

Rules and Regulations

Federal Register

Vol. 70, No. 94

Tuesday, May 17, 2005

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1435

RIN 0560-AH21

Flexible Marketing Allotments for Sugar; Correction

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Correcting amendment.

SUMMARY: This document corrects the final regulations published on September 13, 2004 that amended the Sugar Program regulations of the Commodity Credit Corporation (CCC) by revising several definitions used in the program and the sugar marketing allotment regulations with respect to the reassignment of processors' allocation deficits. A correction is needed to restore two paragraphs that were inadvertently removed and add a clarifying paragraph.

DATES: Effective May 17, 2005.

FOR FURTHER INFORMATION CONTACT:

Barbara Fecso, Dairy and Sweeteners Analysis, Economic and Policy Analysis Staff, Farm Service Agency (FSA), United States Department of Agriculture (USDA), Stop 0516, 1400 Independence Ave., SW., Washington, DC 20250-0516. Telephone: (202) 720-4146; e-mail: barbara.fecso@usda.gov. Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720-2600 (voice and TDD).

SUPPLEMENTARY INFORMATION:

Background

This rule corrects the final regulations published in the **Federal Register** on September 13, 2004 (69 FR 55061-55063) that amended the sugar marketing allotment regulations at 7

CFR 1435 with respect to the reassignment of processors' marketing allocations. In the final rule, the revision to section 1435.309 inadvertently removed paragraphs (c)(3) and (c)(4). These paragraphs are restored. The revision to section 1435.309(c) provided that if CCC determines a sugarcane processor will be unable to market its full allocation for the crop year in which an allotment is in effect, the deficit will be reassigned by June 1. This correction deletes the reference to June 1 in section 1435.309(c) and adds a new paragraph 1435.109(d) that clarifies that June 1 is the date by which the initial estimate of the deficit will be reassigned and that later reassignments will be made if CCC determines after June 1 that a sugarcane processor will be unable to market its full allocation for the crop year in which an allotment is in effect. These corrections are required for the proper administration of the program.

List of Subjects in 7 CFR Part 1435

Loan programs—agriculture, Price support programs, Reporting and record keeping requirements, and Sugar.

■ Accordingly, 7 CFR part 1435 is corrected as follows:

PART 1435—SUGAR PROGRAM

■ 1. The authority citation for part 1435 continues to read as follows:

Authority: 7 U.S.C. 1359aa-1359jj and 7272 *et seq.*; 15 U.S.C. 714b and 714c.

Subpart D—Flexible Marketing Allotments for Sugar

- 2. Amend § 1435.309 by:
 - a. Revising paragraph (c) introductory text;
 - b. Adding paragraphs (c)(3) and (c)(4);
 - c. Redesignating paragraphs (d) and (e) as paragraphs (e) and (f) respectively;
 - d. Removing “(d)(1)” from newly designated paragraph (e)(2) and adding “(e)(1)” in its place;
 - e. Removing “(d)(1) and (d)(2)” from newly designated paragraph (e)(3) and adding “(e)(1) and (e)(2)” in its place; and
 - f. Adding new paragraph (d).

The revisions and additions read as follows:

§ 1435.309 Reassignment of deficits.

* * * * *

(c) If CCC determines a sugarcane processor will be unable to market its

full allocation for the crop year in which an allotment is in effect, the deficit will be reassigned as follows:

* * * * *

(3) If the deficit cannot be eliminated by paragraphs (c)(1) and (c)(2) of this section, be reassigned to CCC. CCC shall sell such quantity from inventory unless CCC determines such sales would have a significant effect on the sugar price.

(4) If any portion of the deficit remains after paragraphs (c)(1), (c)(2), and (c)(3) of this section have been implemented, be reassigned to imports.

(d) The initial estimate of the sugarcane deficit will be reassigned by June 1. CCC will conduct later reassignments if CCC determines, after June 1, that a sugarcane processor will be unable to market its full allocation.

* * * * *

Signed in Washington, DC, on May 6, 2005.

James R. Little,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 05-9698 Filed 5-16-05; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2005-21204; Directorate Identifier 2005-NM-078-AD; Amendment 39-14087; AD 2005-10-10]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes. This AD requires revising the Airworthiness Limitations section of the Instructions for Continued Airworthiness of the Canadair Regional Jet Maintenance Requirements Manual by incorporating new repetitive detailed inspections of the secondary load path indicator for the horizontal stabilizer

trim actuator (HSTA). This AD is prompted by a report of a potential failure of the horizontal stabilizer trim actuator (HSTA) secondary nut in conjunction with a latent failure of the HSTA primary load path discovered during sampling program activities. We are issuing this AD to detect and correct latent failure of the primary load path of the HSTA, which, in conjunction with a failure of the HSTA secondary nut, could result in loss of horizontal trim control and consequent reduced controllability of the airplane.

