

the Executive Schedule are computed as follows:

(1) Compute an hourly rate by dividing the applicable published annual rate of basic pay by 2,087 hours and rounding the result to the nearest cent.

(2) Compute the biweekly rate by multiplying the hourly rate from paragraph (d)(1) of this section by 80 hours.

(e) Notwithstanding any other provision in this section, premium pay for protective services authorized by 18 U.S.C. 3056(a) is subject to the requirements in section 118 of the Treasury and General Government Appropriations Act of 2001 (as enacted into law by section 1(3) of Public Law 106-554).

■ 3. In § 550.106, paragraphs (d)(3) and (e) are revised and a new paragraph (g) is added to read as follows:

§ 550.106 Annual maximum earnings limitation.

* * * * *

(d) * * *

(3) Compute an annual rate of pay by multiplying the biweekly rate from paragraph (d)(2) of this section by the number of pay periods for which a salary payment is issued in the given calendar year under the agency's payroll cycle (*i.e.*, either 26 or 27 pay periods).

(e) An agency may defer payment of some or all of the additional premium pay owed an employee as a result of the annual limitation until the end of the calendar year.

* * * * *

(g) If an agency determines that the emergency or mission-critical work conditions are no longer in effect for an employee, it must resume application of the biweekly limitation. However, any premium pay the employee receives during the remainder of the calendar year is also subject to the annual limitation (as applied to any given pay period as described in paragraph (c) of this section).

■ 4. In § 550.107, paragraph (d) is redesignated as paragraph (e) and a new paragraph (d) is added to read as follows:

§ 550.107 Premium payments capped on a biweekly basis when an annual limitation otherwise applies.

* * * * *

(d) The biweekly rates under paragraph (c) of this section are computed as provided in § 550.105(d).

* * * * *

[FR Doc. 04-20952 Filed 9-16-04; 8:45 am]

BILLING CODE 6325-39-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003-CE-40-AD; Amendment 39-13795; AD 2004-19-04]

RIN 2120-AA64

Airworthiness Directives; Cessna Aircraft Company 120, 140, 140A, 150, F150, 170, 172, F172, FR172, P172D, 175, 177, 180, 182, 185, A185E, 190, 195, 206, P206, U206, TP206, TU206, 207, T207, 210, T210, 336, 337, and T337 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA adopts a new airworthiness directive (AD) that will supersede AD 86-26-04, which applies to certain Cessna Aircraft Company (Cessna) 120, 140, 140A, 150, F150, 170, 172, F172, FR172, P172D, 175, 177, 180, 182, 185, A185E, 190, 195, 205, 205A, 206, P206, P206E, TP206A, TU206, TU206E, U206, U206E, 207, T207, 210, T210, 336, 337, and T337 series airplanes. AD 86-26-04 currently requires you to inspect and, if necessary, modify the pilot/co-pilot upper shoulder harness adjusters that have certain Cessna accessory kits incorporated. This AD is the result of reports that additional airplanes have the same unsafe condition and the manufacturer revised the service information to add these airplanes and correct the part number of the shoulder harness adjusters. Consequently, this AD retains the actions of 86-26-04, adds additional airplanes to the applicability section of this AD, and incorporates the revised service information. We are issuing this AD to prevent slippage of the pilot/co-pilot shoulder harness, which could result in failure of the shoulder harness to maintain proper belt length adjustment and tension. Such failure could result in pilot/co-pilot injury.

DATES: This AD becomes effective on November 1, 2004.

As of November 1, 2004, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

ADDRESSES: You may get the service information identified in this AD from The Cessna Aircraft Company, Product Support P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517-5800; facsimile: (316) 942-9006.

You may view the AD docket at FAA, Central Region, Office of the Regional

Counsel, Attention: Rules Docket No. 2003-CE-40-AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Office hours are 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Gary D. Park, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4123; facsimile: (316) 946-4107.

SUPPLEMENTARY INFORMATION:

Discussion

What is the background of the subject matter? Cessna designed add-on shoulder harness assembly accessory kits for the pilot/co-pilot seats for certain Cessna airplanes. These shoulder harness assemblies incorporate a retainer spring in the adjuster on the upper and lower shoulder harness. The retainer spring may have been inadvertently installed on the belt friction pin. This installation of the spring in the upper shoulder harness adjuster will not allow the belt webbing to lock in place.

