

**Reason**

(e) The mandatory continuing airworthiness information (MCAI) states:

Further to a new fracture in flight of a CAP 10B wing in June 2003, the investigation in process seems to point out that a wrong application of CAP 10B Service Bulletin No. 16 (CAP 10B-57-004) would lead to the impossibility of detecting the potential spar damage while performing the Type Certificate holder upper spar flange inspection.

The MCAI requires you to check that the No. 1 wing rib has been modified, comply with load factors and operating limitations, and do repetitive inspections of the upper and lower spar flanges and landing gear attachment blocks.

**Actions and Compliance**

(f) Unless already done, do the following actions:

(1) For Model CAP 10B airplanes with SNs 01, 02, 03, 04, and 1 through 263, within the next 100 hours time-in-service (TIS) after July 23, 1993 (the compliance date retained from AD 2003-04-02), unless already done, install a permanent inspection opening in the No. 1 wing rib following Avions Mudry Service Bulletin CAP10B No. 16, dated April 27, 1992. Inspection openings are incorporated during production for airplanes having a serial number of 264 or higher.

(2) For all affected airplanes, initially inspect the upper wing spar cap, the main wing spar undersurface, and the landing gear attachment blocks for cracks within the next 55 hours TIS after April 4, 2003 (the compliance date retained from AD 2003-04-02) following APEX Aircraft Document No. 1000913GB, dated February 4, 2002; APEX Aircraft Document No. 1000914GB, dated February 4, 2002; and APEX Aircraft Document No. 1000915GB, dated February 4, 2002. Repetitively inspect the upper wing spar cap and the main wing spar undersurface thereafter at intervals not to exceed 55 hours TIS. Repetitively inspect the landing gear attachment blocks thereafter at intervals not to exceed 1,000 hours TIS.

(3) For all affected airplanes, before further flight if any cracks are found during any inspection required in paragraph (f)(2) of this AD, do the following:

(i) Obtain a repair scheme from the manufacturer through the FAA at the address specified in paragraph (h)(1) of this AD;

(ii) Incorporate this repair scheme; and

(iii) Continue to inspect as specified in paragraph (f)(2) of this AD.

(4) For all affected airplanes, unless already done, do the following actions:

(i) Load factors limitation: Before further flight, as of May 27, 2008 (the effective date of this AD), the load factors limitation for solo flight is +5 and -3.5 Gs and when 2 persons are on board is +4.3 and -3.5 Gs.

(ii) Flick (snap roll) maneuvers speed limitation: Before further flight, as of May 27, 2008 (the effective date of this AD), for positive and negative flick maneuvers, the airspeed limitation is 160 km/hour (86 knots).

(5) For all affected airplanes, before further flight after May 27, 2008 (the effective date of this AD), fabricate a placard:

(i) Incorporate the following words (using at least 1/8-inch letters) in the placard and install this placard on the instrument panel within the pilot's clear view: "THE NEVER EXCEED AIRSPEED FOR POSITIVE OR NEGATIVE FLICK MANEUVERS IS 160 KM/H (86 KNOTS). THE LOAD FACTORS LIMITATION FOR SOLO FLIGHT IS +5 AND -3.5 Gs AND WHEN 2 PERSONS ARE ON BOARD IS +4.3 AND -3.5 Gs."

(ii) The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may fabricate the placard required in paragraph (g)(3)(i) of this AD. Make an entry into the aircraft records showing compliance with this portion of the AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

**FAA AD Differences**

**Note:** This AD differs from the MCAI and/or service information as follows: This AD does not include the requirement from the MCAI to route the request to operate beyond the load factors limitation and flick (snap roll) maneuvers speed limitation through the Direction Générale de L'Aviation Civile (DGAC). You may make this request to the FAA following paragraph (h)(1) of this AD.

**Other FAA AD Provisions**

(h) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; fax: (816) 329-4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

**Related Information**

(i) Refer to MCAI French AD 2003-375(A), dated October 1, 2003; Avions Mudry & CIE Service Bulletin CAP 10B No. 16, dated April 27, 1992, APEX Aircraft Document No. 1000913GB, dated February 4, 2002; APEX Aircraft Document No. 1000914GB, dated February 4, 2002; and APEX Aircraft Document No. 1000915GB, dated February 4, 2002, for related information.

**Material Incorporated by Reference**

(j) You must use Avions Mudry & CIE Service Bulletin CAP 10B No. 16, dated April 27, 1992; APEX Aircraft Document No. 1000913GB, dated February 4, 2002; APEX Aircraft Document No. 1000914GB, dated February 4, 2002; and APEX Aircraft Document No. 1000915GB, dated February 4, 2002, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of APEX Aircraft Document No. 1000913GB, dated February 4, 2002; APEX Aircraft Document No. 1000914GB, dated February 4, 2002; and APEX Aircraft Document No. 1000915GB, dated February 4, 2002, under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) On July 23, 1993 (58 FR 31342, June 2, 1993), the Director of the Federal Register previously approved the incorporation by reference of Avions Mudry & CIE Service Bulletin CAP 10B No. 16, dated April 27, 1992.