DATES: Effective June 1, 2005.

The incorporation by reference of a certain publication listed in the AD is approved by the Director of the Federal Register as of June 1, 2005.

We must receive comments on this AD by July 18, 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.

For service information identified in this AD, contact Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centreville, Montreal, Quebec H3C 3G9, Canada.

You can examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or in person 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. This docket number is FAA-2005-21204; the directorate identifier for this docket is 2005-NM-078-AD.

Examining the Docket

You can examine the AD docket on the Internet at <http://www.dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT

street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System (DMS) receives them.

FOR FURTHER INFORMATION CONTACT:

Daniel Parrillo, Aerospace Engineer, Systems and Flight Test Branch, ANE-172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, suite 410, Westbury, New York 11590; telephone (516) 228-7305; fax (516) 794-5531.

SUPPLEMENTARY INFORMATION: Transport Canada Civil Aviation, which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on certain Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes. TCCA advises that a potential for failure of the secondary nut of the horizontal stabilizer trim actuator (HSTA), in conjunction with a latent failure of the HSTA primary load path, was discovered during HSTA sampling program activities. Failure of the HSTA secondary nut, in conjunction with a latent failure of the HSTA primary load path, if not corrected, could result in loss of horizontal trim control and consequent reduced controllability of the airplane.

Relevant Service Information

Bombardier has issued Canadair Regional Jet Temporary Revision 2A-8, dated December 10, 2003, to the Canadair Regional Jet Maintenance Requirements Manual (MRM), CSP A-053, Appendix A, "Certification Maintenance Requirements." This temporary revision incorporates Task C27-42-103-01, "Detailed Inspection of the HSTA Secondary Load Path Indicator," into the MRM. TCCA mandated the temporary revision and issued Canadian airworthiness directive CF-2005-04, dated February 14, 2005, to ensure the continued airworthiness of these airplanes in Canada.

FAA's Determination and Requirements of This AD

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the TCCA has kept the FAA informed of the situation described above. We have examined the TCCA's findings, evaluated all pertinent information, and determined that we need to issue an AD for products of this type design that are

certificated for operation in the United States.

Therefore, we are issuing this AD to require revising the Airworthiness Limitations section of the Instructions for Continued Airworthiness of the Canadair Regional Jet MRM by incorporating new repetitive detailed inspections of the HSTA secondary load path indicator. This AD requires incorporating the actions specified in the temporary revision described previously into the Canadair Regional Jet MRM, except as discussed under "Difference Between the AD and Canadian Airworthiness Directive."

Difference Between the AD and Canadian Airworthiness Directive

The Canadian airworthiness directive gives operators credit for previously accomplished initial inspections of the HSTA secondary load path indicator done in accordance with Bombardier Alert Service Bulletin A601R-27-128, dated February 17, 2003; or Revision A, dated April 17, 2003. This AD also gives operators credit for initial inspections done before the effective date of this AD in accordance with Revision B of Bombardier Alert Service Bulletin A601R-27-128, dated March 2, 2005, which was issued after the Canadian airworthiness directive was issued. This difference has been coordinated with TCCA.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD; therefore, providing notice and opportunity for public comment before the AD is issued is impracticable, and good cause exists to make this AD effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any relevant written data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2005-21204; Directorate Identifier 2005-NM-078-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 Findings

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.

For the reasons discussed above, I certify that the regulation:

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 regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

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 FAA amends 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 adding the following new airworthiness directive (AD):

2005-10-10 Bombardier, Inc. (Formerly Canadair): Amendment 39-14087.
Docket No. FAA-2005-21204;
Directorate Identifier 2005-NM-078-AD.

Effective Date

(a) This AD becomes effective June 1, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category, having serial numbers 7003 and subsequent.

Note 1: This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j) of this AD. The request should include a description of changes to the required inspections that will ensure the continued damage tolerance of the affected structure. The FAA has provided guidance for this determination in Advisory Circular (AC) 25-1529.

Unsafe Condition

(d) This AD is prompted by a report of a potential failure of the horizontal stabilizer trim actuator (HSTA) secondary nut in conjunction with a latent failure of the HSTA primary load path discovered during sampling program activities. We are issuing this AD to detect and correct latent failure of the primary load path of the HSTA, which, in conjunction with a failure of the HSTA secondary nut, could result in loss of horizontal trim control and consequent reduced controllability 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.

