

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:

**2004-04-08 Boeing:** Amendment 39-13489. Docket 2004-NM-28-AD.

*Applicability:* Model 777-200 series airplanes, variable numbers WC381 through WC385 inclusive, WC446, and WC447; certificated in any category.

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

To prevent the possibility of the airplane departing the runway during Category IIIB autoland operations due to autopilot disconnect in low visibility weather conditions, and to warn the flightcrew of the potential for autopilot disconnect or unscheduled speed brake retraction during any landing, which could result in a departure from the runway; accomplish the following:

#### Revision of the Airplane Flight Manual (AFM) and Installation of a Placard

(a) Within 1 day after the effective date of this AD, accomplish the actions specified in paragraphs (a)(1) and (a)(2) of this AD.

(1) Revise the Limitations Section of the AFM to include the following statement (this may be accomplished by inserting a copy of this AD into the AFM):

“CERTIFICATE LIMITATIONS

CAT IIIB autoland prohibited.

#### WARNING

The PFCS may revert to direct mode during takeoff or landing. If reversion to direct mode occurs during autoland, the autopilot will disconnect. In this situation, the flightcrew must immediately take control of the airplane and provide manual rollout control.

#### WARNING

If the PFCS reverts to direct mode after the speed brakes have been deployed during landing rollout, the speed brakes will retract. If this occurs, the flightcrew must manually deploy the speed brakes to preserve stopping performance.”

(2) Install a warning placard in the flight deck in the Captain's primary field of view that reads as follows:

“CAT IIIB AUTOLAND PROHIBITED.”

#### Optional Terminating Action

(b) Remove all three existing PFCs, having hardware part number (P/N) S251W700-103 and software P/N 2769-PFC-900-00, and install serviceable PFCs having hardware P/N S251W700-102 and software P/N 2763-PFC-740-00; in accordance with TASKS 27-02-01-400-803, 27-02-01-000-801, and 27-02-01-400-802 of Chapter 27-02-01 of Boeing 777 Airplane Maintenance Manual, Document Number D633W101. After accomplishing the removal and installation, the AFM revision and placard required by paragraph (a) of this AD may be removed.

#### Special Flight Permit

(c) Special flight permits (14 CFR 21.197 and 21.199) are not allowed.

#### 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 (AMOCs) for this AD.

#### Effective Date

(e) This amendment becomes effective on February 26, 2004.

Issued in Renton, Washington, on February 20, 2004.

**Ali Bahrami,**

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

[FR Doc. 04-4258 Filed 2-25-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30405; Amdt. No. 3090]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective February 26, 2004. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of February 26, 2004.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The Flight Inspection Area Office which originated the SIAP; or,

4. The Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

*For Purchase—*Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By *Subscription*—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

#### FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the

SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

### The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

### Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR part 97:

Air traffic control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on February 13, 2004.