(3) For service information identified in this AD, contact APEX Aircraft, Bureau de Navigabilité, 1, route de Troyes, 21121 DAROIS—France; telephone: +33 380 35 65 10; fax +33 380 35 65 15; e-mail: [airworthiness@apex-aircraft.com](mailto:airworthiness@apex-aircraft.com); Internet: <http://www.apex-aircraft.com>.

(4) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; 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/cfr/ibr-locations.html>.

Issued in Kansas City, Missouri, on April 11, 2008.

**James E. Jackson,**

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

[FR Doc. E8-8360 Filed 4-18-08; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 73**

[Docket No. FAA-2008-0257; Airspace Docket No. 08-AAL-7]

**RIN 2120-AA66**

**Revision of Restricted Area 2204; Oliktok Point, AK**

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

**ACTION:** Final rule.

**SUMMARY:** This action changes the using agency of Restricted Area 2204 (R-2204), Oliktok Point, AK, from "Department of Energy, Sandia National Labs/National Nuclear Security Administration, Albuquerque, NM" to "Department of Energy, Office of

Science, Washington, DC.” The FAA is taking this action in response to a request from the United States (U.S.) Department of Energy to reflect an administrative change of responsibility for the restricted area. This action also revises R-2204, by subdividing the area to create R-2204 High and R-2204 Low. The overall dimensions of R-2204 will remain the same; however, establishing of R-2204 High and R-2204 Low will enable the Department of Energy to activate only that portion of the airspace that is actually needed to contain their operations.

**DATES:** *Effective Date:* 0901 UTC, July 31, 2008.

**FOR FURTHER INFORMATION CONTACT:** Ken McElroy, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**Background**

At the request of the U.S. Department of Energy, the FAA is changing the designated using agency for R-2204 in Alaska. The U.S. Department of Energy is assuming primary responsibility for operations as using agency from their contractor, Sandia Labs. In addition to the action above, the U.S. Department of Energy has assessed their planned operations within Restricted Area R-2204 and determined that many of the operations will be conducted at an altitude below 1,500 feet (ft.) above Mean Sea Level (MSL), and, therefore higher altitudes are not needed for these activities. The primary benefit of this action is to make lower altitudes available on Federal Airway V-438 between the Deadhorse Very High Frequency Omnidirectional Range (VOR) and the Barrow VOR during most periods when Restricted Area R-2204 is active.

**The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by changing the R-2204 using agency currently shown as, “Department of Energy, Sandia National Labs/National Nuclear Security Administration, Albuquerque, NM” to “Department of Energy, Office of Science, Washington, DC.” This action also subdivides R-2204 into R-2204 Low from the surface of the earth up to, but not including 1,500 ft. MSL and R-2204 High from 1,500 ft. MSL up to, but not including, 7,000 ft. MSL. This will make airspace available for flight under visual flight rules (VFR) and will permit

instrument flight rules (IFR) altitudes on V-438 to be available during periods when R-2204 Low is needed to contain activity conducted at altitudes below 1,500 ft. MSL. Accordingly, since this action permits greater access to airspace by both VFR and IFR aircraft during periods of activation of R-2204, High and Low, public procedures under 5 U.S.C. 533(b) are unnecessary.

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. Therefore, this regulation: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends restricted areas in Alaska.

**Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with 311d., FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures.” This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

**List of Subjects in 14 CFR Part 73**

Airspace, Prohibited areas, Restricted areas.

**Adoption of the Amendment**

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

**PART 73—SPECIAL USE AIRSPACE**

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 73.22 [Amended]**

■ 2. § 73.22 is amended as follows:

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**R-2204 Oliktok Point, AK [Remove]**

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**R-2204 Oliktok Point High, AK [New]**

Boundaries. Within a 2 NM radius centered at lat. 70°30’35” N., long. 149°51’33” W.

Designated altitudes. 1,500 feet MSL to, but not including, 7,000 feet MSL.

Time of designation: By NOTAM, 24 hours in advance, not to exceed 30 days annually.

Controlling agency. FAA, Anchorage ARTCC.

Using agency. Department of Energy, Office of Science, Washington, DC.

**R-2204 Oliktok Point Low, AK [New]**

Boundaries. Within a 2 NM radius centered at lat. 70°30’35” N., long. 149°51’33” W.

Designated altitudes. Surface to, but not including, 1,500 feet MSL.

Time of designation: By NOTAM, 24 hours in advance, not to exceed 30 days annually.

Controlling agency. FAA, Anchorage ARTCC.

Using agency. Department of Energy, Office of Science, Washington, DC.

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Issued in Washington, DC, on April 14, 2008.

**Stephen L. Rohring,**

*Acting Manager, Airspace and Rules Group.*

[FR Doc. E8-8579 Filed 4-18-08; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[USCG-2008-0238]

**RIN 1625-AA00**

**Safety Zone: Kingsmill Resort Fireworks Display, James River, Williamsburg, VA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a 350 foot radius safety