This caused us to issue AD 86-26-04, Amendment 39-5503 (52 FR 520, January 7, 1987). AD 86-26-04 currently requires the following on certain Cessna 120, 140, 140A, 150, F150, 170, 172, F172, FR172, P172D, 175, 177, 180, 182, 185, A185E, 190, 195, 205, 205A, 206, P206, P206E, TP206A, TU206, TU206E, U206, U206E, 207, T207, 210, T210, 336, 337, and T337 series airplanes:

- Inspecting the upper shoulder harness adjuster for the presence of a retainer spring;
- If a retainer spring is found, removing the retainer spring; and
- Stamping out the -401 identification number.

What has happened since AD 86-26-04 to initiate this action? We have received reports that additional airplanes have the same unsafe condition. Cessna has revised the related service information to include these additional airplanes.

Cessna also revised the service information to correct the reference to the part number (P/N) of the shoulder harness adjusters. The P/N is referenced as 44030-401 in Cessna Single Engine Service Bulletin SEB86-8 and Cessna Multi-engine Service Bulletin MEB86-22, both dated November 21, 1986. The correct P/N is 443030-401.

What is the potential impact if FAA took no action? If not corrected, the shoulder harness could fail to maintain proper belt length adjustment and

tension. Such failure could result in pilot/co-pilot injury.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Cessna Models 120, 140, 140A, 150, F150, 170, 172, F172, FR172, P172D, 175, 177, 180, 182, 185, A185E, 190, 195, 206, P206, U206, TP206, TU206, 207, T207, 210, T210, 336, 337, and T337 series airplanes. This proposal was published in the **Federal Register** as a supplemental notice of proposed rulemaking (NPRM) on February 27, 2004 (69 FR 9277). The supplemental NPRM proposed to supersede AD 86–26–04 with a new AD that would require you to:

- Inspect the upper shoulder harness adjuster for the presence of a retainer spring;
- If a retainer spring is found, remove the retainer spring; and
- Stamp out the –401 identification number.

Was the public invited to comment? The FAA encouraged interested persons to participate in the making of this amendment. The following presents the comment received on the proposal and FAA’s response to the comment:

Comment Issue: Clarify Whether Retainer Springs, Part Number (P/N) 443030–401, Used in Cessna Service Kits Are Affected by This AD

What is the commenter’s concern? The commenter states that there is confusion about whether retainer springs, P/N 443030–401, used in Cessna service kits are affected by this AD. The commenter states that the service kits are different and unrelated to the shoulder harness assembly accessory kits referenced in the AD. The commenter believes this is confusing and may result in a mechanic cutting the spring on the service kit adjusters in an effort to comply with this AD.

The commenter wants us to put a note in the AD to clarify that Cessna service kits that incorporate the use of P/N 443030–401 are not affected by this AD.

What is FAA’s response to the concern? We concur with the commenter and will add a paragraph in the AD for clarification. We will change the final rule AD action based on this comment.

Conclusion

What is FAA’s final determination on this issue? We carefully reviewed all available information related to the subject presented above and determined that air safety and the public interest require the adoption of the rule as

proposed except for the changes discussed above and minor editorial corrections. We have determined that these changes and minor corrections:

- Provide the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Changes to 14 CFR Part 39—Effect on the AD

How does the revision to 14 CFR part 39 affect this AD? On July 10, 2002, the FAA published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA’s AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance

How many airplanes does this AD impact? We estimate that this AD affects 75,329 airplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the inspection:

Labor cost	Parts cost	Total cost airplane	Total cost on U.S. operators
1 workhour × \$65 per hour = \$65	No parts required	\$65	\$65 × 75,329 = \$4,896,385.

We estimate the following costs to accomplish any necessary modification that will be required based on the

results of this inspection. We have no way of determining the number of

airplanes that may need this modification:

Labor cost	Parts cost	Total cost per airplane
1 workhour × \$65 per hour = \$65	No parts required	\$65

What is the difference between the cost impact of this AD and the cost impact of AD 86–26–04? The difference is the addition of 26 airplanes to the applicability section of this AD. There is no difference in cost to perform the inspection and the modification.