**James J. Ballough,**

*Director, Flight Standards Service.*

### Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

\* \* \* *Effective April 15, 2004*

Marina, CA, Marina Muni, VOR RWY 29, Orig, CANCELLED  
 Denver, CO, Denver Intl, RNAV (GPS) RWY 34L, ORIG–A  
 Denver, CO, Denver Intl, RNAV (GPS) RWY 16R, ORIG–A  
 Denver, CO, Denver Intl, ILS OR LOC RWY 16R, ORIG–A  
 Denver, CO, Denver Intl, ILS OR LOC RWY 34L, ILS RWY 34L (CAT II), ILS RWY 34L (CAT III), ORIG–A  
 Fort Lauderdale, FL, Fort Lauderdale Executive, RNAV (GPS) RWY 8, Orig  
 Fort Lauderdale, FL, Fort Lauderdale Executive, VOR/DME RNAV OR GPS RWY 8, Orig  
 Orlando, FL, Orlando Sanford, ILS OR LOC RWY 9L, Amdt 2  
 Tampa, FL, Tampa Intl, RNAV (GPS) RWY 36L, Orig  
 Tampa, FL, Tampa Intl, RNAV (GPS) RWY 18R, Orig  
 Tampa, FL, Tampa Intl, RNAV (GPS) RWY 18L, Orig  
 Vidalia, GA, Vidalia Regional, RNAV (GPS) RWY 24, Orig  
 Indianapolis, IN, Indianapolis Intl, RADAR–1, Amdt 31A, CANCELLED  
 Johnson, KS, Stanton County Muni, RNAV (GPS) RWY 17, Orig  
 Johnson, KS, Stanton County Muni, RNAV (GPS) RWY 35, Orig  
 Orange, MA, Orange Muni, GPS RWY 32, Orig–D  
 Tupelo, MS, Tupelo Regional, ILS OR LOC RWY 36, Amdt 7C  
 Minot, ND, Minot Intl, ILS RWY 31, Amdt 9B  
 Minot, ND, Minot Intl, LOC BC RWY 13, Amdt 7  
 Minot, ND, Minot Intl, VOR RWY 13, Amdt 11

Minot, ND, Minot Intl, VOR RWY 31, Amdt 11  
 Minot, ND, Minot Intl, RNAV (GPS) RWY 13, Orig  
 Truth or Consequences, NM, Truth or Consequences Muni, RNAV (GPS)–A, Orig  
 Truth or Consequences, NM, Truth or Consequences Muni, GPS RWY 31, Orig–B, CANCELLED  
 Battle Mountain, NV, Battle Mountain, VOR–A, Amdt 4  
 Battle Mountain, NV, Battle Mountain, VOR/DME RWY 3, Amdt 5  
 Battle Mountain, NV, Battle Mountain, GPS RWY 3, Orig, CANCELLED  
 Battle Mountain, NV, Battle Mountain, RNAV (GPS) RWY 3, Orig  
 Glens Falls, NY, Floyd Bennett Memorial, RNAV (GPS) RWY 30, Orig–A  
 Georgetown, OH, Brown County, RNAV (GPS) RWY 35, Orig  
 Georgetown, OH, Brown County, GPS RWY 35, Orig, CANCELLED  
 Hamilton, OH, Butler County Regional, LOC RWY 29, Amdt 1, CANCELLED  
 Hamilton, OH, Butler County Regional, ILS OR LOC RWY 29, Orig  
 Oklahoma City, OK, Will Rogers World, RNAV (GPS) RWY 17R, Amdt 1A  
 Allentown, PA, Lehigh Valley International, RNAV (GPS) Y RWY 6, Orig  
 Allentown, PA, Lehigh Valley International, RNAV (GPS) Z RWY 6, Orig  
 Allentown, PA, Lehigh Valley International, RNAV (GPS) Z RWY 13, Orig  
 Allentown, PA, Lehigh Valley International, RNAV (GPS) Y RWY 13, Orig  
 Allentown, PA, Lehigh Valley International, RNAV (GPS) RWY 24, Orig  
 Allentown, PA, Lehigh Valley International, RNAV (GPS) RWY 31, Orig  
 Allentown, PA, Lehigh Valley International, ILS OR LOC RWY 6, Amdt 22  
 Allentown, PA, Lehigh Valley International, ILS OR LOC RWY 13, Amdt 6  
 Allentown, PA, Lehigh Valley International, NDB RWY 6, Amdt 18  
 Allentown, PA, Lehigh Valley International, GPS RWY 24, Orig, CANCELLED  
 Galveston, TX, Scholes Intl At Galveston, ILS OR LOC RWY 13, Amdt 10A  
 Moab, UT, Canyonlands Field, VOR–A, Amdt 10  
 Moab, UT, Canyonlands Field, RNAV (GPS) RWY 3, Orig  
 Moab, UT, Canyonlands Field, GPS RWY 3, Orig, CANCELLED

