

2005. Therefore, this action will continue the suspension of regulations indefinitely as USDA evaluates the Committee's recommendation to terminate the order.

This action also suspends the one remaining reporting requirement under the order regarding planted acreage. Because the industry has continued to decline, the Committee believes there is no need to incur any costs or gather any additional data.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements being suspended by this rule were approved previously by the Office of Management and Budget (OMB) and assigned OMB No. 0581-0178, Vegetable and Specialty Crops. Suspension of all the reporting requirements under the order is expected to reduce the reporting burden on small or large South Texas melon handlers by 24.90 hours, and should further reduce industry expenses. Handlers are no longer required to file any forms with the Committee. This rule will, thus, not impose any additional reporting or recordkeeping requirements on either small or large melon handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the melon industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the September 16, 2004, meeting and the September 7, 2005 meeting were public meetings and all entities, both large and small, were able to express their views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on continued suspension of the handling, assessment collection, and all reporting regulations currently prescribed under the South Texas melon marketing order.

Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that the regulations suspended by this interim final rule, as hereinafter set forth, no longer tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The rule continues to suspend the handling, assessment collection, reporting requirements, and related regulations for South Texas melons indefinitely; (2) termination of the order was recommended by the Committee at an open public meeting and all interested persons had an opportunity to express their views and provide input; (3) South Texas melon handlers are aware of this rule and need no additional time to comply with the relaxed requirements; and (4) this rule provides a 30-day comment period and any comments received will be considered prior to finalization of this rule. For these same reasons, a thirty-day comment period is deemed appropriate for interested persons to comment.

#### List of Subjects in 7 CFR Part 979

Marketing agreements, Melons, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 979 is amended as follows:

#### **PART 979—MELONS GROWN IN SOUTH TEXAS**

■ 1. The authority citation for 7 CFR part 979 continues to read as follows:

**Authority:** 7 U.S.C. 601-674.

■ 2. In part 979, §§ 979.106, 979.112, 979.152, 979.155, 979.180, 979.219, and 979.304 are suspended indefinitely in their entirety effective October 6, 2005.

Dated: October 3, 2005.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 05-20088 Filed 10-3-05; 12:38 pm]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-22585; Directorate Identifier 2005-NM-041-AD; Amendment 39-14328; AD 2005-20-31]

RIN 2120-AA64

#### **Airworthiness Directives; Honeywell Flight Management System (FMS) One Million Word (1M or 700K) Data Bases (9104 Cycle or Earlier), as Installed in, but Not Limited to, McDonnell Douglas Model MD-11 and MD-11F Airplanes, Boeing Model 747-400 Series Airplanes, and Boeing Model 757 and 767 Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; rescission; request for comments.

**SUMMARY:** The FAA is rescinding an existing airworthiness directive (AD) that applies to Honeywell FMS one million word (1M or 700K) data bases (9104 cycle or earlier) as installed in, but not limited to McDonnell Douglas Model MD-11 and MD-11F airplanes, Boeing Model 747-400 series airplanes, and Boeing Model 757 and 767 airplanes. That AD requires a revision to the FAA-approved Airplane Flight Manual (AFM) and installation of a placard to prohibit the use of Nondirectional Beacon (NDB) approaches for landing. That AD was prompted by an anomaly in the Honeywell FMS one million word (1M or 700K) data bases (9104 cycle or earlier). We issued that AD to prevent an airplane deviating from the published approach to the runway, which could lead to premature ground contact before reaching the runway. Since we issued that AD, we have determined that the Honeywell FMS one million word (1M or 700K) databases (9104 cycle or earlier) no longer exist on any of the affected airplanes.

**DATES:** This AD becomes effective October 5, 2005.

We must receive comments on this AD by December 5, 2005.

**ADDRESSES:** Use one of the following addresses to submit comments on this rescission.

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- Government-Wide Rulemaking Web site: Go to <http://www.regulations.gov>

and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, room PL-401, Washington, DC 20590.

- Fax: (202) 493-2251.

- Hand Delivery: 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.

You can examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., room PL-401, on the plaza level of the Nassif Building, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

George Mabuni, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5341; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** On May 30, 1991, the FAA issued AD 91-08-51, amendment 39-7031 (56 FR 26610, June 10, 1991) (originally issued on April 5, 1991, as telegraphic AD T91-08-51). That AD applies to certain McDonnell Douglas Model MD-11 airplanes, and Boeing Model 747-400, 757, and 767 series airplanes. That AD requires a revision to the FAA-approved Airplane Flight Manual (AFM) and installation of a placard to prohibit the use of Nondirectional Beacon (NDB) approaches for landing. That action was prompted by an anomaly in the Honeywell Flight Management System (FMS) one million word (1M or 700K) data bases (9104 cycle or earlier). The actions required by that AD are intended to prevent an airplane deviating from the published approach to the runway, which could lead to premature ground contact before reaching the runway.

#### Actions Since Previous AD Was Issued

In February 2004, the FAA Office of Rulemaking (ARM-20) asked the public to tell us which regulations we should amend, eliminate, or simplify. We received about 100 comments from more than 30 commenters. One of the comments was on AD 91-08-51. The commenter stated that the navigational databases are upgraded monthly and no flight crew will be using a 13-year-old navigational database today.

We agree with the commenter that AD 91-08-51 is no longer necessary and therefore we will rescind the AD. We have received confirmation from the

airplane and equipment manufacturers that the Honeywell FMS one million word (1M or 700K) databases (9104 cycle or earlier) no longer exist on any of the affected airplanes worldwide.

#### FAA's Determination

Upon further consideration, we have determined that we need to rescind AD 91-08-51 to eliminate an unnecessary regulation. Operators may remove the AFM revision and the placard that prohibit the use of NDB approaches for landing.