Regulatory Findings

Will this AD impact various entities? We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States,

or on the distribution of power and responsibilities among the various levels of government.

Will this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this AD:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include “AD Docket No. 2003–CE–40–AD” in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator,

the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

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 FAA amends § 39.13 by removing Airworthiness Directive (AD)

86–26–04, Amendment 39–5503 (52 FR 520, January 7, 1987), and by adding a new AD to read as follows:

2004–19–04 Cessna Aircraft Company:

Amendment 39–13795; Docket No. 2003–CE–40–AD; Supersedes AD 86–26–04, Amendment 39–5503.

When Does This AD Become Effective?

(a) This AD becomes effective on November 1, 2004.

What Other ADs Are Affected by This Action?

(b) This AD supersedes AD 86–26–04, Amendment 39–5503.

What Airplanes Are Affected by This AD?

(c) This AD affects the following airplane models and serial numbers that are certificated in any category and incorporate one of the Cessna accessory kits specified in paragraph (d) of this AD.

Model	Serial number
(1) 120	8000 through 15075.
(2) 140	8000 through 15075.
(3) 140A	15200 through 15724.
(4) 150	617, 17001 through 17999, and 59001 through 59018.
(5) 150A	628 and 15059019 through 15059350.
(6) 150B	15059351 through 15059700.
(7) 150C	15059701 through 15060087.
(8) 150D	15060088 through 15060772.
(9) 150E	644 and 15060773 through 15061532.
(10) 150F	15061533 through 15064532.
(11) 150G	15064533 through 15064969 and 15064971 through 15067198.
(12) 150H	649 and 15067199 through 15069308.
(13) 150J	15069309 through 15071128.
(14) 150K	15071129 through 15072003.
(15) 170	18000 through 18729.
(16) 170A	18730 through 19400 and 19402 through 20266.
(17) 170B	20267 through 20999 and 25000 through 27169.
(18) 172	610, 612, 615, 28000 through 29999, 36000 through 36999, and 46001 through 46754.
(19) 172A	622, 625, and 46755 through 47746.
(20) 172B	630 and 17247747 through 17248734.
(21) 172C	17248735 through 17249544.
(22) 172D	17249545 through 17250572.
(23) 172E	639 and 17250573 through 17251822.
(24) 172F	17251823 through 17253392.
(25) 172G	17253393 through 17254892.
(26) 172H	638, 17254893 through 17256492, and 17256494 through 17256512.
(27) 172I	17256513 through 17257161.
(28) 172K	17257162 through 17258486 and 17258487 through 17259223.
(29) P172D	P17257120 through P17257188.
(30) 175	626, 640, 28700A, and 55001 through 56238.
(31) 175A	619 and 56239 through 56777.
(32) 175B	17556778 through 17557002.
(33) 175C	17557003 through 17557119.
(34) 177	661, 17700001, and 17700003 through 17701164.
(35) 177A	17701165 through 17701370.
(36) 177B	17701371 through 17701471 and 17701473 through 17701530.
(37) 180	604, 614, 30000 through 32661.
(38) 180A	32662 through 32999 and 50001 through 50355.
(39) 180B	50356 through 50661.
(40) 180C	624 and 50662 through 50911.
(41) 180D	18050912 through 18051063.
(42) 180E	18051064 through 18051183.
(43) 180F	18051184 through 18051312.
(44) 180G	18051313 through 18051445.
(45) 180H	18051446 through 18052175.
(46) 182	613 and 33000 through 33842.
(47) 182A	33843 through 34753, 34755 through 34999, and 51001 through 51556.
(48) 182B	34754, 51557 through 51622, and 51624 through 52358.
(49) 182C	631 and 52359 through 53007.
(50) 182D	51623 and 18253008 through 18253598.
(51) 182E	18253599 through 18254423.
(52) 182F	18254424 through 18255058.
(53) 182G	18255059 through 18255844.
(54) 182H	634 and 18255846 through 18256684.
(55) 182J	18256685 through 18257625.
(56) 182K	18255845, 18257626 through 18257698, and 18257700 through 18258505.
(57) 182L	18258506 through 18259305.
(58) 182M	662, 18257699, and 18259306 through 18260055.

