

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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2006-05-02 Boeing: Amendment 39-14499. Docket No. FAA-2005-22526; Directorate Identifier 2005-NM-008-AD.

Effective Date

(a) This AD becomes effective April 6, 2006.

Affected ADs

(b) Inspections specified in this AD may be considered an alternative method of compliance (AMOC) for certain requirements of AD 2004-07-22, amendment 39-13566, as specified in paragraph (i)(2) of this AD.

Applicability

(c) This AD applies to all Boeing Model 747-200F, 747-200C, 747-400, 747-400D, and 747-400F series airplanes; certificated in any category.

Unsafe Condition

(d) This AD was prompted by fatigue tests and analysis that identified areas of the fuselage where fatigue cracks can occur. We are issuing this AD to prevent loss of the structural integrity of the fuselage, which could result in rapid depressurization of the airplane.

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.

Inspections

(f) Do initial and repetitive inspections for fuselage cracks using applicable internal and external detailed inspection methods, and repair all cracks, by doing all the actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 747-53A2500, dated December 21, 2004, except as required by paragraph (g) of this AD. Do the initial and repetitive inspections at the times specified in paragraph 1.E. of the service bulletin, except as required by paragraph (h) of this AD. Repair any crack before further flight after detection.

Exceptions to Service Bulletin Procedures

(g) If any crack is found during any inspection required by this AD, and the bulletin specifies to contact Boeing for appropriate action: Before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(h) Where the service bulletin specifies a compliance time after the issuance of the service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

AMOCs

(i)(1) The Manager, Seattle ACO, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Accomplishment of the inspections specified in this AD is considered an AMOC for the applicable requirements of paragraphs (c) and (d) of AD 2004-07-22 under the following conditions:

(i) The inspections specified in this AD must be done within the compliance times specified in AD 2004-07-22. The initial inspection specified in this AD must be done at the times specified in paragraph (d) of AD 2004-07-22, and the inspections specified in this AD must be repeated within the intervals specified in paragraph (f) of this AD.

(ii) The AMOC applies only to the areas of Supplemental Structural Inspection Document for Model 747 Airplanes, Document D6-35022, Revision G, dated December 2000, that are specified in Boeing Alert Service Bulletin 747-53A2500, dated December 21, 2004.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Material Incorporated by Reference

(j) You must use Boeing Alert Service Bulletin 747-53A2500, dated December 21, 2004, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Room PL-401, Nassif Building, Washington, DC; on the Internet at <http://dms.dot.gov>; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Issued in Renton, Washington, on February 16, 2006.

Michael Zielinski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06-1828 Filed 3-1-06; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 65

[Docket No. FAA-2004-17334; SFAR No. 103]

RIN 2120-AI18

Process for Requesting Waiver of Mandatory Separation Age for Certain Federal Aviation Administration (FAA) Air Traffic Control Specialists

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; disposition of comments.

SUMMARY: On January 7, 2005, the FAA published Special Federal Aviation Regulation No. 103 establishing the procedures and some standards by which an air traffic controller in a flight service station, enroute or terminal facility, or at the David J. Hurley Air Traffic Control System Command Center may request a waiver of the mandatory separation age. The FAA requested comments on the SFAR. This action confirms that SFAR No. 103 remains in effect as adopted and disposes of the comments.

ADDRESSES: You can view the complete document for the final rule by going to <http://dms.dot.gov>. You can also go 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: Wanda Reyna, ATO Workforce Services (ATO-A) Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3056.

SUPPLEMENTARY INFORMATION:

Background

Section 8335(a) of Title 5 of the United States Code mandates that the Secretary of Transportation, under regulations as he may prescribe, may exempt a controller having exceptional skills and experience as a controller from the automatic separation provisions or mandatory separation provisions of the statute until that controller becomes 61 years of age. The Transportation, Treasury, and Independent Agencies Appropriations Act for fiscal year 2004, H.R. 2673, 108th Cong. (2004) directed the Secretary to issue a regulation establishing the procedures by which an air traffic control specialist may request a waiver of the mandatory separation

age. The FAA accordingly amended 14 CFR part 65 to add Special Federal Aviation Regulation (SFAR) No. 103 (70 FR 1634), effective January 7, 2005, and requested public comments by February 7, 2005.

Discussion of Comments

The docket received comments from 16 individuals. Many of the commenters essentially took issue with the “exceptional skills and experience” standard that will be used by the Administrator of the FAA to grant an exception. Congress established this standard in 5 U.S.C. 8835(a). This rule implements the process by which the Congressionally mandated standard will be applied.

Some commenters also expressed concern over the information FAA will rely upon to make the determination, as well as the lack of a mental or medical evaluation. The FAA has carefully tailored this rule to include the most relevant and necessary information for making the determination of whether a controller possesses the requisite exceptional skills and experience. Any controller granted a waiver will still have to meet the rigorous medical standards for air traffic controllers, including passing the annual air traffic controller physical examination.