Since this action rescinds a requirement to perform an unnecessary action, it has no adverse economic impact and imposes no additional burden on any person. Therefore, providing notice and opportunity for public comment is unnecessary before this AD is issued, and this AD may be made effective in less than 30 days after it is published in the **Federal Register**.

#### Explanation of Change to Applicability

We have revised the applicability of the existing AD to identify model designations as published in the most recent type certificate data sheet for the affected models.

#### Comments Invited

Although this is a final rule that was not preceded by notice and an opportunity for public comment, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2005-22585; Directorate Identifier 2005-NM-041-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD. We will consider all comments received by the closing date and may amend the AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of our docket web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You can review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you can visit <http://dms.dot.gov>.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. 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.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### Regulatory Impact

The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (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) 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Rescission

■ Accordingly, according to the authority delegated to me by the Administrator, the FAA proposes to amend 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 Federal Aviation Administration (FAA) amends § 39.13 by adding an airworthiness directive (AD) that removes amendment 39-7031 (56 FR 26610, June 10, 1991), to read as follows:

**2005-20-31 Honeywell:** Amendment 39-14328. Docket No. FAA-2005-22585; Directorate Identifier 2005-NM-041-AD. Rescinds AD 91-08-51, Amendment 39-7031.

**Effective Date**

(a) This AD becomes effective October 5, 2005.

**Affected ADs**

(b) This action rescinds AD 91-08-51.

**Applicability**

(c) This action applies to Honeywell Flight Management System (FMS) one million word (1M or 700K) data bases (9104 cycle or earlier), as installed in, but not limited to, McDonnell Douglas Model MD-11 and MD-11F airplanes, and Boeing Model 747-400 series airplanes, Model 757-200, -200PF, -200CB, and -300 series airplanes, and Model 767-200, -300, -300F, and -400ER series airplanes, certificated in any category.

Issued in Renton, Washington, on September 26, 2005.

**Ali Bahrami,**

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

[FR Doc. 05-19938 Filed 10-4-05; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2005-22584; Directorate Identifier 2005-NM-044-AD; Amendment 39-14313; AD 2004-19-06 R1]

**RIN 2120-AA64**

**Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is revising an existing airworthiness directive (AD) that applies to all Boeing Model 767-200, -300, and -300F series airplanes.

The existing AD currently requires inspections to detect cracking or corrosion of the fail-safe straps between the side fitting of the rear spar bulkhead at body station 955 and the skin; and follow-on/corrective actions. The existing AD results from reports of cracked and/or corroded fail-safe straps at body station (BS) 955 on Boeing Model 767-200 series airplanes. We issued the existing AD to detect and correct fatigue cracking or corrosion of the fail-safe straps, which could result in cracking of adjacent structure and consequent reduced structural integrity of the fuselage. This new AD revises the applicability of the existing AD to reduce the number of affected airplanes. We are issuing this AD to detect and correct fatigue cracking or corrosion of the fail-safe straps, which could result in cracking of adjacent structure and consequent reduced structural integrity of the fuselage.

**DATES:** The effective date of this AD is November 1, 2004.

On November 1, 2004 (69 FR 57636, September 27, 2004), the Director of the Federal Register approved the incorporation by reference of Boeing Alert Service Bulletin 767-53A0100, dated September 26, 2002.

We must receive comments on this AD by December 5, 2005.

**ADDRESSES:** Use one of the following addresses to submit comments on this AD.

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- Government-Wide Rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, Room PL-401, Washington, DC 20590.

- Fax: (202) 493-2251.

- Hand Delivery: 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.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207, for service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** Candice Gerretsen, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6428; fax (425) 917-6590.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

On September 13, 2004, we issued AD 2004-19-06, amendment 39-13800 (69 FR 57636, September 27, 2004). That AD applies to all Boeing Model 767-200, -300, and -300F series airplanes. That AD requires inspections to detect cracking or corrosion of the fail-safe straps between the side fitting of the rear spar bulkhead at body station (BS) 955 and the skin; and follow-on/corrective actions. That AD resulted from reports of cracked and/or corroded fail-safe straps at BS 955 on Boeing Model 767-200 series airplanes. The actions specified in that AD are intended to detect and correct fatigue cracking or corrosion of the fail-safe straps, which could result in cracking of adjacent structure and consequent reduced structural integrity of the fuselage.

**Actions Since AD Was Issued**

Since we issued that AD, the manufacturer, Boeing, developed a production change that lowers the maximum stress in the fail-safe strap and removes the critical location where cracks were occurring on Boeing Model 767-200, -300, and -300F series airplanes. The production change is applicable to airplanes having line numbers 932 and subsequent. Therefore, we have revised the applicability of AD 2004-19-06 to Boeing Model 767-200, -300, and -300F series airplanes, line numbers 1 through 931 inclusive.

**FAA's Determination and Requirements of This AD**

The unsafe condition described previously is likely to exist or develop on other airplanes of the same type design that may be registered in the U.S. at some time in the future. For this reason, we are issuing this AD to detect and correct fatigue cracking or corrosion of the fail-safe straps, which could result in cracking of adjacent structure and consequent reduced structural integrity of the fuselage. This AD continues to require inspections to detect cracking or corrosion of the fail-safe straps between the side fitting of the rear spar bulkhead at body station 955 and the skin; and follow-on/corrective actions. This AD also revises the applicability of the existing AD to exclude line numbers 932 and subsequent.

**Explanation of Change Made to This AD**

Boeing Commercial Airplanes has received a Delegation Option Authorization (DOA). We have revised this AD to delegate the authority to approve an alternative method of