Model	Serial number
(59) 182N	18260056 through 18260445.
(60) 185	632 and 185-0001 through 185-0237.
(61) 185A	185-0238 through 185-0512.
(62) 185B	185-0513 through 185-0653.
(63) 185C	185-0654 through 185-0776.
(64) 185D	185-0777 through 185-0967.
(65) 185E	185-0968 through 185-1149.
(66) A185E	185-0968 through 185-1599 and 18501600 through 18501832.
(67) 190	7001 through 7999 and 16000 through 16183.
(68) 195	7001 through 7999 and 16000 through 16183.
(69) 206	206-0001 through 206-0275.
(70) P206	P206-0001 through P206-0160.
(71) P206A	P206-0161 through P206-0306.
(72) P206B	P206-0307 through P206-0419.
(73) P206C	P206-0420 through P206-0519.
(74) P206D	P206-0520 through P206-0603.
(75) P206E	P20600604 through P20600647.
(76) U206	U206-0276 through U206-0437.
(77) U206A	U206-0438 through U206-0656.
(78) U206B	U206-0657 through U206-0914.
(79) U206C	U206-0915 through U206-1234.
(80) U206D	U206-1235 through U206-1444 and U20601445 through U20601587.
(81) TP206A	P206-0161 through P206-0306.
(82) TP206B	P206-0307 through P206-0419.
(83) TP206C	P206-0420 through P206-0519.
(84) TP206D	P206-0520 through P206-0603.
(85) TP206E	P20600604 through P20600647.
(86) TU206A	U206-0487 through U206-0656.
(87) TU206B	U206-0657 through U206-0914.
(88) TU206C	U206-0915 through U206-1234.
(89) TU206D	U206-1235 through U206-1444 and U20601445 through U20601587.
(90) 207	20700001 through 20700190.
(91) T207	20700001 through 20700190.
(92) 210	618 and 57001 through 57575.
(93) 210-5 (205)	641, 648, and 205-0001 through 205-0480.
(94) 210-5 (205A)	205-0481 through 205-0577.
(95) 210A	616 and 21057576 through 21057840.
(96) 210B	21057841 through 21058085.
(97) 210C	21058086 through 21058139 and 21058141 through 21058220.
(98) 210D	21058221 through 21058510.
(99) 210E	21058511 through 21058715.
(100) 210F	21058716 through 21058818.
(101) 210G	21058819 through 21058936.
(102) 210H	21058937 through 21059061.
(103) 210J	21059062 through 21059199.
(104) 210K	21059200 through 21059351.
(105) T210F	T210-0001 through T210-0197.
(106) T210G	T210-0198 through T210-0307.
(107) T210H	T210-0308 through T210-0392.
(108) T210J	T210-0393 through T210-0454.
(109) T210K	21059200 through 21059351.
(110) F150G	F150-0068 through F150-0219.
(111) F150H	F150-0220 through F150-0389.
(112) F150J	F150-0390 through F150-0529.
(113) F150K	F15000530 through F15000658.
(114) F172D	F172-0001 through F172-0018.
(115) F172E	F172-0019 through F172-0085.
(116) F172F	F172-0086 through F172-0179.
(117) F172G	F172-0180 through F172-0319.
(118) F172H	F172-0320 through F172-0654 and F17200655 through F17200754.
(119) FR172E	FR17200001 through FR17200060.
(120) FR172F	FR17200061 through FR17200145.
(121) FR172G	FR17200146 through FR17200225.
(122) 336	633, 636, and 336-0001 through 336-0195.
(123) 337	647 and 337-0002 through 337-0239.
(124) 337A	337-0240 through 337-0305, 337-0307 through 337-0469, and 337-0471 through 337-0525.
(125) 337B	656, 337-0001, 337-0470, 337-0526 through 337-0568, and 337-0570 through 337-0755.
(126) 337C	337-0756 through 337-0978.
(127) 337D	337-0979 through 337-1193.
(128) 337E	33701194 through 33701316.
(129) T337B	337-0001, 337-0470, 337-0526 through 337-0568, and 337-0570 through 337-0755.
(130) T337C	337-0756 through 337-0978.
(131) T337D	337-0979 through 337-1193.
(132) T337E	33701194 through 33701316.

What Cessna Accessory Kits Are Affected by This AD?

