, 119, 121, 135, and 136

[Docket No. FAA-1998-4521; Notice No. 04-02]

RIN 2120-AF07

#### National Air Tour Safety Standards

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

**ACTION:** Notice of public meeting on the Internet.

**SUMMARY:** On October 22, 2003, the FAA published a notice of proposed rulemaking (NPRM) that proposes regulations to govern commercial air tours throughout the United States. We are announcing an Internet public meeting to supplement the traditional comment period. The public meeting will help us consider the concerns of those who may be most affected by the proposed rule as we develop a final rule that will promote safety in the commercial air tour industry.

**DATES:** You may access the public meeting at any time beginning February 23, 2004, at 9 a.m. EST and ending on March 5, 2004, at 4:30 p.m. EST.

**ADDRESSES:** You may access the on-line public meeting at <http://www.faa.gov/avr/arm/rulemakingforum.cfm?nav=part>. Under the 'View Docket/Comments' column, click once on 'Enter Public Meeting.' Follow the instructions to participate in the discussion.

You may submit written comments to the docket, whether or not you participate in the public meeting. Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh St., SW., Washington, DC 20590-0001. You must identify the docket number FAA-1998-4521 at the beginning of your comments, and you should submit two copies of your comments. The public meeting on the Internet is intended to supplement the docket. A copy of the discussion from the public meeting will be submitted to the docket after the close of the public meeting.

You may also submit comments through the Internet to <http://dms/>

[dot.gov](http://dot.gov). You may review the public docket containing comments to these proposed regulations in person 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 at the Department of Transportation building at the address above. Also, you may review public dockets on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Alberta Brown, Air Transportation Division, Flight Standards Service, AFS-200, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8166; e-mail: [Alberta.Brown@faa.gov](mailto:Alberta.Brown@faa.gov).

#### SUPPLEMENTARY INFORMATION

##### Background

We published a notice of proposed rulemaking on October 22, 2003 (68 FR 60572) that proposes to regulate commercial air tours throughout the United States. The notice provided a 90-day comment period that was to end on January 20, 2004. We received significant response to this NPRM, including numerous requests to extend the comment period and to conduct a series of public meetings. On January 16, 2004, we published a notice to extend the comment period an additional 90 days to April 19, 2004 (69 FR 2529).

##### Public Meeting on the Internet

We have carefully considered the requests for a series of public meetings. Traditionally, public meetings have been useful when we have been able to identify a geographic area that may be most affected by a proposed rule. We could then supplement the comment period with a public meeting that would allow those most affected to express their views directly to FAA representatives. As of the date of this notice, we have received approximately 1,500 comments in docket FAA-1998-4521. Most of the comments are from individuals or small aviation businesses. The persons who submitted these comments are widely dispersed throughout the country, many of them in small communities. It would be impractical to conduct a public meeting in every community in America where someone could be affected by the proposed rule. If we were to choose to hold public meetings only in areas where large tour operators are located, they would have a disproportionate opportunity to participate, to the disadvantage of the many small

operators who have responded to this proposed rule.

The Internet allows us to overcome the barriers of geography and enables anyone with an Internet connection to participate in a public discussion of the issues. A further advantage of a public meeting on the Internet is that it is not limited by time. A traditional public meeting would be scheduled at a particular place, on a particular day, at a specific time. Anyone with a schedule conflict may be unable to participate. A public meeting on the Internet can be available 24 hours per day over a period of several weeks. A public meeting held on the Internet, like a traditional public meeting, provides the opportunity to obtain useful information from the public. It has the additional advantage of allowing much broader participation throughout the country. We have therefore decided to hold a public meeting on the Internet.

##### How the Public Meeting Will Be Conducted

To facilitate an organized and useful discussion of the issues, we will divide the discussion into three forums that will address specific areas of the proposed rule. The three forums will be:

1. *Community and charity events.* This forum will discuss portions of the proposed rule that may affect persons who provide aerial sightseeing rides for charitable purposes or at community events.
2. *Part 91 sightseeing in accordance with the 25-mile exception.* This forum will discuss portions of the proposed rule that may affect persons who are not currently required to obtain an operating certificate because they conduct nonstop sightseeing flights that begin and end at the same airport and are conducted within a 25-mile radius of that airport under the exception found in section 119.1(e)(2).
3. *Part 121 and part 135 commercial air tour operators.* This forum will include discussion of portions of the proposed rule that may affect commercial air tour operators who conduct tours with an air carrier certificate under part 119 and operate under the rules of part 121 or 135 of Chapter 14 of the Code of Federal Regulations.

It is possible that some may wish to participate in more than one forum within the public meeting. You can participate in as many forums as you wish. To focus the discussion and encourage responses that will help us address both safety issues and concerns of those affected by the proposed rule, in each forum we will solicit responses to specific questions. You will be able