

2003, for Model AS 350 B3 helicopters. If the clearance is less than 20 mm (0.8 in) in interference Area A or less than 12 mm (0.5 in) in interference Area B, reposition the air exhaust duct in accordance with the Operational Procedure, paragraph 2.B.2., of Eurocopter ASB No. 71A001, dated May 12, 2003, for Model EC 130 B4 helicopters, or Eurocopter ASB No. 71.00.16, dated May 12, 2003, for Model AS 350 B3 helicopters.

(d) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact Manager, Safety Management Office, Rotorcraft Directorate, FAA, for information about previously approved alternative methods of compliance.

(e) The inspections, measuring, and repositioning, if necessary, shall be done in accordance with Eurocopter ASB No. 71A001 for Model EC 130 B4 helicopters and ASB No. 71.00.16 for Model AS 350 B3 helicopters, both dated May 12, 2003. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; 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).

(f) This amendment becomes effective on July 9, 2004.

**Note:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 2003-208(A) and AD 2003-209(A), both dated May 28, 2003.

Issued in Fort Worth, Texas, on May 21, 2004.

**David A. Downey,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 04-12441 Filed 6-3-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 121 and 139

[Docket No. FAA-2000-7479; Amendment Nos. 121-304, 139-26]

RIN 2120-AG96

#### Certification of Airports; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** The Federal Aviation Administration (FAA) is making minor technical changes to a final rule

published in the **Federal Register** on February 10, 2004 (69 FR 6380). That final rule revises the airport certification regulations and establishes certification requirements for certain airports.

#### FOR FURTHER INFORMATION CONTACT:

Linda Bruce, Airport Safety and Operations Division, Office of Airport Safety and Standards, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8553.

**DATES:** Effective Date: This correction is effective on June 9, 2004.

**SUPPLEMENTARY INFORMATION:** The FAA published in the **Federal Register** of February 10, 2004 (69 FR 6380), a final rule revising the airport certification regulation and establishing certification requirements for airports serving scheduled air carrier operations in aircraft designed for more than 9 passenger seats, but less than 31 passenger seats. The final rule also amends the air carrier operation regulations to conform with changes to airport certification requirements. The final rule is necessary to ensure safety in air transportation at all certificated airports and becomes effective June 9, 2004.

The final rule preamble states that air carriers can continue to operate aircraft with more than 9 seats, but less than 31 seats, into airports that are not obligated to obtain the appropriate airport operating certificate until December 9, 2005. However, the rule language is causing the regulated community some uncertainty in interpreting this provision. Therefore, the FAA is clarifying this rule language. This clarification is consistent with the intent of the preamble for the final rule and will remove uncertainty in the regulated community. In addition, there are several minor technical edits to the rule language.

We intend no substantive changes to any of the requirements established by the final rule. These corrections do not impose any additional requirements on operators affected by these regulations.

#### Justification for Expedited Rulemaking

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined there is good cause for making today's action final without prior proposal and opportunity for comment because the changes to the

rule are minor technical corrections and do not change the requirements of the rule. Thus, notice and public procedure are unnecessary.

#### Corrections

■ In final rule FR Doc. 04-2255, published on February 10, 2004 (69 FR 6380), make the following corrections:

■ 1. On page 6380, in column 1 in the heading section, beginning on line four, correct "Amendment Nos. 121-304, 135-94" to read "Amendment Nos. 121-304, 139-26".

#### § 121.590 [Corrected]

■ 2. On page 6424, in column 1, § 121.590(b), correctly designate paragraph (b) as (b)(1).

■ 3. On page 6424, in column 1, § 121.590, add paragraph (b)(2) to read as follows:

\* \* \* \* \*

(2) Until December 9, 2005, an air carrier and a pilot being used by the air carrier in the conduct of domestic type operations and flag type operations, may operate an airplane designed for more than 9 but less than 31 passenger seats, at a land airport, in any State of the United States, the District of Columbia, or any territory or possession of the United States, that does not hold an airport operating certificate issued under part 139 of this chapter, and that serves small air carrier aircraft (as defined under "Air carrier aircraft" and "Class III airport" in § 139.5 of this Chapter).

\* \* \* \* \*

#### § 139.203 [Corrected]

\* \* \* \* \*

■ 4. On page 6428, § 139.203(b), in item 23 of the table, in the fifth column, add an "X" under Class IV.

#### § 139.303 [Corrected]

■ 5. On page 6429, in columns 1 and 2, § 139.303(e), correctly designate subparagraphs (i) through (vi) as (1) through (6).

#### § 139.305 [Corrected]

■ 6. On page 6429, in column 2, § 139.305, correct the text of paragraph(a)(3) to read as follows:

\* \* \* \* \*

(3) The pavement must be free of cracks and surface variations that could impair directional control of air carrier aircraft, including any pavement crack or surface deterioration that produces loose aggregate or other contaminants.