Janesville, WI, Southern Wisconsin  
Regional, VOR RWY 4, Amdt 27  
Janesville, WI, Southern Wisconsin  
Regional, VOR/DME RWY 22, Amdt 1  
Janesville, WI, Southern Wisconsin  
Regional, RNAV (GPS) RWY 4, Orig  
Janesville, WI, Southern Wisconsin  
Regional, RNAV (GPS) RWY 14, Orig  
Janesville, WI, Southern Wisconsin  
Regional, RNAV (GPS) RWY 22, Orig  
Janesville, WI, Southern Wisconsin  
Regional, RNAV (GPS) RWY 32, Orig  
Sparta, WI, Sparta/Fort McCoy, NDB  
RWY 29, Amdt 3  
Sparta, WI, Sparta/Fort McCoy, RNAV  
(GPS) RWY 11, Orig  
Sparta, WI, Sparta/Fort McCoy, RNAV  
(GPS) RWY 29, Orig  
Sparta, WI, Sparta/Fort McCoy, GPS  
RWY 11, Amdt 1A, CANCELLED  
Sparta, WI, Sparta/Fort McCoy, GPS  
RWY 29, Amdt 1A, CANCELLED  
[FR Doc. 04-4172 Filed 2-25-04; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD01-03-096]

RIN 1625-AA09

#### Drawbridge Operation Regulations: Rahway River, NJ

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

**SUMMARY:** The Coast Guard has changed the drawbridge operation regulations that govern the Conrail Bridge, at mile 2.0, across the Rahway River at Linden, New Jersey. This change to the drawbridge operation regulations will allow the bridge to be operated from a remote location. This action is expected to allow the bridge owner to operate the bridge from a remote location while still providing for the reasonable needs of navigation.

**DATES:** This rule is effective March 29, 2004.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01-03-096) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, One South Street, New York, New York, 10004, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joe Arca, Project Officer, First Coast Guard District, (212) 668-7069.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On October 14, 2003, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Rahway River, New Jersey, in the **Federal Register** (68 FR 59143). We received one comment letter in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

##### Background and Purpose

The Conrail Bridge has a vertical clearance of 6 feet at mean high water and 11 feet at mean low water in the closed position.

The existing drawbridge operation regulations listed at 33 CFR 117.743, require the bridge to open on signal from April 1 through November 30, from 6 a.m. to 10 p.m. At all other times, the bridge shall open on signal if at least a four-hour notice is given.

The Conrail Bridge across the Rahway River is navigated predominately by small recreational vessels April through November.

The owner of the bridge, Consolidated Rail Corporation (Conrail), requested a change to the drawbridge operation regulations to allow the bridge to be operated from a remote location by a bridge/train dispatcher located at the Conrail Dispatch Office at Mount Laurel, New Jersey. The bridge will still operate the same; except, it will be done from a remote location. The on-scene bridge tender will be eliminated by this rulemaking.

It is expected that this final rule will relieve the bridge owner of the burden of crewing the bridge at all times while still meeting the reasonable needs of navigation.

##### Discussion of Comments and Changes

The Coast Guard received one comment letter in response to the notice of proposed rulemaking. The comment letter was in objection to the proposed rule change stating that not having a drawtender in attendance at the bridge would not allow for the timely discovery of any conditions that may cause the bridge to become inoperative.

The bridge owner is required under 33 CFR 117.7 to keep the bridge in good operable condition at all times and to test the bridge operation at sufficient intervals to assure satisfactory operation. The Coast Guard believes that it is not necessary to keep the bridge crewed at all times and that the bridge owner's preventative maintenance

schedule is sufficient to assure reliable operation of the bridge. As a result of the above, no changes have been made to this final rule.

##### 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).

This conclusion is based on the fact that the bridge will continue to open for vessel traffic at all times, except for the passage of rail traffic.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

This conclusion is based on the fact that the bridge will continue to open for vessel traffic at all times, except for the passage of rail traffic.

##### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).