Revision to the Airworthiness Limitations (AWL) Section

(f) Within 30 days after the effective date of this AD: Revise the AWL section of the Instructions for Continued Airworthiness of the Canadair Regional Jet Maintenance Requirements Manual (MRM), CSP A-053, Appendix A, "Certification Maintenance Requirements," by incorporating Task C27-42-103-01, "Detailed Inspection of the HSTA Secondary Load Path Indicator" of Canadair Regional Jet Temporary Revision 2A-8, dated December 10, 2003, into the AWL section. Thereafter, except as provided by paragraph (j) of this AD, no alternative structural inspection intervals may be approved for this HSTA secondary load path indicator.

(g) When the information in Canadair Regional Jet Temporary Revision 2A-8, dated December 10, 2003, is included in the general revisions of the MRM, the general revisions may be inserted into the AWL section of the Instructions for Continued Airworthiness and this temporary revision may be removed from the MRM.

Initial Inspection Phase-In Schedule

(h) Prior to accumulating 5,000 total flight hours on the HSTA or within 500 flight hours after the effective date of this AD, whichever occurs later: Do the initial inspection of the HSTA secondary load path indicator according to the task specified in paragraph (f) of this AD.

Initial Inspections According to Bombardier Service Bulletin A601R-27-128

(i) Inspections of the HSTA secondary load path indicator accomplished before the effective date of this AD in accordance with Bombardier Alert Service Bulletin A601R-27-128, dated February 17, 2003; Revision A, dated April 17, 2003; or Revision B, dated March 2, 2005; are acceptable for compliance with the initial inspection requirement of paragraph (h) of this AD.

Alternative Methods of Compliance (AMOCs)

(j) The Manager, New York Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Related Information

(k) Canadian airworthiness directive CF-2005-04, dated February 14, 2005, also addresses the subject of this AD.

Material Incorporated by Reference

(l) You must use Canadair Regional Jet Temporary Revision 2A-8, dated December 10, 2003, to the Canadair Regional Jet Maintenance Requirements Manual, CSP A-053, Appendix A, "Certification Maintenance Requirements," to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation

by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get copies of the service information, contact Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centreville, Montreal, Quebec H3C 3G9, Canada. To view the AD docket, go to the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Nassif Building, Washington, DC. To review copies of the service information, go to 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 May 5, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05-9553 Filed 5-16-05; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2005-20596; Directorate Identifier 2004-NM-113-AD; Amendment 39-14086; AD 2005-10-09]

RIN 2120-AA64

Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Saab Model SAAB SF340A and SAAB 340B series airplanes. That AD currently requires repetitive detailed inspections of the

windshield wiper assembly for discrepant conditions, and corrective actions if necessary. This new AD requires repetitive detailed inspections of the left and right wiper arm assemblies for damage, and corrective/related investigative actions if necessary. This AD is prompted by an additional incident of a windshield wiper blade separating from the wiper arm. We are issuing this AD to prevent separation of a wiper arm from the airplane, which could result in damage to the fuselage skin and propeller.

DATES: This AD becomes effective June 21, 2005.

The incorporation by reference of Saab Service Bulletin 340-30-088, dated October 7, 2003, listed in the AD, is approved by the Director of the Federal Register as of June 21, 2005.

On October 28, 1998 (63 FR 50753, September 23, 1998), the Director of the Federal Register approved the incorporation by reference of Saab Service Bulletin 340-30-081, dated November 14, 1997, including Attachment 1, Revision 1, dated September 14, 1997.

ADDRESSES: For service information identified in this AD, contact Saab Aircraft AB, SAAB Aircraft Product Support, S-581.88, Linköping, Sweden.

Docket: The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Washington, DC. This docket number is FAA-2005-20596; the directorate identifier for this docket is 2004-NM-113-AD.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) with an AD to supersede AD 98-20-11, amendment 39-10778 (63 FR 50755, September 23, 1998). The existing AD applies to certain Saab Model SAAB SF340A and SAAB 340B series airplanes. The proposed AD was published in the **Federal Register** on March 15, 2005 (70 FR 12616), to continue to require repetitive detailed inspections of the left and right wiper arm assemblies for damage, and corrective/related investigative actions if necessary. The proposed AD would also require a detailed inspection of the left and right wiper arm assemblies for damage, and corrective/related investigative actions if necessary.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comment that has been submitted on the proposed AD. The commenter supports the proposed AD.

Conclusion

We have carefully reviewed the available data, including the comment that has been submitted, and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspection (required by AD 98-20-11).	1	\$65	\$65, per inspection cycle	170	\$11,050, per inspection cycle.
Extended Inspection (new action)	1	\$65	\$65, per inspection cycle	170	\$11,050 per inspection cycle.

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