(d) The following is a list of the affected Cessna accessory kits:

CESSNA ACCESSORY KIT

AK140-10
AK150-7
AK150-121
AK170-10
AK177-10
AK182-75
AK195-10

CESSNA ACCESSORY KIT—Continued

AK210-77
AK210-93
AK210-171
AK210-172
AK210-173
AK210-174
AK336-32
AK336-36
AK336-103

Note: Retainer springs, part number (P/N) 443030-401, used in Cessna service kits are not affected by this AD.

What Is the Unsafe Condition Presented in This AD?

(e) The actions specified in this AD are intended to prevent slippage of the pilot/co-pilot shoulder harness, which could result in failure of the shoulder harness to maintain proper belt length adjustment and tension. This failure could result in pilot/co-pilot injury.

What Must I Do To Address This Problem?

(f) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Inspect only the upper shoulder harness adjuster (part number (P/N) 443030-401) for the presence of a retainer spring.	Within the next 25 hours time-in-service (TIS) after November 1, 2004 (the effective date of this AD).	Follow Cessna Single Engine Service Bulletin SEB86-8, Revision 1, and Cessna Multi-engine Service Bulletin MEB86-22, Revision 1, both dated July 28, 2003.
(2) If a retainer spring is found during the inspection of the upper shoulder harness adjuster (P/N 443030-401) required in paragraph (f)(1) of this AD: (i) Remove the spring by cutting each side; and (ii) stamp out the -401 identification number.	Prior to further flight after the inspection required in paragraph (f)(1) of this AD.	Follow Cessna Single Engine Service Bulletin SEB86-8, Revision 1, and Cessna Multi-engine Service Bulletin MEB86-22, Revision 1, both dated July 28, 2003.
(3) If a retainer spring is not found during the inspection of the upper shoulder harness adjuster (P/N 443030-401) required in paragraph (f)(1) of this AD, make an entry in the airplane log book showing compliance with this AD.	Prior to further flight after the inspection required in paragraph (f)(1) of this AD.	Follow Cessna Single Engine Service Bulletin SEB86-8, Revision 1, and Cessna Multi-engine Service Bulletin MEB86-22, Revision 1, both dated July 28, 2003.
(4) Only incorporate Cessna Accessory Kits identified in paragraph (d) of this AD that have been inspected and modified in accordance with paragraphs (f)(1), (f)(2), (f)(2)(i), and (f)(2)(ii) of this AD.	As of November 1, 2004 (the effective date of this AD).	Follow Cessna Single Engine Service Bulletin SEB86-8, Revision 1, and Cessna Multi-engine Service bulletin MEB86-22, Revision 1, both dated July 28, 2003.

(g) If you did the actions of this AD using Cessna Single Engine Service Bulletin SEB86-8 and Cessna Multi-engine Service Bulletin MEB86-22, both dated November 21, 1986, no further action is required as long as you used shoulder harness adjuster, P/N 443030-401.

May I Request an Alternative Method of Compliance?

(h) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Wichita Aircraft Certification Office (ACO), FAA. For information on any already approved alternative methods of compliance, contact Gary D. Park, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4123; facsimile: (316) 946-4107.

Does This AD Incorporate Any Material by Reference?

(i) You must do the actions required by this AD following the instructions in Cessna Single Engine Service Bulletin SEB86-8, Revision 1, and Cessna Multi-engine Service Bulletin MEB86-22, Revision 1, both dated July 28, 2003. The Director of the Federal Register approved the incorporation by

reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may get a copy from Cessna Aircraft Company, Product Support, P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517-5800; facsimile: (316) 942-9006. You may review copies at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Issued in Kansas City, Missouri, on September 8, 2004.

Dorenda D. Baker,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04-20774 Filed 9-16-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2004-18818; Airspace Docket No. 04-ACE-44]

Modification of Class E Airspace; Fremont, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends title 14 Code of Federal Regulations, part 71 (14 CFR 71) by revising Class E airspace at Fremont, NE. A review of controlled airspace for Fremont Municipal Airport revealed it does not comply with the criteria for 700 feet above ground level (AGL) airspace required for diverse departures. The review also identified discrepancies in the legal description for the Fremont, NE Class E airspace area. The area is modified and enlarged to conform to the criteria in FAA Orders.