A few commenters raised the question of whether allowing controllers to work past mandatory retirement will compromise safety. Congress, in effect, addressed this issue when it limited the eligibility for a waiver to controllers with *exceptional* skills and experience. The FAA will use the procedures in this rule, including review of all requests by the Air Traffic Manager and the senior executive manager in the Air Traffic Manager's regional chain of command, to assure that safety is not compromised.

Finally, some commenters were concerned with the fact that there is no right to appeal the denial or revocation of a waiver. While every applicant will be given full and due consideration, denial or revocation falls solely within the discretion of the Administrator. Accordingly, there is no right to appeal or grieve a denial or termination of an exemption.

Conclusion

After consideration of all comments submitted in response to the final rule, the FAA has determined that no further rulemaking action is necessary. Therefore, SFAR No. 103 remains in effect as adopted.

Issued in Washington, DC, on February 23, 2006.

Marion C. Blakey,
Administrator.

[FR Doc. 06–1951 Filed 3–1–06; 8:45 am]

BILLING CODE 4910–13–P

PRESIDIO TRUST

36 CFR Parts 1001, 1002, 1004 and 1005

RIN 3212–AA00

Management of the Presidio

AGENCY: The Presidio Trust.

ACTION: Final rule.

SUMMARY: The Presidio Trust (Trust) was created by Congress in 1996 to manage most of the former U.S. Army post known as the Presidio of San Francisco, California. Pursuant to law, administrative jurisdiction of approximately 80 percent of this property (Area B) was transferred to the Trust on July 1, 1998. On June 30, 1998, the Trust adopted final interim regulations establishing the basic requirements for the management of Area B. By this rulemaking, the Trust is giving notice of its adoption of those final interim regulations, which were published on June 30, 1998 at 63 FR 35694, as final regulations.

DATES: Effective Date: This final rule is effective on April 3, 2006.

FOR FURTHER INFORMATION CONTACT: Karen A. Cook, General Counsel, The Presidio Trust, P.O. Box 29052, San Francisco, CA 94129–0052, Telephone: 415–561–5300.

SUPPLEMENTARY INFORMATION:

Background

The Presidio Trust is a wholly-owned government corporation created pursuant to Title I of the Omnibus Parks and Public Lands Management Act of 1996, 16 U.S.C. sec. 460bb note, Public Law 104–333, 110 Stat. 4097 (Trust Act). Pursuant to sec. 103(b) of the Trust Act, the Secretary of the U.S. Department of the Interior transferred administrative jurisdiction to the Trust of all of Area B of the former Presidio of San Francisco Army post, as shown on the map referenced in the statute, on July 1, 1998. Notice of such transfer was published in the **Federal Register** on June 12, 1998 (63 FR 32236).

Section 104(j) of the Trust Act authorizes the Trust, “in consultation with the Secretary [of the U.S. Department of the Interior], to adopt and to enforce those rules and regulations that are applicable to the Golden Gate

National Recreation Area and that may be necessary and appropriate to carry out its duties and responsibilities” under the Trust Act. The regulations adopted as final herein cover such matters for Area B of the Presidio as resource protection, public use and recreation, vehicles and traffic safety, and commercial and private operations.

The Trust promulgated these regulations as final interim regulations on June 30, 1998, at 63 FR 35694, in order to provide immediately for public safety, good order, and efficient management of the property that was transferred to the Trust's jurisdiction on July 1, 1998. The Trust provided a public comment period of 60 days on the final interim regulations that closed on August 31, 1998. These have been the operative regulations for management of the area under the Trust's administrative jurisdiction from June 30, 1998 to date. They can be found at 36 CFR parts 1001—General Provisions, 1002—Resource Protection, Public Use and Recreation, 1004—Vehicles and Traffic Safety, and 1005—Commercial and Private Operations.

Shortly after adopting the final interim regulations, on September 18, 1998, the Trust published a notice of proposed rulemaking containing a proposal for more extensive and revised regulations for management of Area B. These proposed regulations were published at 63 FR 50024, and contained proposed 36 C.F.R. Parts 1001—General Provisions, 1002—Resource Protection, Public Use and Recreation, 1003—Vehicles and Traffic Safety, 1004—Commercial and Private Operations, 1005—Rights-of-Way, and 1006—Presidio Trust Symbols. The period for public comment on these proposed regulations closed on January 8, 1999. On January 19, 1999, the Trust held certain of these proposed regulations in abeyance until further notice. See 64 FR 2870.

After consideration of all comments received on both the proposed regulations and the final interim regulations, the Trust decided to adopt the final interim regulations as final regulations for management of Area B. This decision was taken at the December 9, 2002, meeting of the Trust's Board of Directors (Resolution 03–7) and was posted on the Trust's public Web site, but due to an administrative oversight, notice of the Trust's action was not promptly published in the **Federal Register**.

Since their adoption in June 1998, the final interim regulations have served the public well and have provided clear, concise guidance to those charged with enforcing the Trust's regulations. The