\* \* \* \* \*

#### § 139.315 [Corrected]

■ 7. On page 6431, in column 1, § 139.315(e), correctly designate

subparagraphs (i) through (iv) as (1) through (4).

**§ 139.317 [Corrected]**

■ 8. On page 6431, in column 3, on line six of § 139.317(k), add the date, “June 9, 2004”, at the end of the sentence after the word “after”.

**§ 139.319 [Corrected]**

■ 9. On page 6432, in column 1, on line three of § 139.319(g)(3), correct the reference “(h)(1)” to read “(g)(1)”.

Issued in Washington, DC, on, May 27, 2004.

**Donald P. Byrne,**

*Assistant Chief Counsel for Regulations.*

[FR Doc. 04–12615 Filed 6–1–04; 12:58 pm]

BILLING CODE 4910–13–P

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 20

RIN 2900–AJ85

#### **Board of Veterans’ Appeals: Rules of Practice—Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error: Advancement on the Docket**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document affirms the interim final rule amending the Rules of Practice of the Board of Veterans’ Appeals (Board) relating to challenges to Board decisions on the grounds of “clear and unmistakable error” (CUE). The amendment provides for advancing CUE motions on the docket.

**DATES:** *Effective Date:* This final rule is effective June 4, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Steven L. Keller, Senior Deputy Vice Chairman, Board of Veterans’ Appeals, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 ((202) 565–5978).

**SUPPLEMENTARY INFORMATION:** In a document published in the **Federal Register** on September 12, 2003 (68 FR 53681), we published an interim final rule with request for comments, which amended the Board’s Rule of Practice 1405(a) (38 CFR 20.1405(a)). Rule 1405(a) requires that motions challenging decisions of the Board on the grounds of CUE be decided in accordance with their place on the Board’s docket. While appeals are subject to the same requirement, 38 U.S.C. 7107(a)(1), we noted that both section 7107(a)(2) and its implementing regulation provide for earlier

consideration of appeals if good cause is shown. 38 CFR 20.900(c) (Rule 900(c)). Rule 900(c) sets forth the good cause reasons for advancing an appeal on the Board’s docket and the requirements for filing a motion to advance an appeal on the docket. However, because CUE motions are not appeals, and thus not subject to the various rules relating to appeals, we realized there was no regulatory provision for advancing CUE motions.

We therefore amended Rule 1405(a) to provide that a CUE motion may be advanced on the docket subject to the substantive and procedural requirements of Rule 900(c). We asked interested parties to submit comments on or before October 14, 2003. We received no comments. Based on the rationale noted above and as set forth in the interim final rule, we are adopting the interim final rule as a final rule without change.

#### **Administrative Procedure Act**

This document affirms without any changes an interim final rule that is already in effect. Accordingly, we have concluded under 5 U.S.C. 553 that there is good cause for dispensing with a delayed effective date based on the conclusion that such procedure is impracticable and unnecessary.

#### **Unfunded Mandates**

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any given year. This final rule would have no such effect on State, local, or tribal governments, or the private sector.

#### **Executive Order 12866**

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

#### **Paperwork Reduction Act**

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521).

#### **Regulatory Flexibility Act**

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rule affects only the processing of claims by VA and does not affect small businesses, to include law firms.

Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Approved: April 22, 2004.

**Anthony J. Principi,**

*Secretary of Veterans Affairs.*

Accordingly, the interim final rule amending 38 CFR part 20 which was published at 68 FR 53681 on September 12, 2003 is adopted as a final rule without change.

[FR Doc. 04–12625 Filed 6–3–04; 8:45 am]

BILLING CODE 8320–01–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### **Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition to Delist *Astragalus magdalenae* var. *peirsonii* (Peirson’s Milk-vetch)**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service) announce a 12-month finding for a petition to delist *Astragalus magdalenae* var. *peirsonii* (Peirson’s milk-vetch) under the Endangered Species Act (Act) of 1973, as amended, (16 U.S.C. 1531 *et seq.*). After reviewing the best scientific and commercial information available, we find that the petitioned action is not warranted. We ask the public to submit to us any new information that becomes available concerning the status of, or threats to, the species. This information will help us monitor and encourage the conservation of this species.

**DATES:** The finding announced in this document was made on May 28, 2004. Although no further action will result from this finding, we request that you submit new information concerning the status of, or threats to, this species, whenever it becomes available.

**ADDRESSES:** The complete file for this finding is available for inspection, by appointment, during normal business hours, at Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, 6010 Hidden Valley Road, Carlsbad, California 92009. Submit new information, materials, comments, or questions concerning this plant to us at the above address.

**FOR FURTHER INFORMATION CONTACT:** Jim Bartel, Field Supervisor, Carlsbad Fish